

**SOUTH CENTRAL CONNECTICUT
Regional Planning Commission**

**RPC
Representatives**

Bethany:
Michael Calhoun

Branford:
Charles Andres

East Haven:
Vacant

Guilford:
Walter Corbiere

Hamden:
Ryszard Szczypek

Madison:
Christopher Traugh

Meriden:
David White

Milford:
Benjamin Gettinger

New Haven:
Kevin DiAdamo
(Chair)

North Branford:
Frances Lescovich

North Haven:
James Giulietti
(Vice-Chair)

Orange:
Vacant

Wallingford:
Vacant

West Haven:
Christopher Suggs
(Secretary)

Woodbridge:
Vacant

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Thursday, October 8, 2015 RPC Meeting at 5:15pm in the SCRCOG Offices:
127 Washington Avenue, North Haven, CT 06473

AGENDA

- 1. Administration** **1**
 - 1.1. Minutes of the September 10, 2015 RPC Meeting

- 2. Action Items**
 - 2.1. Town of Hamden: Proposed Zoning Regulation Amendments to add Section 641 – Spas, Meditation, and Wellness Centers. Submitted by: Private Applicant. Received: September 3, 2015. Public Hearing: October 13, 2015 **3**

 - 2.2. Town of Orange: Proposed Zoning Regulation Amendments pertaining to Article XXIV – Transit-Oriented Development District Regulations. Submitted by: Private Applicant. Received: September 18, 2015. Public Hearing: October 20, 2015. **8**

 - 2.3. Town of Orange: Proposed Zoning Map Amendment pertaining to 0 Marsh Hill Road. Submitted by: Private Applicant. Received: September 18, 2015. Public Hearing: October 20, 2015. **46**

 - 2.4. City of New Haven: Proposed Zoning Regulation Amendments pertaining to the BD-3 District. Submitted by: City of New Haven. Received: September 26, 2015. Public Hearing: TBD. **47**

3. Other Business

The agenda and attachments for this meeting are available on our website at www.scrcoq.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.scrcoq.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.

DRAFT - Not yet approved by the Commission

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, September 10, 2015 Meeting

Present: Kevin DiAdamo (During 2.6), James Giuliatti, Charles Andres, Christopher Traugh, Michael Calhoun, David White, Fran Lescovich, Eugene Livshits

1 Administration

1.1 Minutes of the August 13, 2015 RPC meeting.

Motion to accept the minutes as presented: Michael Calhoun. Second: Charles Andres. Vote: Unanimous.

2 Statutory Referrals

2.1 Town of Bethany: Proposed Zoning Regulation Amendments pertaining to Sections 1.2 – Definitions and 4.4 - Special Exception Uses - Residential Zones

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: Michael Calhoun. Second: Christopher Traugh. Vote: Unanimous.

2.2 Town of Clinton: Proposed Zoning Regulation Amendments pertaining to Section 7 - Zoning Permits.

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: Fran Lescovich. Vote: Unanimous.

2.3 Town of Clinton: Proposed Zoning Regulation Amendments pertaining to Section 27

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: Christopher Traugh. Second: Charles Andres. Vote: Unanimous.

2.4 *Town of Hamden: Proposed Zoning Regulation Amendment pertaining to Table 6.1, Allowed Uses by Zone*

By resolution, the RPC has determined that 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 any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: David White. Second: Michael Calhoun. Vote: Unanimous.

2.5 *Town of North Branford: Proposed Zoning Regulation Amendment to Section 54.4.1, Alcoholic Beverages - Location*

By resolution, the RPC has determined that 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 any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Charles Andres. Second: Christopher Traugh. Vote: Unanimous.

2.6 *Town of North Branford: Proposed Zoning Regulation Amendment to add new Section 38 – Age Restricted Housing District (ARHD)*

By resolution, the RPC has determined that depending on the location of the proposed ARHD there is a possibility of inter-municipal impacts. The Commission should consider clarifying the provisions pertaining to the density calculation, potential size of development and whether the proposed provisions pertaining to the set-aside open space requirements are appropriate.

Motion: Christopher Traugh. Second: Michael Calhoun. Vote: Unanimous.
Abstain: Kevin DiAdamo

3 Other Business

Motion to Adjourn: Charles Andres. Second: Michael Calhoun. Vote: Unanimous.

Referral 2.1: Town of Hamden

Subject:

Proposed Zoning Regulation Amendments to add Section 641 – Spas, Meditation, and Wellness Centers

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

Background:

A private applicant has proposed Zoning Regulation Amendments to add Section 641 – Spas, Meditation, and Wellness Centers. The use is defined as “Centers designed to promote health and wellbeing through physical, psychological and /or emotional activities and education. Program may include day programs and short term residence programs.” The use would be permitted by Special Permit in the R4, R5, T3, T3.5, T4 and T5 zones. The bulk standards would need to comply with the requirements in the zone in which the use is located.

Communication:

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



Town of Hamden
Planning and Zoning Department

Hamden Government Center
2750 Dixwell Avenue
Hamden, CT 06518
Tel: (203) 287-7070
Fax: (203) 287-7075

August 28, 2015

Carl Amento, Executive Director
South Central Regional Council of Governments
127 Washington Ave. 4th Floor West
North Haven, CT 06473-1715



Dear Mr. Amento;

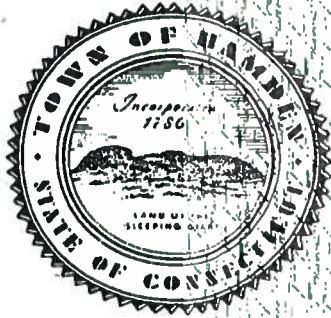
Enclosed is the Proposed Zoning Regulation Amendment 15-956, to add Section 641, Spas, Meditation and Wellness Centers. The Public Hearing date for this application is October 13, 2015.

Please address any comments to the Hamden Planning Office, Attention Town Planner.

Sincerely yours,

Stacy Shellard
Administrative Assistant to Boards & Commissions

Enclosures



Date of Filing 15-954
Fee _____
Date Paid _____
Receipt # _____
Application # _____

**TOWN OF HAMDEN
APPLICATION TO AMEND THE ZONING REGULATIONS**

Pursuant to Sections 702 – 702.12 of the Hamden Zoning Regulations

APPLICANT Bernard Pellegrino, Esquire TELEPHONE 203-787-2225
(Name)

ADDRESS 475 Whitney Avenue, New Haven, CT 06510
(Street No and Name) (Town and State) (Zip Code)

EMAIL ADDRESS OF CONTACT PERSON bp@pellegrinolawfirm.com

REGULATION TO BE: AMENDED ADDED or DELETED:
Article Number VT Section 1641 Group Use _____

CURRENT LANGUAGE N/A

PROPOSED LANGUAGE See Attachment

REASON FOR PETITION FOR CHANGE See Attachment

Have there been any previous petitions for same or similar amendments? YES NO

If YES, list name of applicant _____

SIGNATURE OF APPLICANT Paul Payne
(Name)

TELEPHONE NO. 203-787-2225

MAILING ADDRESS
475 Whitney Avenue, New Haven, CT 06510
(Street No. and Name) (Town and State) (Zip Code)

If you require additional space to complete any of your answers, please attach to this document.

Attachment to Application to Amend Zoning Regulations of the Town of Hamden

Add new definition and Section 641 as follows:

641 Spas, Meditation and Wellness Centers

Centers designed to promote health and well-being through physical, psychological and/or emotional activities and education. Programs may include day programs and short term residence programs.

Centers shall comply with the Bulk standard requirements in the zone in which they are located.

Amend the Table 6.1 Allowed Uses by Zone as follows:

Add New Line Item:

641 Spas, Meditation and Wellness Centers: permitted by Special Permit (SP) in the R4, R5 and T3, T3.5, T4 and T5 zones.

Purpose:

The purpose of this amendment is to add a use to the Zoning Regulation that is not specifically addressed in Table 6.1. The use proposed by the Amendment has been successfully maintained by many communities across the country and will provide services that are beneficial to the residents of the Town of Hamden and others in the greater New Haven community.

Referral 2.2: Town of Orange

Subject:

Proposed Zoning Regulation Amendments pertaining to Article XXIV – Transit-Oriented Development District (TODD) Regulations

Staff Recommendation:

Background:

A private applicant in the Town of Orange has proposed Zoning Regulations pertaining to the Transit Oriented Development District. The proposed section will replace the existing Transit Oriented Development Regulations. In Section 383-215 - Purpose of District there only minor edits and the purpose of the district will remain the same with the revisions. The applicability section has been revised to state that a Zone Change for TODD must be located in areas designated TODD Overlay on the Zoning Map. Existing regulations state that the area must be designated as a Potential Transit Development Area, which shall be made part of these regulations with an existing rail station or planned rail station with a documented financial commitment and regulatory permits in place for the construction of a rail station.

The revised regulations have further criteria in the applicability section. The purpose of the requirements is to ensure that a Metro North and/or commuter rail station and a parking structure supporting the rail station are to be developed. The permitted retail uses have been expanded from retail and banking to beautician and barber services, child daycare, pet day care and grooming services, day spas, tailoring services, laundry service and food and beverage sales for off-premises consumption. The maximum potential size of the retail use has been increased from 5,000 square feet to 6,200 square feet. Condition (4) has been expanded to allow a free standing retail building when the Commission finds that the building promotes the character of the TODD and is consistent with the purpose of the TODD. The remaining permitted uses have remained the same with a few minor revisions. The revisions to the multi-family use included removing a provision that no units would be located on the ground floor. The minimum of non-residential space has been reduced from 1,000 to 100 square feet and a provision has been added that the non-residential use may be located anywhere in the TODD. A new provision has been added to the multi-family use, which states that no building fronting directly on Salemme Lane, or on any main access road or main access drive within the TODD, shall contain any dwelling units on the

ground level. An additional use has been added: Accessory uses customary with and incidental to any of the aforesaid permitted uses.

In Section 383-218 – Site Design, the following provision has been added: “the provisions of this section shall control a TODD development in the TODD, notwithstanding any conflicting provisions of the zoning regulations.” The following has been added to 383-218 A (2): “Any on-street parking spaces that are provided shall be applied towards the satisfaction of the parking requirement for the TODD development.” Additional revisions to the parking requirement can be reviewed in the agenda packet. A provision pertaining to loading has been added to the Site Design Section. In the Section pertaining to Height, Coverage, Setback and Bulk requirements, a provision has been added that states that the regulation of steep slopes shall not apply to a TODD development provided the proposed development shall nonetheless be designed to maximize structural safety and slope stability with the context of existing topography.

The affordable housing requirement section (383-219) has been revised. The existing regulations required at least 20% of all housing units constructed within the district to be affordable for the life of the project per the requirements of Section 8-30g and HUD. In the existing regulations, affordable units have to be mixed throughout the development and the proportion of the affordable units by bedroom has to be identical to that of the overall project. The revised section reduces the affordable housing requirements to 10% of all dwelling units constructed in the TODD development. The revised section also defines what is meant by affordable and no longer references 8-30g or HUD requirements.

Communication:

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



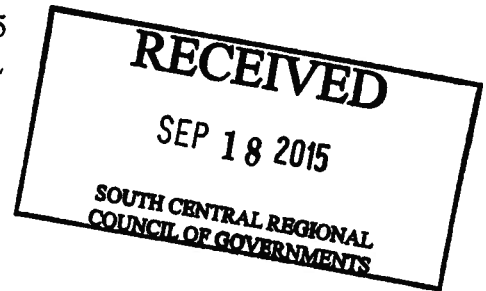
Town of Orange, Connecticut

Zoning Department

TOWN HALL
617 ORANGE CENTER ROAD
ORANGE, CONNECTICUT 06477-2499

PHONE: (203) 891-4743
FAX: (203) 891-2185
www.orange-ct.gov

September 16, 2015
CERTIFIED MAIL



Mr. Carl Amento, Executive Director
Council of Governments
127 Washington Avenue
4th Floor - West
North Haven, CT 06473-1715

**PETITION TO AMEND THE ORANGE ZONING REGULATIONS; and PETITION
TO AMEND THE ORANGE ZONING MAP;
-Submitted by Orange Land Development LLC.**

- 1. Petition to amend the Orange Zoning Regulations. To amend article XXIV Transit Oriented Development District Regulations.**
- 2. Petition to amend the Orange Zoning Map. To change the zoning designation of subject property from LI-2/TODD Overlay to TODD. The submission includes a “conceptual plan” as required by the Orange Zoning Regulations.**

Dear Mr. Amento:

In accordance with the Connecticut General Statutes, enclosed for your review are a Petition to amend the Orange Zoning Regulations and a Petition to amend the Orange Zoning Map. The property which is the subject of the Petition to amend the Orange Zoning Map is an 8.091 acre site located beyond the eastern end of Salemme Lane. It is bordered by Dichello Distributors to the south; CTDOT Railroad right-of-way to the east; Yale University West Campus to the north; and Salemme Lane/Town of Orange, N/F Salemme-Ricco, and N/F Sixty Five Marsh Hill Road, LLC to the west. The parcel is currently undeveloped. The subject property is shown as “0 Marsh Hill Road,” containing 8.091 acres, on Map #2369 on file at the Orange Town Clerk’s office, and is designated by the Orange Assessor as Map/Block/Lot 3-1-1.

Public hearings on the petitions are tentatively scheduled for October 20, 2015. Copies of the petitions and associated documents are on file in the offices of the Orange Town Clerk and the Orange Zoning Department. Enclosed are copies of the petition forms and the proposed amended regulations.

(over)

Orange Land Development Referral

-2-

If you have any questions, please contact me at 203-891-4743.

Very truly yours,



Paul Dinice,
Zoning Administrator
& Enforcement Officer

enclosures (2)

cc: TPZC Members

V. Marino, Esq.

J. Zeoli, First Selectman

ORANGE TOWN PLAN & ZONING COMMISSION

PETITION TO AMEND ZONING REGULATIONS AND/OR ZONING MAP
(public hearing required)

Applicant Orange Land Development LLC

Mailing Address 5 Indian Neck Avenue

Branford, CT Zip 06405

Telephone 203-208-2481 Fax 203-208-2478

Property Owner Orange Land Development LLC

Mailing Address 5 Indian Neck Avenue

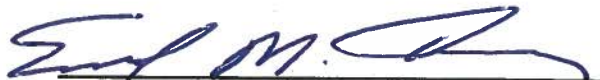
Branford, CT Zip 06405

Telephone 203-208-2481 Fax 203-208-2478

PETITION TO AMEND REGULATIONS? x ZONING MAP? _____

ORANGE LAND DEVELOPMENT LLC

ORANGE LAND DEVELOPMENT LLC



Signature of Property Owner
By Edward M. Crowley, Manager

Signature of Applicant
By Edward M. Crowley, Manager

9/16/15

9/16/15

Date

Date

FOR OFFICE USE ONLY:

Date Received _____

Application Fee Paid _____

Meeting Scheduled _____

Action Taken _____

Applicant Notified _____

Date of Publication _____

CHECK LIST

PETITIONS TO AMEND THE TEXT OF THE ZONING REGULATIONS

The following information is required:

- | | |
|--|------------------------------|
| 1. Fifteen (15) copies of this completed application form | <u> x </u> |
| 2. Fifteen (15) copies of the precise wording of the existing text | <u> x </u> |
| 3. Fifteen (15) copies of the proposed text | <u> x </u> |

Town of Orange, CT
Tuesday, September 1, 2015

Chapter 383. Zoning

Article XXIV. Transit Oriented Development District

§ 383-215. Purpose of district.

- A. The purpose of the Transit Oriented Development District is to create a high density mixed use, transit oriented development adjacent to a Metro North Rail Station. It is further the intent to provide a range of housing, businesses and services specifically geared towards commuters and users of the railroad, designed in an aesthetically pleasing, environmentally conscious and pedestrian scaled manner.
- B. The properties within a Transit Oriented Development District shall be regulated by an approved concept plan, which includes any additional standards or requirements deemed appropriate by the Commission.

§ 383-216. Applicability.

- A. In order to apply to the Planning and Zoning Commission for a zone change, the subject property must be located within the area designated as "Potential Transit Development Area" which shall be made part of these regulations, with an existing rail station or planned rail station with a documented financial commitment and regulatory permits in place for the construction of a rail station.

§ 383-217. Permitted uses.

- A. Retail uses, including retail banks, subject to the following:
 - (1) All retail uses shall be supportive of the principal land uses within the TODD, including the railroad station, offices, hotels and multi-family residential uses.
 - (2) The retail uses shall be designed to primarily serve the market of railroad station commuters, residents of the multi-family dwellings within the TODD, employees of the offices and/or hotels within the TODD, and

guests of the hotels within the TODD. This shall be illustrated by size, type and signage of the proposed retail uses.

- (3) No retail uses shall exceed 5,000 square feet of building area.
 - (4) All retail uses shall be within a building used primarily for one of the other permitted uses.
 - (5) All retail uses shall be oriented to a public or private street, or other public space.
- B. Indoor restaurants and other food and beverage service establishments where customers are served only when seated at tables or counters and all of the customer seats are located within an enclosed building or outdoor area attached to the indoor dining area.
- C. Business and professional offices, including medical offices.
- D. Railroad transit stations.
- E. Structured parking.
- F. Multi-family residential units subject to the following conditions:
- (1) No unit shall contain more than two bedrooms.
 - (2) No units shall be located on the ground floor of a structure.
 - (3) There shall be a maximum of 250 units.
 - (4) Multi-family residential units shall only be permitted in conjunction with the development of office, hotels or other similar uses. There shall be a minimum of 1,000 square feet nonresidential use for each residential dwelling unit. The Commission may require the phasing of development to assure that the minimum nonresidential development occurs prior to the residential development.
- G. Hotels with accessory restaurants and/or conference centers.

§ 383-218. Site design.

- A. Parking.
- (1) On street parking shall be provided in the vicinity of all retail and service uses. This may be parallel or angled spaces. Surface parking lots may be permitted if in the opinion of the Commission sufficient parking cannot be provided on the street or in a parking structure alone. Parking lots shall not be located between the principal building and a public or private street.
 - (2) Parking for the rail station shall be provided in a multi-level parking structure located within 300 feet of the station. Parking counts or reports from similar train stations shall be provided to assist the Commission in determining an appropriate number of parking spaces.
 - (a) The owner of said structure may charge a fee for parking.

- (b) The applicant shall submit plans demonstrating adequate circulation for the peak number of trips anticipated, drainage and ventilation of the parking structure.
- (3) Landscaping and/or planters shall be placed around all parking lots and structures. Surface parking lots shall have landscaped islands and borders which consist of grass lawns, low shrubs, perennials, and trees and provide visual interest in all seasons. For any parking area with 30 or more parking spaces, one tree and one low shrub shall be provided for every 10 spaces or fraction thereof. The species of trees is subject to the review and approval of the Commission. Trees shall not have a caliper less than 2 1/2 inches, nor a height of less than eight feet. Required trees and shrubs must be located in planting islands within the parking area, rather than on adjacent borders. Planting islands for required trees and shrubs shall not be less than 180 square feet nor have a minimum dimension less than eight feet.
- (4) All parking structures shall be designed in a way that does not create an adverse impact upon roadways or other spaces, in ways through architectural design and placement of other uses between the parking structure and the public spaces.
- (5) Parking for residential units shall be provided at one space per every one bedroom unit and 1.5 spaces for every two bedroom unit. Parking for residential units may share spaces in structured parking facility, provided units are located within 300 feet of the closest entrance of said facility and lighted pedestrian walking paths or sidewalks are provided.
- (6) Parking for hotels shall be provided as required by the zoning regulations (1.5 spaces for each sleeping room plus spaces as required for restaurants or conference facilities). A portion of the parking requirement is encouraged to be located underground.
- (7) Parking for Office uses shall be provided at three spaces per 1,000 square feet of office space. Parking may be provided in a structure and/or underground.
- (8) All parking spaces and facilities are encouraged to be shared or jointly used wherever possible. The Commission may consider the joint or shared use of parking, upon review of a parking use study, submitted by the applicant, which analyzes periods and amount of projected usage for each of the proposed uses.
- (9) Parking stalls shall be a minimum of eight feet wide by 18 feet in length, but would be required to be nine feet in width in areas determined to be high turnover parking spaces. Where ninety-degree parking spaces are provided, a twenty-four-foot aisle way should also be provided. Angled spaces are permitted with the angle not to be less than 50 degrees. Angled spaces shall require a minimum fifteen-foot aisle and appropriate one way signage and surface markings. Parallel spaces are permitted in close proximity to retail and personal service uses only and shall be clearly marked as temporary spaces only so as to prohibit use by commuters. Parallel spaces shall be nine feet in width by 20 feet in length and shall require painted ground markings to divide spaces.

B.

Open space/public gathering spaces. The plan shall include public sitting and gathering areas which may include but is not limited to a public plaza or passive recreation areas. The area shall be equipped with benches or chairs, pedestrian scaled lighting, and adequate trash receptacles. The area(s) should be generally centrally located on the site. Water features and public art are encouraged to be included.

C. Building design.

- (1) The first floor of all mixed use or non-residential buildings should be orientated to pedestrians. At least 50% of the front facade of a first floor use which is facing a new or proposed public street shall be windows. Mirrored glass or dark tints which blocks views of inside the building from the outside is prohibited. Mullions are permitted as long as they are appropriate for the overall architectural style of the building. Awnings, colorful window displays, and other elements which create visual interest are encouraged.
- (2) In keeping with the desired pedestrian scale, developments with facades over 50 feet in length will be designed to visually reduce the scale and mass of the building by either extending or recessing the facade to break up the flat plane of the building or by providing projecting features on the front facade such as entry areas, arcades or bay windows.
- (3) Architectural styles found in and around the area and elsewhere in New England's early periods should be used. Applicants should use decorative details on the exterior of the building appropriate to the architectural style that is being emulated. Buildings should have minimum details of window sills and frames and door frames. Other details such as quoins and lintels are encouraged.
- (4) Natural building materials such as stone, brick or wood should be used. Materials which provide an identical outward appearance may be used subject to review and approval by the Commission. Prefabricated aggregate stone shall not be permitted. Wrought iron, copper or other metalwork can be used in detailing for items such as railings, balconies or other architectural details but shall not be used for visible doors or siding. A combination of materials may be used but the entire building should be of the same architectural style. Concrete blocks shall not be visible on any outer facade of a building.
- (5) Parking structures shall not be located on a main access road within the development and shall not be visually prominent from open or public gathering spaces. Structures shall be landscaped or have planters located near all entrances.
- (6) All rooftop utilities or other equipment shall be concealed from view of pedestrians, car traffic and residential units which may be located on higher floors. Mansard roof or gabled roofs are preferred with flat roofs only being permitted where the proposed structure is taller than adjacent structures. Flat roofs should have a parapet and cornice appropriate to the architectural style of the building. More ornamental architectural details such as dentils, corbels and an ornamental frieze are encouraged.
- (7)

Fabric awnings are permitted with steel supports over windows or storefronts. Colors and lettering on all awnings on the same building shall be uniform. No neon signs shall be permitted.

- D. Height and setback requirements. The Commission shall consider the height and setback requirements as part of the rezoning application, in accordance with the goals of the TODD, sound planning and public safety.

§ 383-219. Affordable housing requirement.

At least 20% of all housing units constructed within this district shall be made affordable for the life of the project as per the requirements of Section 8-30g of the General Statutes of Connecticut and U.S. Department of Housing and Urban Development (HUD). Units shall be mixed throughout the development, and the proportion of affordable units by bedroom shall be identical to that of the overall project.

§ 383-220. Procedural requirements.

