

**APPLICATION TO AMEND ZONING REGULATIONS
OF THE TOWN OF BEACON FALLS
ARTICLE II, SECTION 22
PROPOSED Planned Residential Development (PRD) Regulations**

22.0 Purpose.

The purpose of the planned residential development (PRD) regulations is to encourage the provision of affordable housing by providing opportunities for a diversity of housing types and sizes, especially for the elderly and young families, consistent with soil types, terrain, infrastructure capacity and available services. A minimum of 30% of housing dwellings must be deed restricted as affordable units for a minimum period of 40 years.

22.1 Qualifying standards.

Parcels of land will be considered for a planned residential development special use approval only if they comply with the following qualifying standards:

- A. Zoning district: The parcel shall be located in a zoning district which permits PRD development as a special use. PRD development is prohibited in the State Forest District (SF), Industrial District No. 1 (I-1) and the Industrial Park District (IPD) zones.
- B. Site size:
 - (1) The minimum site size for a planned residential development is thirty (30) acres.
 - (2) The maximum site size for a planned residential development is fifty (50) acres.
- C. Sanitary sewers and public water: A PRD will only be considered for a special use approval if the proposed units will be connected to public sanitary sewers and if the proposed units will be connected to the public drinking water system.
- D. All utilities shall be installed underground.
- E. Developments containing twenty-four (24) or more dwelling units shall have at least two connections to a public road. One connection shall have a pavement width of at least twenty-four (24) feet and a lot of area width of at least fifty (50) feet. The second connection may be for emergency vehicles only. Developments of less than twenty-four (24) units shall have at least one connection that meets the twenty-four (24) foot/ fifty (50) foot standards described above.
- F. An affordable housing application seeking a change of zone shall include the submission of a conceptual site plan describing the proposed development's total number of residential units and their arrangement on the property and the proposed development's roads and traffic circulation, sewage disposal and water supply.

22.2 Allowed PRD uses.

- A. A PRD development must qualify as either a "set aside development" or as "assisted housing" as defined in Conn. Gen. Stat. §8-30 (g).
- B. Single-family detached dwellings as restricted by this article.
- C. Uses customary incidental and subordinate to the above uses when located on the same lot, such as tenant amenities and facilities management office, clubhouse, pool house or recreational facility, including an inground pool.
- D. Retention/detention ponds.
- E. Underground utilities and any necessary structures required to maintain the minimum required water pressure for fire suppression.
- A. Parking. Parking shall be provided at a minimum of one and three quarters (1 $\frac{3}{4}$) spaces per dwelling unit. Parallel parking is permitted on internal roadways, but parking spaces shall be located at least twenty (20) feet from any property line.
- F.

22.3 Limitations on parcel size and number of PRD units to be authorized.

In order to allow for the orderly provision of municipal services and so as not to overburden the infrastructure capacity of the town, and so as not to have an undue concentration of housing units, the following limitations will apply:

- B. There will be a maximum of 350 housing units authorized in accordance with this article from January 2021 until December 31, 2031.
- C. No more than 109 units may be built on any one qualifying site.
- D. A density of no greater than 1.9 units per acre.
- E. Open Space. At least fifty Percent (50%) of the lot area shall be reserved as open space for the benefit of the residents of the PRD. Open space shall include all pervious lot area, provided however, it shall specifically exclude parking spaces, drive aisles and vehicular access areas. Open Space shall be designated on the site plan and distributed throughout the project in a reasonably uniform manner so that all residents may benefit.
- F. Signs. Two freestanding signs having an area not to exceed fifty (50) square feet identifying the development are permitted. In addition, there may be one ground sign or wall sign per building, not to exceed an area of ten (10) square feet except that a sign identifying a community building may be up to thirty (30) square feet. Street name and directional signs are allowed as needed.

- G. Landscaping. All areas not covered by either a principal or accessory building or pavement shall either be left in its natural state or shall have a ground cover of grass or planting sufficient to prevent wind or water erosion and present a pleasing experience.
- H. There shall be a storm drainage system which shall collect, carry off and dispose of surface water runoff. On-site detention shall be required only if the increase in storm water runoff cannot be accommodated by the storm drainage system as it exists or may be improved by the applicant.

22.4 Planning and design standards.

A. Height, area and bulk:

- (1) Principal Buildings shall be no more than three (3) habitable stories, excluding basements and garages, and forty-five (45) feet high. Accessory structures shall not exceed a height of twenty-five (25) feet. Building height is measured as the vertical distance from the average finished ground surface elevation to the roof's highest point.
- (2) Impervious surface coverage shall not exceed 30% of the site area.
- (3) The maximum building floor area to site area ratio (FAR) shall not exceed 30%.
- (4) All common areas are to be maintained by the property owner, if a rental community, or by an association of unit owners, or a designee.
- (5) Detailed utility structures such as dumpsters, air conditioning units, transformers and the like shall be enclosed by buildings, embankments, fences, walls, plantings, or otherwise screened from pedestrian view. There is no maximum height for retaining walls.

B. Building setbacks:

- 1. Buffer areas: Principal buildings shall be set back at least twenty (20) feet from each other or from the curb of any internal roadway. The required front yard shall be sixty (60) feet from the property line, the required rear yard shall be seventy-five (75) feet from the property line, and the required side yard shall be thirty-five (35) feet from the property line. Side and rear yards that abut a residential zone shall contain a landscaped or natural buffer area of at least fifteen (15) feet in width. The buffer shall provide a reasonably opaque barrier to a height of at least six (6) feet. