To: Regional Planning Commission
From: Eugene Livshits, Senior Regional Planner
Subject: Thursday, March 8, 2018 RPC Meeting at 5:15pm at SCRCOG, 127 Washington Ave, 4th Floor West, North Haven, CT 06473

AGENDA

1. Administration

1.1. Minutes of the January 11, 2018 RPC Meeting

1.2. Minutes of the February 8, 2018 RPC Meeting

2. Action Items

2.1. City of West Haven: Proposed Zoning Regulation Amendments to Table 39.2 and Section 49.3 to establish standards for Adult Oriented Establishments. Submitted by: City of West Haven. Received: February 20, 2018. Public Hearing: March 27, 2018.


3. Other Business

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

MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, January 11, 2018 Meeting (5:40 pm at The Graduate Club, New Haven, CT).

Present: James Giulietti (2.2), David White, Michael Calhoun, Charles Andres, Jeffrey Kohan, Andrew Skolnick, Ralph Aschettino, Kevin DiAdamo, Sal Brancati (2.2), David Killeen (alternate to Kathleen Hendricks), Eugene Livshits

1 Administration

1.1 Minutes of the December 14, 2017 RPC meeting.

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

2 Statutory Referrals

2.1 Town of Woodbridge: Proposed Zoning Regulation Amendments to Section 3.1.2.1(2) regarding multiple-family dwellings in the GB District.

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.


2.2 Town of Orange: Proposed Zoning Regulation Amendments to Chapter 383 – Article XII Planned Residential Development (PRD) Regulations.

There was discussion and concerns raised in the potential increase of development intensity within the PRDs, and removing a requirement for sanitary sewers for sites in excess of 20 acres. In reviewing the potential locations of PRD developments it was determined that there would be no inter-municipal impacts.

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.

2.3 City of West Haven: Proposed Zoning Regulation Amendment to Section 39.2 regarding multi-family dwellings in the Neighborhood Business (NB) and Residential Planned Development (RPD) Districts

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.


3 Other Business

3.1 Nomination of Officers and Executive Committee Members:

Chairman: David White
Vice Chairman: Michael Calhoun
Secretary: Jeffrey Kohan

Executive Committee:
David White
Michael Calhoun
Jeffrey Kohan
Charles Andres
James Giulietti
Robert Roscow
Ralph Aschettino

Motion to accept slate of Officers and Executive Committee Members: Michael Calhoun. Second: Jeffrey Kohan. Vote: Unanimous

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

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, February 8, 2018 Meeting

Present: David White, Charles Andres, James Giuliani, Kathleen Hendricks, Andrew Skolnick, Jim Quish, Eugene Livshits

The Regional Planning Commission Meeting on February 08, 2018 did not have a quorum. The referrals were reviewed by consensus of the members present.

1 Administration

1.1 Minutes of the January 11, 2017 RPC meeting.

The approval of minutes from the January 11, 2018 meeting will be presented during the March 8, 2018 RPC Meeting.

2 Statutory Referrals

The statutory referrals were discussed and comments were determined by the consensus of the members present.

2.1 Representative Policy Board, South Central Connecticut Regional Water District: Proposed Application in accordance with Special Act 77-98, as amended, for the disposition of 1.84 acres located east of Summer Hill Road in Madison.

Background information was presented to the RPC and the Special Act 77-98 was discussed. It was determined that RPC Comment was not needed.

2.2 Town of Orange: Proposed Subdivision Application at 400 Narrow Lane.

Although there was not an official quorum at the meeting, by consensus of the members present, the RPC recommends that public officials from the Town of Orange and City of Milford consult with each other to address the provision of emergency services, drainage, wetlands, snow removal, and school bus pickups.

2.3 City of Shelton: Proposed Zoning Regulation Amendments to Section 45.6 Accessory Dwelling Units and Section 34.31 PDD Standards

Although there was not an official quorum at the meeting, by consensus of the members present, 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.

3 Other Business

An update was provided on the Regional Plan of Conservation and Development.
Referral 2.1: City of West Haven

Subject:

Proposed Zoning Regulation Amendments to Table 39.2 and Section 49.3 to establish standards for Adult Oriented Establishments

Staff Recommendation:

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

Background:

The City of West Haven submitted proposed zoning regulation amendments to Table 39.2 and Section 49.3 to establish standards for Adult Oriented Establishments. The types of businesses considered Adult Oriented Establishments are defined within the regulation. The proposal would allow adult businesses in LM and IPD Districts by Special Permit only. In order to be considered for a Special Permit, the proposed establishment may not be within 1,000 feet from any: residential zone; educational facilities serving persons age 17 or younger; liquor or package store; place of worship; or, another adult oriented establishment. The proposed use must also conform to all other applicable zoning regulations.

LM and IPD Districts are within 500 feet of Orange and/or New Haven.

Communication:

In researching this proposal, I notified the adjacent municipalities in the South Central Region.
February 20, 2018

TO: South Central Regional Council of Governments
    State of CT DEEP
    City of New Haven, City Clerk
    Town of Orange Town Clerk
    West Haven Harbor Management Commission

RE: Planning and Zoning Applications # ZR 18-003

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

Text Change Application – West Haven Planning and Zoning Commission Application
# ZR-18-003
• Applicant proposes several proposed text changes, affecting Table 39.2 and Section 49.3 of the West Haven Zoning Regulations to establish standards for and an approval process for Adult Oriented Establishments.

The West Haven Planning and Zoning Commission plans to hold a public hearing on this application on Tuesday, March 27, 2018 at 7:00 PM in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT.

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

Sincerely,

David W. Killeen
Assistant City Planner
1. Article and Section of Zoning Regulations

Application to: 1) Amend Table 39.2 to add 'Adult Oriented Establishment' as a Special Permit use in the LM and IPD Districts with notation that the use is subject to Special Permit approval of the Planning and Zoning Commission and 2) Add a new Section 49.3 to describe the conditions of approval for Adult Oriented Establishments.

2. What special condition or reason makes passage of this amendment necessary? There are currently no existing standards for approval of Adult Oriented Establishments. Adoption of the proposed amendments would establish standards for and an approval process for Adult Oriented Establishments.

3. What other circumstances (i.e., public health, safety or general welfare) would justify the amendment? Communities traditionally regulate the location and operation of Adult Oriented Establishments to reduce any potential conflicts with other community uses such as residential neighborhoods, schools, churches, etc.

4. Applicant Information

Name: Planning and Zoning Commission  
Firm: City of West Haven c/o David Killeen, Asst. Plan  
Address: 355 Main Street  
City: West Haven  
State: CT  
ZIP: 06516

Dated: February 20, 2018

Daytime Phone:  
□ Business  
□ Home  
□ Cell  
□ Fax  
□ E-mail: Dkilleen@westhaven-ct.gov

Signature of APPLICANT: [Signature]

5. Counsel Information

Name: Lee Tierman, Asst. Corporation Counsel  
Firm: City of West Haven  
Address: 355 Main Street  
City: West Haven  
State: CT  
ZIP: 06516

Daytime Phone:  
□ Business  
□ Home  
□ Cell  
□ Fax  
□ E-mail: Ltierman@westhaven-CT.gov

6. Provide Text of Proposed Change

Actual language of proposed text change is attached.

(Please additional sheets as necessary to provide the Planning and Zoning Commission with a complete set of amendments and a thorough understanding of the proposed changes.)

Rev 12-13/17
Proposed Regulation for Adult Oriented Establishments
City of West Haven

1. Amend Table 39.2, by adding a new use under Section E. Commercial as follows:

**Adult Oriented Establishment**

- List as ‘SP’ (Special Permit) in the LM and the IPD Districts with an “asterisk” beside the listing.
- List as ‘X’ (Not Permitted) in all other Commercial, Mixed Use, Industrial and Other District (NB, RB, RPD, RCPD, CBD, CD, SCR, SRR, WD, TOD, OS, PF, and PRD)
- At the bottom of the table, add:

  * Adult Oriented Establishments are subject to Special Permit approval of the Planning and Zoning Commission and the provisions of Section 49.3 of these Regulations.

2. Amend Table 39.2, by deleting “Adult Bookstore or similar facilities” as a listed use under Section M. Amusements.

3. Amend Section 49, Miscellaneous Provisions, by adding a new Section 49.3 as follows:

**Section 49.3 ADULT ORIENTED ESTABLISHMENTS**

**49.3.1 Definitions**
For the purpose of this regulation, the words and phrases used herein shall have the following meanings unless otherwise clearly or plainly required by context:

(1) “Adult Oriented Establishment” shall include:
   (a) Adult Cabaret
   (b) Adult Bookstore, Adult Novelty Store, Adult Video Store
   (c) Adult Motion Picture Theatre
   (d) Any commercial establishment that *regularly features* adult entertainment.

(2) “Adult Entertainment” means exhibition of motion pictures, displays, or live performances which are characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” as defined herein.

(3) “Adult Bookstore, Adult Novelty Store, or Adult Video Store means a commercial establishment which has a significant or substantial portion of its inventory (more than 25%), or derives a significant or substantial section of its sales and display space, to the sale or rental, for any form of consideration, if any one or more of the following:
   (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides or other visual
representations which are characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas”; 
(b) Instruments. Devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

For purposes of this definition, “significant or substantial portion” means twenty-five percent (25%) or more of the term modified by such phrase.

(4) “Adult Cabaret” means a nightclub, bar, juice bar, lounge, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features live conduct characterized by an emphasis on any specified anatomical areas, as defined herein.

(5) “Regularly features” means a consistent course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as part of the ongoing business of the sexually oriented business.

(6) “Adult Motion Picture Theatre” means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or “specified anatomical areas”, and defined below, for observation by patrons therein.

(7) “Adult Mini-Motion Picture Theatre” means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities, or “specified anatomical areas”, as defined below, for observation by patrons therein.

(8) “Entertainer” means any person who provides entertainment within an adult oriented establishment as defined by this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or as an independent contractor.

(9) “Minor” means a person under the age of eighteen (18) years.

(10)“Operator” means any person, or any proprietor, shareholder, general partner or limited partner who participates in the management or day-to-day operations and/or control of the establishment.

(11)“Sexual Activity”, as used in this regulation, is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art of photography publications which devote at least twenty-five percent (25%) of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons, when describing cultures in which nudity or semi-nudity is indigenous to the population.

(12)“Specified Anatomical Areas” means:

(a) Less than completely and opaque covered:
   i. Human genitals, pubic region;
   ii. Buttocks;
   iii. Female breasts below a point immediately the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely opaque covered.
(13) "Specified Sexual Activities" means and includes any of the following:
(a) Human genitals in a state of sexual stimulation or arousal;
(b) Sex acts, human masturbation of the clothed or unclothed genitals, sexual intercourse, or sodomy.

49.3.2 Location Requirements: Except as provided herein, no adult oriented establishment shall be permitted unless the following conditions exist:
(1) The premises for which an application for an adult oriented establishment has been made is not located within the following distances of pre-existing uses and zones:
   (a) 1,000 feet from any residential zone line boundary;
   (b) 1,000 feet from any public, private, or parochial educational facilities including licensed day care facilities which serve persons age 17 or younger;
   (c) 1,000 feet from a liquor or package store;
   (d) 1,000 feet from a place of worship
   (e) 1000 feet from other adult oriented establishment;
(2) The above distance shall be measured from the nearest public entrance of the proposed establishment to the nearest public entrance of the existing uses set forth in (b) to (e) above. In the case of subsection (a) above, the distance shall be measured from the nearest public entrance to the nearest residential zone lot line. All of the above distances shall be measured commencing from the nearest public entrance of the proposed establishment in a straight line to the nearest street right of way, then proceeding along said street right of way to a point perpendicular to the uses set forth in Section 49.3.2(1)(a) through (e) inclusive, thence proceeding in a straight line to the nearest public entrance or residential zone lot line.
(3) The proposed use must conform to the uses permitted in the underlying zone and to all other applicable zoning regulations. The submission of a complete application in accordance with the application form requirements shall be required.

49.3.3 Exterior Display: No adult oriented establishment shall be conducted in any manner so as to permit the observation of human genitals, sex acts, masturbation, sexual intercourse, or sodomy from a public right-of-way outside the establishment.

49.3.4 Severability: a) This Chapter and each section and provision of said chapter hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent of the City of West Haven Planning and Zoning Commission that if any provisions of said Chapter, or the application thereof to any person or circumstance if held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. b) No establishment will be allowed to engage in any activity that violates state law.
Referral 2.2: Town of Prospect

Subject:

Proposed Zoning Regulation Amendment to Section 4.7 Agricultural Uses regarding the keeping of small animals and fowl

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 Prospect submitted a zoning regulation amendment to Section 4.7 Agricultural Uses regarding the keeping of chickens. Current regulations require a minimum of 3 acres for the keeping, breeding, and raising of small animals (rabbits, etc.) and fowl (chickens, ducks, geese, etc.), with a maximum of 10 animals. The submitted revisions would allow the keeping of 3 female chickens (of any breed except Guinea Hens) on lots less than 1 acre. On lots between 1 and 3 acres, five female chickens (except Guinea Hens) would be permitted. Male chickens (roosters) would still be prohibited on less than 3 acres.

Prospect’s Residential zones are adjacent to the Town of Bethany.

The submitted referral also includes minor and/or administrative amendments to the following sections: 4.19.4; 12.7.4; 14.3; and 15.1.2.3.

Communication:
In researching this proposal, I notified the adjacent municipalities in the South Central Region.
February 22, 2018

Via Electronic Mail

Eugene Livshits (elivshits@scrcog.org)
South Central Council of Governments

Dear Mr. Livshits:

In accordance with Section 8-3b of the Connecticut General Statues please be advised that the Prospect Planning and Zoning Commission has scheduled a public hearing for Wednesday, March 21, 2018 at 7:45 p.m. in the Prospect Town Hall, 36 Center Street on the proposed revisions to the Prospect Zoning Regulations as attached.

Comments on the proposed revisions are welcome to be made at the hearing or submitted in writing for receipt into the record.

If you have any questions, please contact the Land Use Office at (203) 758-4461.

Sincerely,

Rosalyn B. Moffo
Planning & Zoning Clerk

Attachment
Proposed Text Amendments Prospect Zoning Regulations

*****Bold Proposed Changes*****

Article 4 Supplementary Regulations

Section 4.7 Agricultural Uses
a) Keeping, Breeding & Raising of Livestock

Existing
Section 4.7.6 Small Animals (rabbits, etc) or fowl (chickens, ducks, geese, etc) or a combination totaling not more than ten (10) a lot of three (3) acres or more is necessary for keeping, breeding, and raising of small animals for domestic, non-commercial use. All items listed in Section 4.7.2 shall be required. A lot of three (3) acres or more is necessary for the keeping, breeding and raising of swine.

Proposed:
Section 4.7.6 Small Animals (rabbits, etc) or fowl (chickens, ducks, geese, etc) or a combination totaling not more than ten (10) on a lot of three (3) acres or more is necessary for keeping, breeding, and raising of small animals for domestic, non-commercial use except 3 female chickens of any breed except Guinea Hens may be kept on a lot less than one acre in size. Male chickens (roosters) are prohibited on less than 3 acres. On one acre to three acres, five female chickens except Guinea Hens are permitted. All items listed in Section 4.7.2 shall be required. A lot of three (3) acres or more is necessary for the keeping, breeding and raising of swine.

Section 4.19 Gateway Overlay Districts
Section 4.19.4 Gateway Overlay District Site Development Standards

Existing:
a. Facades and rooflines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.

Proposed:
a. Rooftines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.
Article 12 Special Zoning Permits

Existing
Section 12.7.4 Notice: Notice of the time and place of such hearing shall be paid for by the applicant and published in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Prospect at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before such hearing. Notice of the public hearing shall be mailed by the applicant by certified mail with return receipt requested no later than ten (10) days before such hearing to all owners of property, as recorded in the office of the Town Assessor on the date the application is filed, located within 200 feet of the property which is the subject of the application. In the case where any property within 200 feet of the property that is the subject of the application has been submitted to common interest ownership, such as a condominium, the required notice need only be sent to the homeowners association and to those owners of buildings or dwelling units located within such 200 feet. Evidence of such mailing and a list of property owners to whom notices were sent shall be presented to the Land Use Office at or before the public hearing.

Proposed:
Section 12.7.4 Notice: Notice of the time and place of such hearing shall be paid for by the applicant and published in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Prospect at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before such hearing. The applicant shall mail notice of the public hearing by certificate of mailing no later than ten (10) days before such hearing to all owners of property, as recorded in the office of the Town Assessor on the date the application is filed, located within 200 feet of the property, which is the subject of the application. In the case where any property within 200 feet of the property that is the subject of the application has been submitted to common interest ownership, such as a condominium, the required notice need only be sent to the homeowners association and to those owners of buildings or dwelling units located within such 200 feet. Evidence of such mailing and a list of property owners to whom notices were sent shall be presented to the Land Use Office at or before the public hearing.
Article 14
Zone Changes and Amendments

Existing
Section 14.3 Notice: Notice of the time and place of such hearing shall be paid for by the applicant and published in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Prospect at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before such hearing, and a copy of such proposed regulation or boundary shall be filed in the office of the Land Use Inspector and the office of the Town Clerk for public inspection at least ten (10) days before such meeting. Notice of the public hearing shall be mailed by the applicant by certified mail with return receipt requested no later than ten (10) days before such hearing to all owners of property, as recorded in the office of the Town Assessor on the date the application is filed, located within 200 feet of the property which is the subject of the application. In the case where any property within 200 feet of the property, which is the subject of the application, has been submitted to common interest ownership, such as a condominium, the required notice need only be sent to the homeowners' association and to those owners of buildings or dwelling units located within such 200 feet. Evidence of such mailing and a list of property owners to whom notices were sent shall be presented to the Land Use Office at or before the public hearing.

Proposed
Section 14.3 Notice: Notice of the time and place of such hearing shall be paid for by the applicant and published in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Prospect at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before such hearing, and a copy of such proposed regulation or boundary shall be filed in the office of the Land Use Inspector and the Office of the Town Clerk for public inspection at least ten (10) days before such meeting. The applicant shall mail notice of the public hearing by certificate of mailing no later than ten (10) days before such hearing to all owners of property, as recorded in the office of the Town Assessor on the date the application is filed, located within 200 feet of the property, which is the subject of the application. In the case where any property within 200 feet of the property, which is the subject of the application, has been submitted to common interest ownership, such as a condominium, the required notice need only be sent to the homeowners' association and to those owners of buildings or dwelling units located within such 200 feet. Evidence of such mailing and a list of property owners to whom notices were sent shall be presented to the Land Use Office at or before the public hearing.
Article 15 Zoning Board of Appeals

Existing:
Section 15.1.2 Variances
Section 15.1.2.3 Surrounding property owners within one hundred (100) feet of the boundaries of the property that is the subject of the pending application shall be notified by certified mail by the applicant of the time, date and place of the impending public hearing. Said certified mailings(s) shall be mailed between ten (10) and fourteen (14) days prior to the public hearing date. The applicant or the applicant’s agent shall execute an affidavit of the certified mailings and file said affidavit at least three (3) business days prior to the hearing with the Land Use Office and provide evidence at the time of the public hearing of certificate of mailing receipts or returned receipts to the commission as part of the applicant’s record.

Proposed
Section 15.1.2 Variances
Section 15.1.2.3
Surrounding property owners within one hundred (100) feet of the boundaries of the property that is the subject of the pending application shall be notified by mail by the applicant of the time, date and place of the impending public hearing. **Said mailings(s) shall be mailed by certificate of mailing between ten (10) and fourteen (14) days prior to the public hearing date. The applicant or the applicant’s agent shall** provide evidence at the time of the public hearing of certificate of mailing receipts to the **Board** as part of the applicant’s record.
Referral 2.3: Town of North Haven

Subject:

Proposed Zoning Regulation Amendment to create Section 5.1.3.17 to establish Independent Living Facilities as a use in IL-80 Districts

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 submitted a zoning regulation amendment to create Section 5.1.3.17 to establish Independent Living Facilities with Supportive Services (ILFSS) as a use in IL-80 Districts. This amendment is similar to one that was reviewed by the RPC in June 2017. Changes made to the regulation since the previous iteration include allowing ILFSS as a use permitted only in IL-80 by Special Permit, rather than as an Overlay Zoning District allowable in any zone. The Bulk requirements were modified to require density, maximum height, and setbacks that are equal to or less intensive than those already permitted in IL-80. The amendment also includes an affordable housing component, requiring a minimum of 10% of the dwellings to be deed restricted as affordable.

ILFSS would “offer congregate living arrangements with supportive services to persons for whom at least one is over the age of 55.” Certain accessory uses would also be permitted, including beauty and barber salons, recreational, physical fitness, food services, medical services, and adult day care services, which will exclusively serve the residents of the facility. Minimum lot size is 14 acres, with no more than 15 units per acre. Studios are limited to 20% of total number of units in a development. The minimum number of parking spaces is 1 per dwelling unit, with 1 additional space provided for every 300 square feet of building area for supportive or accessory use. Each ILF must provide at least 1 acre of outdoor recreation area. Further details can be found in the agenda packet.