- A. Informal consideration. It is recommended that, prior to the submission of a formal application for approval of a Transit Oriented Development District, the applicant review with the Commission and its staff in preliminary and informal manner any proposal for a TODD.
- B. Petition. A petition for a change of zone for the establishment of a Transit Oriented Development District shall be submitted to the Commission in writing and shall be signed by the owner or owners of all parcels within the proposed district, in accordance with the provisions of **§ 383-210**, and shall be accompanied by the following:
[Amended 11-19-2013]
- (1) Statement. A written statement specifying the proposed uses of the area, special design considerations and features, architectural guidelines and themes, and how the proposal is consistent with the purpose of the Transit Oriented Development District.
 - (2) Conceptual plan. A conceptual plan shall be presented to the Commission showing the general intent of the proposal. The following information shall be presented in enough detail to allow the Commission to determine if the plan is in the spirit of the Zone's intent.
 - (a) Location and size of property, including a boundary map and a map showing the project site in the context of the surrounding area.
 - (b) Existing topographic grades of the property, shown in accordance of a minimum of five foot intervals.
 - (c) Location of proposed buildings, roads, parking areas and structures, open space areas, including proposed general grading characteristics.
 - (d) Plans for the construction of a rail station including funding sources.

- (e) General building and parking layout.
 - (f) Proposed area and square footage of the proposed buildings and uses.
 - (g) Concept plan for uses to be proposed which may not necessarily include specific tenants.
 - (h) General vehicular and pedestrian circulation showing all proposed public and private drives, walking paths, sidewalks, and means of traffic calming and/or pedestrian safety.
 - (i) Proposed public areas such as parks, lawn areas and recreational facilities.
 - (j) Landscaping and lighting plans showing areas of existing mature trees, all existing and proposed surface water resources, proposed landscaping treatments, proposed open space and recreational areas, and detail of proposed pedestrian-scaled lighting fixtures to be used.
 - (k) General streetscape and architectural design or theme, with exterior elevations, perspective drawings and descriptive information regarding building materials and exterior finishes.
- (3) Tentative construction timeline and phasing plan.
- (a) Existing and proposed utility plan.
 - (b) Proposed grading of the property in a general concept, including the proposed amount of material which would be added, removed, and/or relocated on the property.
 - (c) Traffic impact analysis, which describes the potential impact of the proposed uses on public roads, and, if needed, includes recommended improvements to such roads; and the adequacy and efficiency of the proposed internal circulation system. The Commission may request that the traffic impact be analyzed as to individual components of the overall plan.
- (4) Application fee. Fees shall be paid to amend the Zoning Map as set forth in § 270-1 of the Town Code with an additional fee for site plan as set forth in this section to be paid at the time of submission of detailed development plans once the Commission determines the concept plan is acceptable.
- C. Review of concept plan.
- (1) After the application submission has been deemed complete for the establishment of a Transit Oriented Development District, the Commission shall review the application for completeness of submission, and may require additional information. The complete application shall be reviewed at a public hearing and during this review may hold meetings with the petitioner and require additional information. The Commission shall hold a public hearing on the application.
 - (2)

After the public hearing, the Commission may disapprove or give approval to the concept plan or approval subject to modifications. Approval of the concept plan shall not constitute final approval of the Transit Oriented Development District and shall simply authorize the submission of site plans setting forth the in detail the specifics of the proposed development and showing any modifications specified by the Commission.

- D. Site plan. A site plan and application shall be submitted to the Commission as required by Article XIII of the Zoning Regulations. In addition to the plans required by Article XIII of the zoning regulations, the following shall also be submitted:
 - (1) A pedestrian circulation plan showing safe, illuminated means of circulation throughout the site. Proposed material for pathways will be presented on a detail plan. This plan shall also incorporate locations for secure bicycle racks.
- E. Criteria for approval of site plan. The Commission may approve the site plan only after the Commission finds that the site plan is consistent with the approved concept plan and any other requirements included within its approval.

§ 383-221. Requirements for maintenance of common land and facilities.

In order to ensure long-term maintenance of commonly held land and facilities and to prevent maintenance expenditures by the Town, the following shall be required:

- A. All TODD projects shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, common parking spaces, drainage facilities and other commonly held facilities. This document shall be approved by the Town attorney.

Proposed

DRAFT – September 2015

Proposed Amendment to Town of Orange Zoning Regulations

ARTICLE XXIV

TRANSIT ORIENTED DEVELOPMENT DISTRICT

383-215 Purpose of district.

The purpose of the Transit Oriented Development District (“TODD”) is to create a high density mixed use, transit oriented development area adjacent to a Metro North and/or commuter rail station. It is further the intent to provide a range of housing, businesses and services specifically geared towards commuters and users of the railroad, designed in an aesthetically pleasing, environmentally conscious and pedestrian scaled manner.

The property(ies) comprising a TODD development shall be regulated by an approved Concept Plan for such TODD development, which includes any additional standards or requirements deemed appropriate by the Commission.

383-216 Applicability.

- A. In order to qualify for a zone change, the property which is the subject of the application for a zone change to enable a TODD development must be located within the area designated as “TODD Overlay” on the Zoning Map, and also satisfy the criteria in § 383-216A(1), (2) or (3) below:
- (1) The property must be adjacent to an existing or planned Metro North and/or commuter rail station and include as part of such application the development on such property of a proposed parking structure to provide parking for the rail station and which meets the requirements of § 383-218A(3); or
 - (2) The property must be adjacent to another property which satisfies the requirements of § 383-216A(1) and for which a zone change and concept plan have been approved, which zone change has not been superseded by any action of the Commission or any actual development inconsistent with such zone change; or
 - (3) The property must be adjacent to another property which satisfies the requirements of § 383-216A(2) and for which a zone change and concept plan have been approved, which zone change has not been superseded by any action by the Commission or any actual development inconsistent with such zone change. Once a zone change

and concept plan have been approved for a property described under this § 383-216A(3), such property shall be treated as a property described in § 383-216A(2) for purposes of application of the adjacency requirement under this § 383-216A(3) for any other property within the area designated as “TODD Overlay” on the Zoning Map seeking a zone change and concept plan approval under this §383-216A(3).

The purposes of the requirements of this § 383-216A are to ensure that a Metro North and/or commuter rail station and a parking structure supporting such rail station, which are the core of the TODD, are to be developed, to provide for contiguous TODD development emanating outward from such rail station and to avoid the consequences that could occur from “leapfrog” development of the high density uses permitted in the TODD. If an application for a zone change is submitted on the basis of a planned rail station, then the applicant shall submit as part of the zone change application proceedings such material in form and content acceptable to the Commission relating to the status of the planned rail station.

- B. Any property(ties) within a single TODD development may be subdivided and/or re-subdivided with the approval of the Commission. The associated lots, provided that they are part of single TODD development, need not comply individually and independently with the development, lot area, shape, frontage and other standards set forth in the Zoning Regulations.

383-217 Permitted uses.

- A. Retail uses, including, but not limited to establishments offering retail banking services, beautician and barber services, child day care services, pet day care and grooming services, day spa services, tailoring services, drop-off and pick-up for off-premises dry cleaning and laundry service, and food and beverage sales for off-premises consumption but not involving a drive-through window. Such uses are subject to the following:
 - (1) All retail uses shall be supportive of the principal land uses within the TODD, including the railroad station, offices, hotels and multi-family residential uses.
 - (2) The retail uses shall be designed to primarily serve the market of railroad station commuters, residents of the multi-family dwellings within the TODD, and employees and guests of the offices and/or hotels within the TODD. This shall be illustrated by size, type and

signage of the proposed retail uses.

- (3) Retail uses in any single building within the TODD shall not exceed an aggregate of 6,200 square feet of building area of such building.
 - (4) All retail uses shall be within a building used primarily for one of the other permitted uses. However, a free-standing retail building may be permitted when the Commission finds that such building promotes the character of the TODD and is consistent with the purpose of the TODD.
 - (5) All retail uses shall be oriented to a public or private street, or other public space.
- B. Indoor restaurants and other food and beverage service establishments where customers are served primarily when seated at tables or counters and all of the customer seats are located within an enclosed building or outdoor area adjacent to or accessed through the indoor dining area.
- C. Business and Professional offices, including medical offices.
- D. Railroad Transit stations and/or related facilities, including transit services, platforms and other facilities for rail and bus services.
- E. Structured Parking.
- F. Multi-family residential units subject to the following conditions:
- (1) No unit shall contain more than two bedrooms.
 - (2) There shall be a maximum of 250 units within the area designated as "TODD Overlay" on the Zoning Map.
 - (3) Multi-family residential units shall only be permitted in conjunction with the development of office, hotels, retail or other similar uses. There shall be a minimum of 100 square feet of nonresidential use for each residential dwelling unit, which nonresidential use may be located anywhere in the TODD. The Commission may require the phasing of development to assure that the minimum non-residential development occurs prior to or contemporaneously with the residential

development.

- (4) No building fronting directly on Salemme Lane or on any main access road or main access drive within the TODD development shall contain any dwelling unit on the ground level of such building. Such restriction shall not apply to a building separated from Salemme Lane or such main access road or drive by another building or to a building whose end wall (short dimension) fronts on Salemme Lane or such main access road or drive.

G. Hotels with accessory restaurants and/ or conference centers.

H. Accessory uses customary with and incidental to any of the aforesaid permitted uses.

383-218 Site design.

The provisions of this § 383-218 shall control a TODD development in the TODD, notwithstanding any conflicting provisions of the Zoning Regulations.

A. Parking.

- (1) On-street parking shall be provided in the vicinity of all retail and service uses. This may be parallel or angled spaces.
- (2) Any on-street parking spaces that are provided shall be applied towards satisfaction of the parking requirement for the TODD development. Surface parking lots may be permitted if in the opinion of the Commission sufficient parking cannot be provided on the street or in a parking structure alone. Parking lots shall not be located between the principal building and a public or private street unless suitable landscaping or buffering to reduce the visual impact of the parking area is provided.
- (3) Parking for the rail station shall be provided in a multi-level parking structure located within 300 feet of the rail station, measured in a straight line from the most proximate points of the station and the parking structure. Parking counts or reports from similar rail stations shall be provided to assist the Commission in determining an appropriate number of parking spaces.

- (a) The holder of any interest in said structure or any operator thereof may charge a fee for parking.
 - (b) The applicant shall submit plans demonstrating adequate circulation for the peak number of trips anticipated, drainage and ventilation of the parking structure.
- (4) Landscaping and/ or planters shall be placed around all parking lots and parking structures. Surface parking lots shall have landscaped islands and borders which consist of grass lawns, low shrubs, perennials, and trees and provide visual interest in all seasons. For any parking area with 30 or more parking spaces, one tree and one low shrub shall be provided for every 10 spaces or fraction thereof. The species of trees is subject to the review and approval of the Commission. Trees shall not have a caliper less than 2 1/2 inches, nor a height of less than 8 feet. Required trees and shrubs must be located in planting islands within the parking area where practicable, rather than on adjacent borders. Planting islands for required trees and shrubs shall not be less than 180 square feet nor have a minimum dimension less than eight feet.
- (5) All parking structures shall be designed in a way that does not create an adverse impact upon roadways or other spaces, in ways through architectural design and placement of other uses between the parking structure and the public spaces.
- (6) Parking for residential units shall be provided at 1 space per every one bedroom unit and 1.5 spaces for every two bedroom unit. Parking for residential units may utilize spaces in a structured parking facility provided that the building in which the residential units are located is within 300 feet of the parking facility, measured in a straight line from the most proximate entrances of the parking facility and the building containing residential units, and that lighted pedestrian walking paths or sidewalks are provided; provided, however, if the building containing residential units is part of a cluster of such buildings, the measurement shall be to the entrance of that building which is most proximate to the parking facility.
- (7) Parking for hotels shall be provided as required by the zoning regulations (1.5 spaces for each sleeping room plus spaces as required

for restaurants or conference facilities). A portion of the parking requirement is encouraged to be located underground.

- (8) Parking for office, retail and restaurant uses shall be provided at 3 spaces per 1000 square feet of gross floor area of office space, 3 spaces per 1000 square feet of retail sales or service area, and 3 spaces per 1000 square feet of patron floor area of restaurant space. Parking may be provided in a structure and/ or underground or at street level.
- (9) All parking spaces and facilities are encouraged to be shared or jointly used wherever possible. The Commission may consider and permit the joint or shared use of parking, upon review of a parking use study, submitted by the applicant, which analyzes periods and amount of projected usage for each of the proposed uses. In addition, the Commission may reduce the parking requirements set forth in this § 383-218A for particular uses upon a demonstration that such lesser amount of parking is sufficient.
- (10) Parking stalls shall be a minimum of 8 feet wide by 18 feet in length, but would be required to be 9 feet in width in areas determined to be high turnover parking spaces. Where 90 degree parking spaces are provided a 24 foot isle way should also be provided. Angled spaces are permitted with the angle not to be less than 50 degrees. Angled spaces shall require a minimum 15 foot isle and appropriate one way signage and surface markings. Parallel spaces are permitted only in close proximity to retail and personal service uses, the rail station and/or any parking structure serving the rail station and shall be clearly marked as temporary spaces only. Parallel spaces shall be 9 feet in width by 20 feet in length and shall require painted ground markings to divide spaces.

B. Loading. Loading spaces shall be provided in such number, location and design as the Commission deems sufficient to serve the TODD development. Loading spaces may, at the discretion of the Commission, be shared by multiple buildings and/or located on-street and/or be shared with on-street parking spaces. The Commission may regulate the hours of operation of loading spaces.

C. Open space/public gathering spaces. The plan shall include public sitting and gathering areas which may include but is not limited to a public plaza or passive recreation areas. The area shall be equipped with benches or chairs, pedestrian scaled

lighting, and adequate trash receptacles. The area(s) should be generally centrally located on the site. Water features and public art are encouraged to be included.

D. Building design.

- (1) The first floor of all mixed use or non-residential buildings should be orientated to pedestrians. At least 50% of the front façade of a first floor use which is facing a new or proposed public street shall be windows. Mirrored glass or dark tints which blocks views of inside the building from the outside is prohibited. Mullions are permitted as long as they are appropriate for the overall architectural style of the building. Awnings, colorful window displays, and other elements which create visual interest are encouraged.
- (2) In keeping with the desired pedestrian scale, developments with facades over 50 feet in length will be designed to visually reduce the scale and mass of the building by either extending or recessing the façade to break up the flat plane of the building or by providing projecting features on the front façade such as entry areas, arcades or bay windows.
- (3) Unless otherwise approved by the Commission, architectural styles found in and around the area and elsewhere in New England should be used. Applicants should use decorative details on the exterior of the building appropriate to the architectural style that is being emulated. Buildings should have minimum details of window sills and frames and door frames. Other details such as quoins and lintels are encouraged.
- (4) Natural building materials such as stone, brick or wood should be encouraged. Materials which provide a similar outward appearance may be used subject to review and approval by the Commission. Wrought iron, copper or other metalwork can be used in detailing for items such as railings, balconies or other architectural details. A combination of materials may be used but the entire building should be of the same architectural style.
- (5) Unless a parking structure is designed with similar architecture as the other buildings in the TODD development, the parking structure shall not be located on a main access road or main access drive serving the rail station nor be visually prominent from open or public gathering

spaces. Parking structures shall be landscaped or have planters located near all entrances.

- (6) All rooftop utilities or other equipment shall be concealed from view of pedestrians, car traffic and residential units which may be located on higher floors. Mansard roof or gabled roofs are preferred with flat roofs only being permitted where the proposed structure is taller than or similar in height to other structures within the TODD development. Flat roofs should have a parapet and cornice appropriate to the architectural style of the building. More ornamental architectural details such as dentils, corbels and an ornamental frieze are encouraged.
- (7) Fabric awnings are permitted with steel supports over windows or storefronts. Colors and lettering on all awnings on the same building shall be uniform. Signs shall comply with applicable provisions of Article XIX of the Zoning Regulations.

E. Height, coverage, setback and bulk requirements. The Commission shall consider and may impose such height, coverage, setback and bulk requirements as it deems appropriate in approving the Concept Plan as part of the rezoning application, in accordance with the goals of the TODD, sound planning and public safety. In recognition of the limited available areas for a Transit Oriented Development District, the provisions of § 383-170.1C(1) and § 383-170.1C(2) of the Regulation of Steep Slopes shall not apply to a TODD development, provided the proposed development shall nonetheless be designed to maximize structural safety and slope stability with the context of the existing topography.

383-219 Affordable housing requirement. Not less than 10% of all dwelling units constructed within a TODD development shall be affordable units. The term “affordable unit” is a dwelling unit restricted as to sale or rent based on the most current statistics of median family income for the New Haven-Meriden Metropolitan Statistical Area (NHMMSA) as published and periodically revised by the U.S. Dept. of Housing and Urban Development. The criteria for pricing one-bedroom or studio affordable units shall be eighty percent (80%) of the NHMMSA median income for families of two persons; two-bedroom affordable units shall be priced based on eighty percent (80%) of the NHMMSA median income for families of four persons. Affordable units offered for sale shall be limited to a selling price that is affordable to a purchaser with an income not exceeding the criteria family income, according to unit type as set forth above, based on industry-standard mortgage underwriting guidelines, and based on prevailing interest rates and a ten percent (10%) down payment. Affordable units offered for rent shall be restricted to a maximum annual rent,

inclusive of all basic utilities except telephone, not to exceed 30% of the criteria family income, according to unit type as set forth above. Rental restrictions shall remain in full force and effect for so long as the building or development exists and shall be administered in accordance with written guidelines as may be adopted and periodically revised by the Commission. Affordable units offered for sale shall remain subject to resale controls for so long as the building or development exists, and shall not exceed a resale price equal to the current affordable unit sale price for a comparable unit, as set forth above. The allowable resale price may be reduced if the physical conditions reflect abnormal wear and tear due to neglect, abuse or insufficient maintenance. Affordable unit sale and resale requirements shall be administered in accordance with written guidelines as may be adopted and periodically revised by the Commission, with suitable restrictive covenants in deeds, running with the land and senior to all financing instruments, to carry out and effectuate these obligations.

383-220 Procedural requirements.

- A. Informal consideration. It is recommended that, prior to the submission of a formal application for approval of a zone change and concept plan, the applicant review with the Commission and its staff in preliminary and informal manner any proposal for the TODD development.

- B. Petition. A petition for a change of zone for a TODD development shall be submitted to the Commission in writing and shall be signed by the owner or owners of all parcels any portion of which will be included within the proposed TODD development, in accordance with the provisions of § 383-210, and shall be accompanied by the following:
 - (1) Statement. A written statement specifying the proposed uses of the area, special design considerations and features, architectural guidelines and themes, and how the proposal is consistent with the purpose of the TODD.

 - (2) Concept plan. A concept plan shall be presented to the Commission showing the general intent of the proposal. The following information shall be presented in enough detail to allow the Commission to determine if the plan is in the spirit of the Zone's intent.
 - (a) Location and size of property, including a boundary map and a map showing the project site in the context of the surrounding area.

- (b) Existing topographic grades of the property, shown in accordance of a minimum of five foot intervals.
- (c) Location of proposed lots, buildings, roads, parking areas and structures, open space areas, including proposed general grading characteristics.
- (d) Information regarding the proposed development of a rail station
- (e) General building and parking layout.
- (f) Proposed area and approximate gross square footage of the proposed buildings and uses.
- (g) Concept plan for proposed uses, which may not necessarily include specific tenants.
- (h) General vehicular and pedestrian circulation showing all proposed public and private drives, walking paths, sidewalks, and means of traffic calming and/ or pedestrian safety.
- (i) Proposed public areas such as parks, lawn areas and/or recreational facilities.
- (j) Landscaping and lighting plans showing areas of existing mature trees, all existing and proposed surface water resources, proposed landscaping treatments, proposed open space and/or recreational areas, and detail of proposed pedestrian-scaled lighting fixtures to be used.
- (k) General streetscape and architectural design or theme, with exterior elevations, perspective drawings and descriptive information regarding building materials and exterior finishes.
- (l) Tentative phasing plan.
- (m) Existing and proposed utility plan.

- (n) Proposed grading of the property in a general concept, including the proposed amount of material which would be added, removed, and/or relocated on the property.
 - (o) Traffic impact analysis, which describes the potential impact of the proposed uses on public roads, and if needed, includes recommended improvements to such roads; and the adequacy and efficiency of the proposed internal circulation system. The Commission may request that the traffic impact be analyzed as to individual components of the overall plan.
- (3) Application fee. Fees shall be paid to amend the zoning map as set forth in § 270-1 of the Town Code with an additional fee for site plan as set forth in this section to be paid at the time of submission of detailed development plans once the Commission determines the concept plan is acceptable.

C. Review of concept plan. The Commission shall review the application for completeness of submission, and may require additional information. The complete application shall be reviewed at a public hearing and during this review staff may hold meetings with the petitioner and require additional information. The Commission shall hold a public hearing on the application.

After the public hearing, the Commission may disapprove or give approval to the Concept Plan or may approve the Concept Plan subject to modifications. Approval of the Concept Plan shall not constitute final approval of the TODD development and shall simply authorize the submission of site plans setting forth in detail the specifics of the proposed development and showing any modifications specified by the Commission. In lieu of development of the entire site in accordance with the approved Concept Plan, the entire site may be developed in accordance with the LI-2 Zoning Regulations.

D. Site plan. A site plan and application shall be submitted to the Commission as required by Article XIII of the Zoning Regulations. In addition to the plans required by Article XIII of the zoning regulations, the following shall also be submitted:

- (1) A Pedestrian circulation plan showing safe, illuminated means of circulation throughout the site. Proposed material for pathways will be presented on a detail plan. This plan shall also incorporate locations for secure bicycle racks.

- E. Criteria for approval of site plan. The Commission may approve the Site Plan only after the Commission finds that the Site Plan is consistent with the approved Concept Plan and any other requirements included within its approval. As a condition to approval of an applicant's site plan, the Commission may require that prior to the issuance of any building permit for any new building or transit oriented structure within the TODD development, any planned rail station on which the approved Concept Plan was based shall have a documented financial commitment in a form acceptable to the Commission, together with such regulatory permits as are legally required for the construction of such rail station.

383-221 Requirements for maintenance of common land and facilities.

In order to ensure long-term maintenance of commonly held land and facilities and to prevent maintenance expenditures by the Town, the following shall be required:

- A. All TODD projects shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, common parking spaces, drainage facilities, private roads and other commonly held facilities. This document shall be approved by the Town attorney.

383-222 Amendment of TODD plans.

An application for approval of an amendment to an approved TODD concept plan shall be made in writing to the Commission by the owner or owners of the fee interest in the land which is the subject of the TODD development, together with any other applicant; provided, however, that the Commission may waive the requirement that all owners sign such application if requested to do so by an owner of a fee interest in any portion of the TODD development, good cause can be shown for the applicant's failure to obtain the other owners' signatures and the applicant certifies that a copy of the application was mailed by first-class mail, postage prepaid to the non-signing owner(s) at the last known business or residential address of such owner(s). Furthermore, if any property within the TODD development is a common interest community, the duly authorized representative of the unit owners association thereof may execute the application on behalf of such unit owners. Nothing herein or in such execution shall prevent any owner from contesting the TODD development amendment application on its merits at any public hearing held on the TODD development application (in person or by written contest), or from appealing any decision of any governmental authority acting thereon, and such contest and appeal rights are specifically reserved to such owner.

ARTICLE XXIV
TRANSIT ORIENTED DEVELOPMENT DISTRICT

383-215 Purpose of district. _____

The purpose of the Transit Oriented Development District (“TODD”) is to create a high density mixed use, transit oriented development area adjacent to a Metro North and/or commuter R rail S station. It is further the intent to provide a range of housing, businesses and services specifically geared towards commuters and users of the ~~rail road~~ railroad, designed in an aesthetically pleasing, environmentally conscious and pedestrian scaled manner.

The ~~properties within a Transit Oriented~~ (ies) comprising a TODD D development ~~District~~ shall be ~~a~~ regulated by an approved Concept Plan for such TODD development, which includes any additional standards or requirements deemed appropriate by the Commission.

383-216 Applicability.