IL-80 Zones are within 500 feet of the Town of Hamden.

Communication:
In researching this proposal, I notified the adjacent municipalities in the South Central Region.
22 February 2018

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

Re: Proposed Amendment to the North Haven Zoning Regulations
Add Section 5.1.3.17 to establish Independent Living Facilities with Supportive Services as a use in IL-80 Zoning Districts.

Dear Mr. Livshits,

In accordance with Connecticut General State Statutes, enclosed please find a copy of the above referenced proposed amendment to the North Haven Zoning Regulations.

A Public Hearing for this application is scheduled for 2 April 2018.

Very truly yours,

[Signature]
Alan A. Fredrickson
Land Use Administrator
AAF/lh
Enclosures

cc: Michael J. Freda, First Selectman
    V. Carlson, Chairman, Planning & Zoning Commission
TOWN OF NORTH HAVEN
PLANNING AND ZONING COMMISSION
APPLICATION FORM
(Only one item per form)

ADDRESS OF BUILDING OR BLOCK MAP, BLOCK & LOT NUMBER

ZONE

TOTAL SQUARE FOOTAGE

THIS APPLICATION IS FOR AND MUST INCLUDE THE FOLLOWING:

- Site plan approval (Submit 14* copies of the site plan) ▶ 1 original and 14 copies of the application
- Certified A-2 Survey
- 2 copies of Bond Estimate Form
- Cite the regulation that permits proposed use

* 14 PLANS @ 24" x 36"

TITLE OF PLAN:

Date and most current revision date of plan:

CAM site plan review (Submit 14* copies)

X Amend zoning regulations 5.1.3.17 (new) Section to be amended (Submit 8 copies of proposed amendment)

Proposed zone change (Submit 14* copies of location map)

Special Permit

Fill permit (Submit 14* copies)

Excavation permit (Submit 14* copies)

Permit to grade or regrade the property (Submit 14* copies of a certified plan showing existing grades and proposed grades)

ANSWER ALL QUESTIONS THAT ARE APPLICABLE OR WRITE N/A:

Does the property for which this application is submitted:
- Lie within 500' of an adjoining municipality or will traffic or water drainage impact an adjoining municipality
- Lie within the Coastal Area Management boundary
- Contain any wetlands and/or watercourses
- Lie within the Aquifer Protection Zone
- Lie within the Channel Encroachment Zone
- Lie within the floodplain or floodway
- Lie within 50' of the Quinnipiac River or Muddy River

ENGINEER'S NAME

The Bradley Home, Inc.

c/o Ceneviva Law Firm 721 Broad St., Meriden, CT

APPLICATION FORM

(203) 237-8808 (203) 237-4240

Applicant’s Phone Number Fax Number

Print Applicant’s Name Print Owner’s Name

APPLICATION FORM

Owner’s Address

Owner’s Phone Number

Owner’s Signature

APPENDIX

RECEIVED

FEB 22 2018

Applicant’s Signature

APPENDIX

FEB 22 2018

Engineer’s Signature

APPENDIX
The Undersigned, BRADLEY HOME, acting through its attorney, Dennis A. Ceneviva, Esq., hereby submits THIS PETITION to the North Haven Planning & Zoning Commission to AMEND the text of its Zoning regulations in accordance with the proposal set forth on the attachment hereto entitled “Proposed Zoning Text Amendment”.

THE BRADLEY HOME-
PETITIONER

By Dennis A. Ceneviva, Esq.
Ceneviva Law Firm, LLC
721 Broad Street
Meriden, CT 06450
203-237-8808 (phone)
203-2374240 (fax)
dennis@cenevivalaw.com

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FEB 22 2018
TOWN OF NORTH HAVEN
LAND USE AND DEVELOPMENT
NORTH HAVEN PLANNING & ZONING COMMISSION
PROPOSED ZONING TEXT AMENDMENT

(PROPOSED PURSUANT TO SECTION 14.3 OF THE NORTH HAVEN
ZONING REGULATIONS)

The Amendment makes the changes suggested by the Commissioners at the September 18, 2017 Special Meeting involving an earlier iteration of the text amendment. The major revision is that the Independent Living Facilities with Supportive Services Use is no longer proposed as an Overlay Zoning District, but, rather, as a Use permitted only in the IL-80 Zone by Special Permit.