A. ~~A.~~ In order to ~~apply to the Planning and Zoning Commission~~ qualify for a zone change, the ~~subject~~ property which is the subject of the application for a zone change to enable a TODD development must be located within the area designated as ~~“Potential Transit Development Area” which shall be made part of these regulations, with an existing rail station or planned rail station with a documented financial commitment and regulatory permits in place for the construction of a rail station.~~ TODD Overlay” on the Zoning Map, and also satisfy the criteria in § 383-216A(1), (2) or (3) below:

- (1) The property must be adjacent to an existing or planned Metro North and/or commuter rail station and include as part of such application the development on such property of a proposed parking structure to provide parking for the rail station and which meets the requirements of § 383-218A(3); or
- (2) The property must be adjacent to another property which satisfies the requirements of § 383-216A(1) and for which a zone change and concept plan have been approved, which zone change has not been superseded by any action of the Commission or any actual

development inconsistent with such zone change; or

- (3) The property must be adjacent to another property which satisfies the requirements of § 383-216A(2) and for which a zone change and concept plan have been approved, which zone change has not been superseded by any action by the Commission or any actual development inconsistent with such zone change. Once a zone change and concept plan have been approved for a property described under this § 383-216A(3), such property shall be treated as a property described in § 383-216A(2) for purposes of application of the adjacency requirement under this § 383-216A(3) for any other property within the area designated as “TODD Overlay” on the Zoning Map seeking a zone change and concept plan approval under this §383-216A(3).

The purposes of the requirements of this § 383-216A are to ensure that a Metro North and/or commuter rail station and a parking structure supporting such rail station, which are the core of the TODD, are to be developed, to provide for contiguous TODD development emanating outward from such rail station and to avoid the consequences that could occur from “leapfrog” development of the high density uses permitted in the TODD. If an application for a zone change is submitted on the basis of a planned rail station, then the applicant shall submit as part of the zone change application proceedings such material in form and content acceptable to the Commission relating to the status of the planned rail station.

- B. Any property(ties) within a single TODD development may be subdivided and/or re-subdivided with the approval of the Commission. The associated lots, provided that they are part of single TODD development, need not comply individually and independently with the development, lot area, shape, frontage and other standards set forth in the Zoning Regulations.

383-217 Permitted uses.

- A. Retail uses, including ~~retail banks,~~ but not limited to establishments offering retail banking services, beautician and barber services, child day care services, pet day care and grooming services, day spa services, tailoring services, drop-off and pick-up for off-premises dry cleaning and laundry service, and food and beverage sales for off-premises consumption but not involving a drive-through window. Such uses are subject to the following:

- (1) All retail uses shall be supportive of the principal land uses within the TODD, including the railroad station, offices, hotels and multi-family residential uses.
- (2) The retail uses shall be designed to primarily serve the market of railroad station commuters, residents of the multi-family dwellings within the TODD, and employees and guests of the offices and/or ~~hotels within the TODD, and guests of the~~ hotels within the TODD. This shall be illustrated by size, type and signage of the proposed retail uses.
- (3) ~~No~~ Retail uses shall exceed in any single building within the TODD shall not exceed an aggregate of 56,200 square feet of building area of such building.
- (4) All retail uses shall be within a building used primarily for one of the other permitted uses. However, a free-standing retail building may be permitted when the Commission finds that such building promotes the character of the TODD and is consistent with the purpose of the TODD.
- (5) All retail uses shall be oriented to a public or private street, or other public space.

B. ~~B.~~ Indoor restaurants and other food and beverage service establishments where customers are served ~~only~~ primarily when seated at tables or counters and all of the customer seats are located within an enclosed building or outdoor area ~~attached to~~ adjacent to or accessed through the indoor dining area.

C. ~~C.~~ Business and Professional offices, including medical offices.

D. ~~D.~~ Railroad Transit stations and/or related facilities, including transit services, platforms and other facilities for rail and bus services.

E. ~~E.~~ Structured Parking.

F. ~~F.~~ Multi-family residential units subject to the following conditions:

- (1) No unit shall contain more than two bedrooms.

~~(2) No units shall be located on the ground floor of a structure.~~

- (2) ~~(3)~~ There shall be a maximum of 250 units within the area designated as "TODD Overlay" on the Zoning Map.
- (3) ~~(4)~~ Multi-family residential units shall only be permitted in conjunction with the development of office, hotels, retail or other similar uses. There shall be a minimum of 1,000 square feet of nonresidential use for each residential dwelling unit, which nonresidential use may be located anywhere in the TODD. The Commission may require the phasing of development to assure that the minimum non-residential development occurs prior to or contemporaneously with the residential development.
- (4) No building fronting directly on Salemme Lane or on any main access road or main access drive within the TODD development shall contain any dwelling unit on the ground level of such building. Such restriction shall not apply to a building separated from Salemme Lane or such main access road or drive by another building or to a building whose end wall (short dimension) fronts on Salemme Lane or such main access road or drive.

G. ~~G.~~ Hotels with accessory restaurants and/ or conference centers.

H. Accessory uses customary with and incidental to any of the aforesaid permitted uses.

383-218 Site design.

The provisions of this § 383-218 shall control a TODD development in the TODD, notwithstanding any conflicting provisions of the Zoning Regulations.

A. ~~A.~~ Parking.

- (1) ~~On-Street~~On-street parking shall be provided in the vicinity of all retail and service uses. This may be parallel or angled spaces.
- (2) Any on-street parking spaces that are provided shall be applied towards satisfaction of the parking requirement for the TODD development. Surface parking lots may be permitted if in the opinion of the Commission sufficient parking cannot be provided on

the street or in a parking structure alone. Parking lots shall not be located between the principal building and a public or private street unless suitable landscaping or buffering to reduce the visual impact of the parking area is provided.

- (3) ~~(2)~~ Parking for the rail station shall be provided in a multi-level parking structure located within 300 feet of the rail station, measured in a straight line from the most proximate points of the station and the parking structure. Parking counts or reports from similar ~~train~~ rail stations shall be provided to assist the eCommission in determining an appropriate number of parking spaces.
- (a) The ~~owner of~~ holder of any interest in said structure or any operator thereof may charge a fee for parking.
- (b) The applicant shall submit plans demonstrating adequate circulation for the peak number of trips anticipated, drainage and ventilation of the parking structure.
- (4) ~~(3)~~ Landscaping and/ or planters shall be placed around all parking lots and parking structures. Surface parking lots shall have landscaped islands and borders which consist of grass lawns, low shrubs, perennials, and trees and provide visual interest in all seasons. For any parking area with 30 or more parking spaces, one tree and one low shrub shall be provided for every 10 spaces or fraction thereof. The species of trees is subject to the review and approval of the Commission. Trees shall not have a caliper less than 2 1/2 inches, nor a height of less than 8 feet. Required trees and shrubs must be located in planting islands within the parking area where practicable, rather than on adjacent borders. Planting islands for required trees and shrubs shall not be less than 180 square feet nor have a minimum dimension less than eight feet.
- (5) ~~(4)~~ All parking structures shall be designed in a way that does not create an adverse impact upon roadways or other spaces, in ways through architectural design and placement of other uses between the parking structure and the public spaces.
- (6) ~~(5)~~ Parking for residential units shall be provided at 1 space per every one bedroom unit and 1.5 spaces for every two bedroom unit. Parking for residential units may ~~share~~ utilize spaces in a structured

parking facility provided that the building in which the residential units are located is within 300 feet of the ~~closest~~ parking facility, measured in a straight line from the most proximate entrances of ~~said~~ the parking facility and the building containing residential units, and that lighted pedestrian walking paths or sidewalks are provided; provided, however, if the building containing residential units is part of a cluster of such buildings, the measurement shall be to the entrance of that building which is most proximate to the parking facility.

- (7) ~~(6)~~ Parking for hotels shall be provided as required by the zoning regulations (1.5 spaces for each sleeping room plus spaces as required for restaurants or conference facilities). A portion of the parking requirement is encouraged to be located underground.
- (8) ~~(7)~~ Parking for ~~Office, retail and restaurant~~ uses shall be provided at 3 spaces per 1000 square feet of ~~office~~ gross floor area of office space, 3 spaces per 1000 square feet of retail sales or service area, and 3 spaces per 1000 square feet of patron floor area of restaurant space. Parking may be provided in a structure and/ or underground or at street level.
- (9) ~~(8)~~ All parking spaces and facilities are encouraged to be shared or jointly used wherever possible. The Commission may consider and permit the joint or shared use of parking, upon review of a parking use study, submitted by the applicant, which analyzes periods and amount of projected usage for each of the proposed uses. In addition, the Commission may reduce the parking requirements set forth in this § 383-218A for particular uses upon a demonstration that such lesser amount of parking is sufficient.
- (10) ~~(9)~~ Parking stalls shall be a minimum of 8 feet wide by 18 feet in length, but would be required to be 9 feet in width in areas determined to be high turnover parking spaces. Where 90 degree parking spaces are provided a 24 foot isle way should also be provided. Angled spaces are permitted with the angle not to be less than 50 degrees. Angled spaces shall require a minimum 15 foot isle and appropriate one way signage and surface markings. Parallel spaces are permitted only in close proximity to retail and personal service uses ~~only, the rail station and/or any parking structure serving the rail station~~ and shall be clearly marked as temporary spaces only

~~so as to prohibit use by commuters.~~ Parallel spaces shall be 9 feet in width by 20 feet in length and shall require painted ground markings to divide spaces.

B. Loading. Loading spaces shall be provided in such number, location and design as the Commission deems sufficient to serve the TODD development. Loading spaces may, at the discretion of the Commission, be shared by multiple buildings and/or located on-street and/or be shared with on-street parking spaces. The Commission may regulate the hours of operation of loading spaces.

C. ~~B.~~ Open space/public gathering spaces. The plan shall include public sitting and gathering areas which may include but is not limited to a public plaza or passive recreation areas. The area shall be equipped with benches or chairs, pedestrian scaled lighting, and adequate trash receptacles. The area(s) should be generally centrally located on the site. Water features and public art are encouraged to be included.

D. ~~C.~~ Building design.

- (1) The first floor of all mixed use or non-residential buildings should be orientated to pedestrians. At least 50% of the front façade of a first floor use which is facing a new or proposed public street shall be windows. Mirrored glass or dark tints which blocks views of inside the building from the outside is prohibited. Mullions are permitted as long as they are appropriate for the overall architectural style of the building. Awnings, colorful window displays, and other elements which create visual interest are encouraged.
- (2) In keeping with the desired pedestrian scale, developments with facades over 50 feet in length will be designed to visually reduce the scale and mass of the building by either extending or recessing the façade to break up the flat plane of the building or by providing projecting features on the front façade such as entry areas, arcades or bay windows.
- (3) Unless otherwise approved by the Commission, ~~A~~ architectural styles found in and around the area and elsewhere in New England's ~~early periods~~ should be used. Applicants should use decorative details on the exterior of the building appropriate to the architectural style that is being emulated. Buildings should have minimum details of

window sills and frames and door frames. Other details such as quoins and lintels are encouraged.

- (4) Natural building materials such as stone, brick or wood should be ~~used~~encouraged. Materials which provide ~~an identical~~a similar outward appearance may be used subject to review and approval by the Commission. ~~Prefabricated aggregate stone shall not be permitted.~~ Wrought iron, copper or other metalwork can be used in detailing for items such as railings, balconies or other architectural details ~~but shall not be used for visible doors or siding.~~ A combination of materials may be used but the entire building should be of the same architectural style. ~~Concrete blocks shall not be visible on any outer façade of a building.~~
- (5) Unless a Pparking structures is designed with similar architecture as the other buildings in the TODD development, the parking structure shall not be located on a main access road ~~within the development and shall~~or main access drive serving the rail station not be visually prominent from open or public gathering spaces. Parking Sstructures shall be landscaped or have planters located near all entrances.
- (6) All rooftop utilities or other equipment shall be concealed from view of pedestrians, car traffic and residential units which may be located on higher floors. Mansard roof or gabled roofs are preferred with flat roofs only being permitted where the proposed structure is taller than ~~adjacent~~or similar in height to other structures within the TODD development. Flat roofs should have a parapet and cornice appropriate to the architectural style of the building. More ornamental architectural details such as dentils, corbels and an ornamental frieze are encouraged.
- (7) Fabric awnings are permitted with steel supports over windows or storefronts. Colors and lettering on all awnings on the same building shall be uniform. ~~No neon s~~Signs shall ~~be permitted~~comply with applicable provisions of Article XIX of the Zoning Regulations.

E. C.—~~Height-and, coverage, setback and bulk~~ requirements. The Commission shall consider ~~the~~and may impose such height-~~and, coverage, setback and bulk~~ requirements as it deems appropriate in approving the Concept Plan as part of the rezoning application, in accordance with the goals of the TODD, sound planning and public safety. In recognition of the limited available areas for a Transit

Oriented Development District, the provisions of § 383-170.1C(1) and § 383-170.1C(2) of the Regulation of Steep Slopes shall not apply to a TODD development, provided the proposed development shall nonetheless be designed to maximize structural safety and slope stability with the context of the existing topography.

383-219 Affordable housing requirement. Not less than 10% of all dwelling units constructed within a TODD development shall be affordable units. The term “affordable unit” is a dwelling unit restricted as to sale or rent based on the most current statistics of median family income for the New Haven-Meriden Metropolitan Statistical Area (NHMMSA) as published and periodically revised by the U.S. Dept. of Housing and Urban Development. The criteria for pricing one-bedroom or studio affordable units shall be eighty percent (80%) of the NHMMSA median income for families of two persons; two-bedroom affordable units shall be priced based on eighty percent (80%) of the NHMMSA median income for families of four persons. Affordable units offered for sale shall be limited to a selling price that is affordable to a purchaser with an income not exceeding the criteria family income, according to unit type as set forth above, based on industry-standard mortgage underwriting guidelines, and based on prevailing interest rates and a ten percent (10%) down payment. Affordable units offered for rent shall be restricted to a maximum annual rent, inclusive of all basic utilities except telephone, not to exceed 30% of the criteria family income, according to unit type as set forth above. Rental restrictions shall remain in full force and effect for so long as the building or development exists and shall be administered in accordance with written guidelines as may be adopted and periodically revised by the Commission. Affordable units offered for sale shall remain subject to resale controls for so long as the building or development exists, and shall not exceed a resale price equal to the current affordable unit sale price for a comparable unit, as set forth above. The allowable resale price may be reduced if the physical conditions reflect abnormal wear and tear due to neglect, abuse or insufficient maintenance. Affordable unit sale and resale requirements shall be administered in accordance with written guidelines as may be adopted and periodically revised by the Commission, with suitable restrictive covenants in deeds, running with the land and senior to all financing instruments, to carry out and effectuate these obligations.

~~**383-219 Affordable housing requirement.**~~

~~At least 20% of all housing units constructed within this district shall be made affordable for the life of the project as per the requirements of Section 8-30g of the General Statutes of Connecticut and U.S. Department of Housing and Urban Development (HUD). Units shall be mixed throughout the development and the proportion of affordable units by bedroom shall be identical to that of the overall project.~~

383-220 Procedural requirements.

A. ~~A.~~ Informal consideration. It is recommended that, prior to the submission of a formal application for approval of a ~~Transit-Oriented Development District~~zone change and concept plan, the applicant review with the Commission and its staff in preliminary and informal manner any proposal for ~~the~~ TODD development.

B. ~~B.~~ Petition. A petition for a change of zone for ~~the establishment of a Transit Oriented~~ TODD D ~~development District~~ shall be submitted to the Commission in writing and shall be signed by the owner or owners of all parcels any portion of which will be included within the proposed ~~district~~ TODD development, in accordance with the provisions of § 383-210, and shall be accompanied by the following:

- (1) Statement. A written statement specifying the proposed uses of the area, special design considerations and features, architectural guidelines and themes, and how the proposal is consistent with the purpose of the ~~Transit-Oriented Development District~~ TODD.
- (2) ~~Conceptual P~~ plan. A ~~conceptual~~ plan shall be presented to the Commission showing the general intent of the proposal. The following information shall be presented in enough detail to allow the Commission to determine if the plan is in the spirit of the Zone's intent.
 - (a) Location and size of property, including a boundary map and a ~~map~~ showing the project site in the context of the surrounding area.
 - (b) Existing topographic grades of the property, shown in accordance of a minimum of five foot intervals.
 - (c) Location of proposed lots, buildings, roads, parking areas and structures, open space areas, including proposed general grading characteristics.
 - (d) ~~Plans for the construction~~ Information regarding the proposed development of a rail station ~~including funding sources~~
 - (e) General building and parking layout.

- (f) Proposed area and approximate gross square footage of the proposed buildings and uses.
 - (g) Concept plan for proposed uses ~~to be proposed~~, which may not necessarily include specific tenants.
 - (h) General vehicular and pedestrian circulation showing all proposed public and private drives, walking paths, sidewalks, and means of traffic calming and/ or pedestrian safety.
 - (i) Proposed public areas such as parks, lawn areas and/or recreational facilities.
 - (j) Landscaping and lighting plans showing areas of existing mature trees, all existing and proposed surface water resources, proposed landscaping treatments, proposed open space and/or recreational areas, and detail of proposed pedestrian-scaled lighting fixtures to be used.
 - (k) General streetscape and architectural design or theme, with exterior elevations, perspective drawings and descriptive information regarding building materials and exterior finishes.
 - (l) ~~(3)~~ Tentative ~~construction timeline and~~ phasing plan.
 - (m) ~~(a)~~ Existing and proposed utility plan.
 - (n) ~~(b)~~ Proposed grading of the property in a general concept, including the proposed amount of material which would be added, removed, and/or relocated on the property.
 - (o) ~~(c)~~ Traffic impact analysis, which describes the potential impact of the proposed uses on public roads, and if needed, includes recommended improvements to such roads; and the adequacy and efficiency of the proposed internal circulation system. The Commission may request that the traffic impact be analyzed as to individual components of the overall plan.
- (3) ~~(4)~~ Application fee. Fees shall be paid to amend the zoning map as set forth in § 270-1 of the Town Code with an additional fee for site plan as set forth in this section to be paid at the time of submission

of detailed development plans once the Commission determines the concept plan is acceptable.

- C. ~~C.~~ Review of concept plan. ~~After the application submission has been deemed complete for the establishment of a Transit Oriented Development district, the~~The ~~e~~Commission shall review the application for completeness of submission, and may require additional information. The complete application shall be reviewed at a public hearing and during this review staff may hold meetings with the petitioner and require additional information. The Commission shall hold a public hearing on the application.

After the public hearing, the Commission may disapprove or give approval to the Concept Plan or may approve~~e~~ the Concept Plan subject to modifications. Approval of the Concept Plan shall not constitute final approval of the ~~Transit Oriented~~TODD ~~development district~~ and shall simply authorize the submission of ~~S~~site plans setting forth ~~the~~ in detail the specifics of the proposed development and showing any modifications specified by the Commission. In lieu of development of the entire site in accordance with the approved Concept Plan, the entire site may be developed in accordance with the LI-2 Zoning Regulations.

- D. ~~D.~~ Site plan. A site plan and application shall be submitted to the Commission as required by Article XIII of the Zoning Regulations. In addition to the plans required by Article XIII of the zoning regulations, the following shall also be submitted:

- (1) A ~~p~~Pedestrian circulation plan showing safe, illuminated means of circulation throughout the site. Proposed material for pathways will be presented on a detail plan. This plan shall also incorporate locations for secure bicycle racks.

- E. ~~E.~~ Criteria for approval of site plan. The Commission may approve the ~~s~~Site ~~p~~Plan only after the Commission finds that the Site Plan is consistent with the approved Concept Plan and any other requirements included within its approval. As a condition to approval of an applicant's site plan, the Commission may require that prior to the issuance of any building permit for any new building or transit oriented structure within the TODD development, any planned rail station on which the approved Concept Plan was based shall have a documented financial commitment in a form acceptable to the Commission, together with such regulatory permits as are legally required for the construction of such rail station.

383-221 Requirements for maintenance of common land and facilities.

In order to ensure long-term maintenance of commonly held land and facilities and to prevent maintenance expenditures by the Town, the following shall be required:

- A. ~~A.~~ All TODD projects shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, common parking spaces, drainage facilities, private roads and other commonly held facilities. This document shall be approved by the Town attorney.

383-222 Amendment of TODD plans.

An application for approval of an amendment to an approved TODD concept plan shall be made in writing to the Commission by the owner or owners of the fee interest in the land which is the subject of the TODD development, together with any other applicant; provided, however, that the Commission may waive the requirement that all owners sign such application if requested to do so by an owner of a fee interest in any portion of the TODD development, good cause can be shown for the applicant's failure to obtain the other owners' signatures and the applicant certifies that a copy of the application was mailed by first-class mail, postage prepaid to the non-signing owner(s) at the last known business or residential address of such owner(s). Furthermore, if any property within the TODD development is a common interest community, the duly authorized representative of the unit owners association thereof may execute the application on behalf of such unit owners. Nothing herein or in such execution shall prevent any owner from contesting the TODD development amendment application on its merits at any public hearing held on the TODD development application (in person or by written contest), or from appealing any decision of any governmental authority acting thereon, and such contest and appeal rights are specifically reserved to such owner.

Referral 2.3: Town of Orange

Subject:

Proposed Zoning Map Amendment pertaining to Article XXIV – Transit-Oriented Development District (TODD) Regulations

Staff Recommendation:

Background:

A private applicant in the Town of Orange has proposed a Zoning Map amendment to rezone approximately 8 acres from the existing zone of LI-2/TODD Overlay to TODD. The site is bordered by Dichello Distributors to the south, CTDOT Railroad right-of-way to the east and Yale University West Campus to the north. The parcel is currently undeveloped and the address is 0 Marsh Hill Road. The property is within 500 feet of West Haven. The zoning in West Haven within 500 feet of the proposed Zoning Map Amendment is IPD (Industrial Planned Development District) and R2.

Communication:

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

Referral 2.X: City of New Haven

Subject:

Proposed Zoning Regulation Amendments pertaining to the BD-3 Zone

Staff Recommendation:

Background:

The City of New Haven has proposed zoning regulation amendments pertaining to the BD-3 Zone. The proposed amendments add Washington Avenue, Congress Avenue, and Church Street South to the list of streets where taller buildings (in excess of 100 feet above finished lot grade) are allowable as long as a fifteen foot stepback on the façade of the upper levels of the building that face these streets. Further detail regarding the stepback requirement can be found in Section 43(c)(5). The proposed amendment also includes a new subsection, 43(c)(7), which restricts the heights of buildings south of the Route 34 corridor to a maximum of 70 feet, with a few exceptions that are noted in the subsection.

The BD-3 Zone is not within 500 feet of a municipality in the South Central Region.

Communication:

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



**CITY OF NEW HAVEN
BOARD OF ALDERS
Office of Legislative Services**

165 CHURCH STREET
NEW HAVEN, CT 06510
(203) 946-6483 (Tel.) (203) 946-7476 (Fax)

September 23, 2015

Eugene Livshits
Regional Planner
South Central Regional Council of Governments
127 Washington Avenue, 4th Floor West
North Haven, CT 06473



Dear Mr. Livshits:

I write pursuant to Sec.8-3b of the Connecticut General Statutes to inform you that the following items were received by the Board of Aldermen sitting as the Zoning Commission for the City of New Haven:

- 1) From the Executive Director of the City Plan Department submitting a Zoning Ordinance Map Amendment approving a change in the designation of 20.6 Acres Of Land (Shown On Attachment B, D &E) Located In The Hill To Downtown Plan Area From General Business Ba District To Bd-3 Central Business District/Mixed Use District.
- 2) From the Executive Director of the City Plan Department submitting a Zoning Ordinance Text Amendment approving adoption of amendments to the BD-3 Zone Text.

Enclosed for your convenience are copies of these proposals.

Sincerely,


Albert Lucas, Director
Office of Legislative Services

AL/cp



NEW HAVEN CITY PLAN DEPARTMENT
165 CHURCH STREET, NEW HAVEN, CT 06510
TEL (203) 946-6378 FAX (203) 946-7815

Honorable Tyisha Walker,
President
Board of Alders
City of New Haven
165 Church Street
New Haven, CT 06510

Mr. Michael Smart
City/Town Clerk
City of New Haven
200 Orange Street
New Haven, CT 06510

Re: Petition to Amend the Zoning Ordinance Text of the BD-3 District (Central Business/Mixed-Use)

Honorable Ms. Walker and Mr. Smart:

I am pleased to submit for your Honorable Board's consideration a Petition for an Amendment to the Zoning Ordinance Text and a proposed Ordinance for the Board of Aldermen amending the Zoning Ordinance Text for the BD-3 District.