Additionally, the Bulk requirements were modified to reflect a reduction in density (and a lesser density than is already permitted in the IL-80 Zone in Section 5.1.1.4 for hotels, apartment hotels and motels, which is 22 units/acre), a maximum height which is lower than the maximum height of 60 feet permitted for other uses in the IL-80 Zone (per section 5.2.2), and setbacks consistent with this Zone. There is also added a requirement of Phasing the construction of the Dwelling units into at least two (2) Phases in order to minimize any negative impact on the absorption of such units in the market.

Further, there is no provision for the Re-adaptive Use of existing buildings in the IL-80 Zone for this use. There is also greater clarity provided with respect to the Supportive services contemplated herein; none will be offered to anyone other residents of the ILF.

Finally, based on the reason for denial of the previously filed text amendment of a similar nature on December 11, 2017, this proposal now includes an AFFORDABLE HOUSING component pursuant to Section 8-30g of the CT General Statutes, and provides for a “cap” on the total number of Independent Living Units to be built on any one (1) parcel, irrespective of the lot size and area.
AMENDMENT CREATING SECTION 5.1.3.17

Section 5.1.3.17 Independent Living Facilities With Supportive Services (ILFSS)

A. PURPOSE. The purpose of this section is to provide a mechanism for the approval in the IL-80 zoning district for

1. Independent living facilities (ILF) that offer congregate living arrangements with supportive services to persons for whom at least one (1) is over the age of fifty-five (55);
2. The development of ILF in a manner that considers environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas.
3. The development of ILF in a series of no fewer than two (2) Phases in order to ensure that the development of the total number of dwelling units requested is built over a period of time consistent with the absorption of that number of dwelling units in the market.

B. PERMITTED USES.

1. Permitted uses shall be Independent Living facilities as well as accessory uses that are intended and designed as supportive services for the maintenance and/or operation of the Independent Living Facility and/or the use of its residents.
2. Accessory and incidental commercial uses including, but not limited to, the following: beauty and barber salons; recreational, physical fitness and therapy services; food services: library; bank automated teller machine; management offices; adult day care or adult day health facility within the facility is allowed, provided the supportive uses are exclusively to serve the residents of the facility. There shall be no external advertising or signs related to any internal supportive use.

C. DEFINITIONS. Within this Section, the following terms shall have the following meanings:

1. Applicant: The person or persons, including a corporation or other legal entity, which applies for issuance of a Special Permit hereunder. The Applicant shall own, or be the beneficial owner of, all the land included in the proposed site, or have authority from the owner(s) to act for him/her/it/Them or hold an option or contract duly executed by the owner(s) and the Applicant giving the latter the right to acquire the land to be included in the site; the Owner (or Owner's representative) of such land must also sign the Application.

2. Bedroom: A separate room or distinct sleeping area intended for, or which customarily could be used for sleeping.

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3. **Dwelling Unit**: A residence, including studio units. Each residence shall contain a living area, bathroom and, except in studio units, one (1) or more bedrooms, and may contain a kitchen area or combination kitchen/living area.

3. **Independent Living Facility (ILF)**: A facility reserved by deed for occupancy by at least one (1) person over the age of fifty-five (55) who is able to care for themselves, but with some common facilities incorporating supportive services as described herein.


**D. Special Permit.** The development of an ILFSS may be permitted upon the issuance of a special permit by the Planning & Zoning Commission and upon site plan approval pursuant to all applicable regulations, based on the following **Standards for ILFSS Special Permit**.

1. Requirements for lot and Bulk design criteria applicable to such Facilities:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Criteria</th>
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<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>fourteen (14) acres</td>
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<tr>
<td>Maximum Density Dwelling Units per acre</td>
<td>15</td>
</tr>
<tr>
<td>Maximum Number of Dwelling Units per Phase</td>
<td>125</td>
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<tr>
<td>Maximum Number of Dwelling Units per site</td>
<td>200</td>
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<tr>
<td>Minimum lot width</td>
<td>250 ft.</td>
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<tr>
<td>Minimum Front and Rear Yards</td>
<td>75 ft.</td>
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<tr>
<td>Minimum Side Yards</td>
<td>50 ft</td>
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<tr>
<td>Maximum Lot coverage for all Buildings (excludes paved areas)</td>
<td>20%</td>
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<tr>
<td>Maximum Height</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Floor Area per ILF Unit, Sq. Feet</td>
<td>500 (studios)*</td>
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<td>750 (1 or two bedrooms)</td>
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</tbody>
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*Studies shall be limited to a maximum of 20% of total number of units in a development.

2. **Buffer.** A buffer area of twenty-five (25) feet shall be provided at the perimeter of the property on all sides except street frontage and except for driveways perpendicular to the main road necessary for access and egress to and from the site.
No non-invasive vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The Planning & Zoning Commission may waive the buffer requirement (i) where the land abutting the site is the subject of a permanent restriction for conservation or recreation so long as a buffer is established of at least twenty-five (25) feet in depth which may include such restricted land area within such buffer area calculation; or (ii) where the land abutting the site is held by the Town for conservation or recreation purposes; or (iii) the Planning & Zoning Commission determines that a smaller buffer will suffice.

3. Parking. The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces provided on the site shall be one (1) parking space per dwelling unit in an ILF to accommodate the occupants. Additionally, one (1) parking space shall be provided for every 300 square feet of building area being used by supportive or accessory users. The Planning & Zoning Commission may increase or decrease the required parking by up to ten (10%) percent to serve the needs of employees, visitors and service vehicles based on a parking study provided by the Applicant. The use of attractive fencing, hedges, walls, or landscape berms to define parking areas is required. Pedestrian access is to be taken into consideration in parking lot design.

4. Utilities. All electric, gas, telephone, and water distribution lines shall be placed underground, except upon a demonstration of exceptional circumstances.

5. Paths. Paths for the use of residents shall be attractively designed with proper regard for convenience, separation of vehicular and pedestrian traffic, adequate connectivity, completeness of access to the various amenities and facilities on the site and to pathways on adjacent sites.

6. Design and Architectural Character.

   a. Massing and Style. Building massing and style shall be distinctively residential in character.

   b. Roofs. Material shall be consistent with the architecture of the building.

   c. Façade Element. Design of any newly developed façade shall be highly detailed and articulated to be compatible with the scale and sensitivity to the residential uses of the project. Facades should have a well-defined foundation, a modulated wall element, and pitched roof or articulated cornice that defines the character of the building.

   d. Entrances. Building entrances shall comply with all current accessibility regulations however the use of ramps and lifts is discouraged. Buildings should be designed with entrances that are barrier free for the intended residential or supportive services uses.
7. An ILF may consist of a single building or multiple buildings.

8. Structures and uses accessory to the ILF may also be provided within the same building, including, but not limited to, the following: beauty and barber salons; recreational, physical fitness and therapy services; library; bank automated teller machine; management offices; adult day care, blood-drawing stations; hospice residence; food service; laundry and covered parking areas; provided, however, that such accessory uses and structures shall be designed for the exclusive use of the residents and staff of the ILF. Such accessory uses shall have no exterior advertising display.

E. **Outdoor Recreation.** Each Independent Living Facility must provide at least 1-acre total of outdoor recreation area(s), creatively designed and shielded from heavy traffic.

F. **Affordable Housing in ILFSS Developments.** A minimum of ten percent (10%) of the dwelling units in any ILFSS development must be deed restricted as affordable units in accordance with the provisions of Connecticut General Statutes Section 8-30g. A dwelling unit that is restricted in rental costs so as to be affordable to households earning no more than eighty percent (80%) of the area median household income as calculated by the U. S. Department of Housing and Urban Development (HUD). The deed restrictions shall be for a minimum of forty (40) years. All affordable dwelling units shall be constructed of a similar quality as market rate dwelling units within the ILFSS. In conjunction with an application for Site Plan approval, the applicant shall submit an “Affordability Plan” for the ILFSS development. The Affordability Plan shall describe how the regulations governing the affordability of the Affordable Units will be administered. The Affordability Plan shall include provisions regarding notice of the availability of the Affordable dwelling units, procedures for verification and periodic confirmation of household income, and compliance with other affordability requirements.

G. **Application.** An application for a Special Permit, in accordance with the process and procedure as stated in the Town’s Zoning Regulations, for a site entirely within the IL-80 Zone shall be submitted to the Planning & Zoning Commission on forms furnished by the Commission.