The Economic Development Administration of the City of New Haven, and the residents, institutions and business owners in the Hill worked diligently on the Hill to Downtown Plan for the revitalization of this strategically placed area. The City received a US HUD Challenge Grant to accomplish the plan and worked on it for over a year, collaborating with the Economic Development Corporation of New Haven, The Livable City Initiative, the City Plan Department and the Transportation Department. The Hill to Downtown is generally bounded by Union Avenue, by South Frontage Road (Route 34 Connector), Howard Avenue, Columbus Avenue, and Church Street South and includes Union Station, the Yale University School of Medicine, Yale New Haven Hospital, as well as the Church Street South houses and the Tower One /Tower East housing complexes as well as other uses.

As envisioned, the Hill to Downtown Plan, when fully realized will greatly increase central New Haven's vitality and livability and provide significant new job generation as well as overall economic and fiscal benefit to the city. The plan makes use of the areas location near dense employment centers and a very busy rail station to encourage Transit Oriented Development. The community plan calls for a mixed-use, mixed-income environment with increases in density, some changes to public roads and a new public park at the center of the area. The plan recommends adding more housing, retail and services to the mix of uses in order to achieve a truly urban environment.

An important consideration of the plan was the pattern of building heights as the area transitions between the height and density of downtown, that of the medical and hospital area and the Hill neighborhood. The plan recommended keeping taller buildings in a corridor between the new proposed Lafayette Street alignment and the Downtown Crossing sites (Route 34) and also along northern Union Avenue with height limits ranging from 125 to 200 feet. Heights toward the center of the area and along Congress Avenue were recommended to be a range of 75 to 60 feet, with heights along Columbus Avenue which borders the Trowbridge Square area at 45 feet. As the Hill to Downtown Plan is implemented over time adjustments will be necessary; the proposed Lafayette Street re-alignment is not being implemented at this time; therefor the height restrictions proposed in reference to the new alignment cannot be implemented exactly as recommended.

The proposed text amendments to the BD-3 District, would implement a 70 foot height restriction on parcels which do not have frontage on the major streets: South Frontage Road, Church Street South, and the existing Lafayette Street as well as Congress Avenue and Washington Avenue between Lafayette and Liberty Street. Parcels fronting on only those streets would have no direct limit on height but would be subject to the existing FAR of 6.0 and the "step-back" requirements already in the BD-3 zone.

The proposed Zoning Ordinance Text Amendment makes sound land use and zoning sense and conforms to the recommendations of the Hill to Downtown Plan as well as the City's Comprehensive Plan.

Very truly yours,

Karyn M. Gilvarg, A.I.A.

cc: Matthew Nemerson Economic Development Administrator
Serena Neal-Sanjurjo, Executive Director, Livable City Initiative.

Attachment A: Petition to amend the Zoning Ordinance Text for BD-3 zone
Attachment B: Order to Amend the Zoning Ordinance Text
Attachment C: Zoning Ordinance Text: Existing and Proposed

ATTACHMENT B

**ORDER RE: ZONING ORDINANCE TEXT AMENDMENT APPROVING
ADOPTION OF AMENDMENTS TO THE BD-3 ZONE TEXT**

WHEREAS, on September 4, 2015 , pursuant to 1925 Special Act No. 490, § 5, Article VII § 3L and Article VI §19 the Charter of the City of New Haven, and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the "Zoning Ordinance"), the Executive Director of the City Plan Department filed with the New Haven City Clerk for transmission to the Board of Alders a Petition requesting that the Board of Alders Amend the Text of the Zoning Ordinance concerning Business D-3 – Mixed Use/Central Business ("BD-3 District"; and

WHEREAS, on September 8, 2015 , pursuant to Article VII, Section 3L and Article XIII § 2 of the City of New Haven Charter, the Board of Alders referred the Petition to the New Haven City Plan Commission for a public hearing;

WHEREAS, on _____, the City Plan Commission, following their public hearing, rendered an advisory report to the Board of Alders after considering the factors set forth in Section 64(d)(2) of the Zoning Ordinance recommending approval of the Petition, City Plan Commission Report No. _____; and

WHEREAS, the Legislation Committee of the Board of Alders, following their public hearing on the matter, accepted the recommendation of the City Plan Commission and on _____recommended to the full Board with Favorable report that the Zoning Ordinance Text Amendment be adopted; and

WHEREAS, the Board of Alders finds that the Text Amendment to the Zoning Ordinance requested in the Petition is in accordance with the Comprehensive Plan of Development for the City of New Haven as such amendments will encourage intensive mixed use development as in other existing BD Zoning Districts and will connect the City's

business district with each other while providing for a transition between those districts and the adjacent areas; and

WHEREAS, the Board of Alders further finds that the Text Amendments to the Zoning Ordinance requested in the Petition are designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentrations of population, provide adequate provisions for all forms of transportation and other public requirements, reflect the character of the applicable zoning district and its peculiar suitability for the uses to be allowed in such district, conserve the value of existing buildings, and encourage the most appropriate use of land in the City; and

WHEREAS, the Board of Alders further finds that the Text Amendment to the Zoning Ordinance requested in the Petition is uniform for each class of buildings or structures within the BD-3 district and any zoning district to which such amendments will apply; and

NOW THEREFORE BE IT ORDAINED by the Board of Alders of the City of New Haven that the Text Amendment to the Zoning Ordinance set forth in the Petition of the Executive Director of the City Plan Department, and shown in Attachment C are hereby approved and that the Zoning Ordinance Text shall be amended in the manner set forth in Schedule C attached hereto which schedule is incorporated by reference. This Ordinance shall be effective on the day after the date of publication of this ordinance text amendment.

_____ Signed Date _____



NEW HAVEN CITY PLAN DEPARTMENT
165 CHURCH STREET, NEW HAVEN, CT 06510
TEL (203) 946-6378 FAX (203) 946-7815

Honorable Tyisha Walker,
President
Board of Alders
City of New Haven
165 Church Street
New Haven, CT 06510

Mr. Michael Smart
City/Town Clerk
City of New Haven
200 Orange Street
New Haven, CT 06510

Re: Petition to Amend the Zoning Ordinance Text of the BD-3 District (Central Business/Mixed-Use)

Honorable Ms. Walker and Mr. Smart:

I am pleased to submit for your Honorable Board's consideration a Petition for an Amendment to the Zoning Ordinance Text and a proposed Ordinance for the Board of Aldermen amending the Zoning Ordinance Text for the BD-3 District.

The Economic Development Administration of the City of New Haven, and the residents, institutions and business owners in the Hill worked diligently on the Hill to Downtown Plan for the revitalization of this strategically placed area. The City received a US HUD Challenge Grant to accomplish the plan and worked on it for over a year, collaborating with the Economic Development Corporation of New Haven, The Livable City Initiative, the City Plan Department and the Transportation Department. The Hill to Downtown is generally bounded by Union Avenue, by South Frontage Road (Route 34 Connector), Howard Avenue, Columbus Avenue, and Church Street South and includes Union Station, the Yale University School of Medicine, Yale New Haven Hospital, as well as the Church Street South houses and the Tower One Tower East housing complexes as well as other uses.

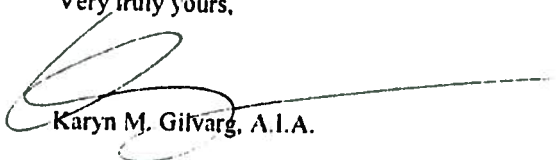
As envisioned, the Hill to Downtown Plan, when fully realized will greatly increase central New Haven's vitality and livability and provide significant new job generation as well as overall economic and fiscal benefit to the city. The plan makes use of the areas location near dense employment centers and a very busy rail station to encourage Transit Oriented Development. The community plan calls for a mixed-use, mixed-income environment with increases in density, some changes to public roads and a new public park at the center of the area. The plan recommends adding more housing, retail and services to the mix of uses in order to achieve a truly urban environment.

An important consideration of the plan was the pattern of building heights as the area transitions between the height and density of downtown, that of the medical and hospital area and the Hill neighborhood. The plan recommended keeping taller buildings in a corridor between the new proposed Lafayette Street alignment and the Downtown Crossing sites (Route 34) and also along northern Union Avenue with height limits ranging from 125 to 200 feet. Heights toward the center of the area and along Congress Avenue were recommended to be a range of 75 to 60 feet, with heights along Columbus Avenue which borders the Trowbridge Square area at 45 feet. As the Hill to Downtown Plan is implemented over time adjustments will be necessary; the proposed Lafayette Street re-alignment is not being implemented at this time; therefor the height restrictions proposed in reference to the new alignment cannot be implemented exactly as recommended.

The proposed text amendments to the BD-3 District, would implement a 70 foot height restriction on parcels which do not have frontage on the major streets: South Frontage Road, Church Street South, and the existing Lafayette Street as well as Congress Avenue and Washington Avenue between Lafayette and Liberty Street. Parcels fronting on only those streets would have no direct limit on height but would be subject to the existing FAR of 6.0 and the "step-back" requirements already in the BD-3 zone.

The proposed Zoning Ordinance Text Amendment makes sound land use and zoning sense and conforms to the recommendations of the Hill to Downtown Plan as well as the City's Comprehensive Plan.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Karyn M. Gilvarg', with a long horizontal line extending to the right.

Karyn M. Gilvarg, A.I.A.

cc: Matthew Nemerson Economic Development Administrator
Serena Neal-Sanjurjo, Executive Director, Livable City Initiative.

Attachment A: Petition to amend the Zoning Ordinance Text for BD-3 zone
Attachment B: Order to Amend the Zoning Ordinance Text
Attachment C: Zoning Ordinance Text: Existing and Proposed

I ATTACHMENT A
CITY OF NEW HAVEN
BOARD OF ALDERMEN

In re Petition of the City Plan Director of the
City of New Haven for Zoning Ordinance Text
Amendment for the Business D-3 -Mixed
Use/Central Business District

**PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE TEXT FOR
THE BD-3 DISTRICT: CENTRAL BUSINESS/MIXED USE**

Pursuant to 1925 Special Act No. 490, § 5, Article VI § 19 Article VII, § 3L and Article XIII § 2 of the Charter of the City of New Haven, and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the "Zoning Ordinance"), Petitioner, Karyn Gilvarg, Executive Director of the City Plan Department of the City of New Haven ("Petitioner"), hereby petitions the Board of Alders of the City of New Haven to amend the Zoning Ordinance Text for the Business D-3 – Mixed Use/Central Business.

In support of this Petition, Petitioner represents as follows:

1. The City of New Haven (the "City"), working through its Economic Development Administration including the Livable City Initiative, the Departments of City Plan, Transportation and Business Development and the Economic Development Corporation Inc., of New Haven has developed the "Hill to Downtown Community Plan" by working with residents, businesses and local institutions.

2. The Hill to Downtown Plan has been approved by the City Plan Commission as an amendment to the Comprehensive Plan of Development of the City January 15, 2014, City Plan Commission Report 1488-07.

3. The City now seeks to implement some of the recommendations in the Hill to Downtown Plan concerning additional mixed uses and regulating the height of building in certain areas.

4. The Petitioner has submitted a separate and accompanying Petition to change the Zoning Map for portions of the central area of the Hill to Downtown Plan area from BA –General Business to BD-3 Central Business Mixed Use.

5. If the Map change were to be enacted without this accompanying height limitation text, then the entire area to be re-mapped would not be subject to any height limitations other than those resulting from lot size and Floor Area Ratio limits.

6. The proposed text change allows taller building along the corridor paralleling Route 34, "Downtown Crossing", but restricts heights south of that corridor, in accordance with the Hill to Downtown Plan.

7. As required by Article VII Section 3L and Article XIII Section 2 of the City of New Haven Charter, the proposed Zoning Ordinance Text amendments are in accordance with the Comprehensive Plan of Development for the City of New Haven as such amendments will encourage intensive mixed use development and will connect the City's business districts with each other and with the medical district, while effecting a stepping down and transitioning in heights. As also required by, Article VII Section 3L and Article XIII 2, these amendments are designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and air,

prevent the overcrowding of land, avoid undue concentrations of population, provide adequate provisions for transportation and other public requirements, reflect the character of the applicable zoning districts and their peculiar suitability for the uses to be allowed in such districts, conserve the value of existing buildings, and encourage the most appropriate use of land in the City.

8. As required by of the City of New Haven Charter, the proposed amendments are uniform for each class of buildings or structures within the BD-3 district.

WHEREFORE, Petitioner requests that the Board of Alders approve the Text Amendments to the Zoning Ordinance Text for the BD- 3 District set forth in Schedule C

Respectfully submitted



Karyn M. Gilvarg
Executive Director, City Plan Department

ATTACHMENT B

ORDER RE: ZONING ORDINANCE TEXT AMENDMENT APPROVING ADOPTION OF AMENDMENTS TO THE BD-3 ZONE TEXT

WHEREAS, on September 4, 2015 , pursuant to 1925 Special Act No. 490, § 5, Article VII § 3L and Article VI §19 the Charter of the City of New Haven, and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the "Zoning Ordinance"), the Executive Director of the City Plan Department filed with the New Haven City Clerk for transmission to the Board of Alders a Petition requesting that the Board of Alders Amend the Text of the Zoning Ordinance concerning Business D-3 – Mixed Use/Central Business ("BD-3 District"; and

WHEREAS, on September 8, 2015 , pursuant to Article VII, Section 3L and Article XIII § 2 of the City of New Haven Charter, the Board of Alders referred the Petition to the New Haven City Plan Commission for a public hearing;

WHEREAS, on _____, the City Plan Commission, following their public hearing, rendered an advisory report to the Board of Alders after considering the factors set forth in Section 64(d)(2) of the Zoning Ordinance recommending approval of the Petition, City Plan Commission Report No. _____; and

WHEREAS, the Legislation Committee of the Board of Alders, following their public hearing on the matter, accepted the recommendation of the City Plan Commission and on _____ recommended to the full Board with Favorable report that the Zoning Ordinance Text Amendment be adopted; and

WHEREAS, the Board of Alders finds that the Text Amendment to the Zoning Ordinance requested in the Petition is in accordance with the Comprehensive Plan of

Development for the City of New Haven as such amendments will encourage intensive mixed use development as in other existing BD Zoning Districts and will connect the City's business district with each other while providing for a transition between those districts and the adjacent areas; and

WHEREAS, the Board of Alders further finds that the Text Amendments to the Zoning Ordinance requested in the Petition are designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentrations of population, provide adequate provisions for all forms of transportation and other public requirements, reflect the character of the applicable zoning district and its peculiar suitability for the uses to be allowed in such district, conserve the value of existing buildings, and encourage the most appropriate use of land in the City; and

WHEREAS, the Board of Alders further finds that the Text Amendment to the Zoning Ordinance requested in the Petition is uniform for each class of buildings or structures within the BD-3 district and any zoning district to which such amendments will apply; and

NOW THEREFORE BE IT ORDAINED by the Board of Alders of the City of New Haven that the Text Amendment to the Zoning Ordinance set forth in the Petition of the Executive Director of the City Plan Department, and shown in Attachment C are hereby approved and that the Zoning Ordinance Text shall be amended in the manner set forth in Schedule C attached hereto which schedule is incorporated by reference. This Ordinance shall be effective on the day after the date of publication of this ordinance

text amendment. _____ Signed

Date _____

ATTACHMENT C

Hill to Downtown Proposed Zoning Ordinance Text Amendments 9/8/2015

1. Amend Section 42, Table 3, Use Table, Part 4, "Medical or General and Special Inpatient Hospitals" as a permitted use in RD-1 District (K) to not permitted (X).

1. Amend section 43 (c) (5)

(5) In the BD-3 District, if the average height of a principal building exceeds 100 feet above average finished lot grade and if any portion of the principal building has frontage on College, Temple, Church, Church Street South, Lafayette, Washington or Congress or Orange Streets, then one 15-foot stepback of the upper levels of the building shall be required on the facade that fronts on such street, commencing no later than the point at which the height of the building is the same as the total of the width of the street that the building fronts on. The depth of the stepback need not be uniform, provided that at one point, the stepback is 15 feet from the front of the building facade at the floor immediately below the floor at which the stepback begins, and provided further, that the depth of the stepback area on the roof of the floor below the floor at which the stepback begins must be at least 250 square feet. If the principal building fronts on more than one such street, then only one stepback shall be required.

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2. Amend Section 43(i)(3)

(3) Transparent and active uses in the BD-3 District.

- a. Every nonresidential building and every mixed use building that faces College Street, Orange Street, Temple Street, or Church Street, Washington Avenue, Congress Avenue, or Church Street South, in whole or in part shall have, at minimum, 60 percent of the first floor facade between two feet and eight feet in height facing such street comprised of clear windows and/or doors that allow views of indoor space and/or product display areas.
- b. The first floor of the facade of every nonresidential building and every mixed use building that faces College Street, Orange Street, Temple Street, or Church Street, Washington Avenue, Congress Avenue or Church Street South between Columbus Avenue and South Frontage Road, shall contain uses which are active and involve the movement of persons in such spaces, including but not limited to restaurants, retail stores, art galleries, fitness centers, yoga studios, lobbies, dance or music studios, and personal services businesses
- c. Every nonresidential building and every mixed use building which faces Martin Luther King Boulevard or Legion Avenue/South Frontage Road in whole or in part shall have, at minimum, 30 percent of the first floor facade between two feet and eight feet in height facing such street comprised of clear windows and/or doors that allow views of indoor space and/or product display areas.

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3. Add Section 43(c)(7)

H to D Zoning Text Attach C

On any lot in located in a BD-1 or BD-3 District, located south of South Frontage Road, Rte 14, except for lots

a. directly abutting South Frontage Road, Rte 14, or

b. directly abutting Church Street South between Columbus Avenue and South Frontage Road, or

c. directly abutting Lafayette Street

d. directly abutting Washington Avenue or Congress Avenue between Lafayette and Liberty Streets

a maximum building height of 70ft is permitted.

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Referral 2.X: Town of Hamden

Subject:

Proposed Zoning Regulation Amendment pertaining to Section 670.5 – Temporary Moratorium on the Issuance of Zoning Permits for Student Housing

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

Background:

The Town of Hamden has proposed a zoning regulation amendment to Section 670.5 – Temporary Moratorium on the Issuance of Zoning Permits for Student Housing. The proposed amendment adds subsection 7, which extends the moratorium by an additional two months. This extension will allow the Commission to hold Public Hearings and make decisions regarding proposed amendments to the Zoning Regulations pertaining to student housing. The complete rationale for the proposed amendment is in the background section of the agenda packet.

Communication:

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



RECEIVED
TOWN OF HAMDEN

OCT 05 2015

PLANNING AND
ZONING DEPT.

Date of Filing 10-06-15

Fee Exempt

Date Paid _____

Receipt # _____

Application # 15-957

**TOWN OF HAMDEN
APPLICATION TO AMEND THE ZONING REGULATIONS**

Pursuant to Sections 702 – 702.12 of the Hamden Zoning Regulations

APPLICANT Hamden Planning & Zoning Commission TELEPHONE 203-287-7070
(Name)

ADDRESS Planning and Zoning Dept., Hamden Gov't. Center, 2750 Dixwell Ave. Hamden, CT 06518
(Street No and Name) (Town and State) (Zip Code)

EMAIL ADDRESS OF CONTACT PERSON: DKOPS@HAMDEN.COM

REGULATION TO BE: AMENDED ADDED or DELETED:

Article Number VI Section 670.5 Group Use _____
TEMPORARY MORATORIUM ON THE ISSUANCE OF ZONING PERMITS FOR STUDENT HOUSING
CURRENT LANGUAGE SEE ATTACHMENT 3

PROPOSED LANGUAGE SEE ATTACHMENT 1

REASON FOR PETITION FOR CHANGE SEE ATTACHMENT 2

Have there been any previous petitions for same or similar amendments? YES NO

If YES, list name of applicant The Hamden Planning and Zoning Commission approved a one year moratorium in 2014, later extended by six months. The proposed amendment would extend the moratorium by two months.

SIGNATURE OF
APPLICANT

 .
(Name)

TELEPHONE NO. 203-287-7070

MAILING ADDRESS Planning & Zoning Dept., Hamden Gov't. Center, 2750 Dixwell Ave, Hamden CT
06518

(Street No. and Name)

(Town and State)

(Zip Code)

If you require additional space to complete any of your answers, please attach to this document.

Attachment 1

Add the following text:

Section 670.5 Temporary Moratorium on the Issuance of Zoning Permits for Student Housing

1. In order to provide the Planning and Zoning Commission with adequate time to assess the impact of off-campus student housing on the health, safety and welfare of Hamden residents, and to adopt more appropriate regulations, a temporary, one-year, moratorium on the issuance of Zoning Permits for Student Housing is imposed from the effective date of this amendment

The moratorium applies to applications for new zoning permits submitted under the provisions of Sections 670 through 670.4, with the exception of ones for students living with one or more parents or legal guardians.

2. Dormitories administered by educational institutions, as described in Article VIII. Definitions and Abbreviations, are not subject to the Moratorium.
3. Applications for annual renewals of existing Zoning Permits for Student Housing are not subject to the Moratorium provided the renewal registration forms and fees are received by August 1, 2014.
4. The moratorium may be removed prior to the end of the one year period by an amendment to the Zoning Regulations.
5. The moratorium is further extended by an additional six months to allow additional time to complete the writing and adoption of amended regulations regarding student housing.
6. Applications in 2015 for annual renewals of existing Zoning Permits for Student Housing are not subject to the Moratorium provided the properties were properly renewed in 2014 and the 2015 renewal registration forms and fees are received by August 1, 2015.
7. **The moratorium is further extended by an additional two months to allow additional time for the Commission to hold Public Hearings and make decisions regarding proposed amendments to the Zoning Regulations concerning student housing.**

Attachment 2

Rationale for Proposed Text

Since 2005 the number of dwelling units with approved and active student housing permits has soared over 350% from 49 to 223, housing close to 900 students. The recent growth of student rental housing in Hamden's residential neighborhoods has unfortunately caused significant problems affecting the health, safety and welfare of Hamden residents in general, including noise, property maintenance and appearance, reduction in permeable surfaces, parking congestion, traffic, overcrowding and overall impact on quality of life.

Last year the Commission approved a one year moratorium in order to evaluate and improve the effectiveness of the current Zoning Regulations regarding both off-campus student housing (Sections 670 through 674) and colleges and universities (Section 668.2). Since that time the Commission has been exploring a variety of possible changes to the regulations and procedures governing student housing and approved an amendment to require Institutional Master Plans. The Commission will shortly be reviewing other proposed amendments to the Zoning Regulations governing Student Housing. The proposed two month extension of the moratorium is intended to allow the Commission time to complete its review of these amendments. The extension of the moratorium will not affect dormitories administered by educational institutions or student housing units that have valid zoning permits and/or renewals.

Attachment 3

Current Language in Section 670.5

Section 670.5 Temporary Moratorium on the Issuance of Zoning Permits for Student Housing

1. In order to provide the Planning and Zoning Commission with adequate time to assess the impact of off-campus student housing on the health, safety and welfare of Hamden residents, and to adopt more appropriate regulations, a temporary, one-year, moratorium on the issuance of Zoning Permits for Student Housing is imposed from the effective date of this amendment

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4. The moratorium may be removed prior to the end of the one year period by an amendment to the Zoning Regulations.
5. The moratorium is further extended by an additional six months to allow additional time to complete the writing and adoption of amended regulations regarding student housing.
6. Applications in 2015 for annual renewals of existing Zoning Permits for Student Housing are not subject to the Moratorium provided the properties were properly renewed in 2014 and the 2015 renewal registration forms and fees are received by August 1, 2015.

Adopted April 22, 2014, Effective May 15, 2014, Amended April 14, 2015, Effective May 15, 2015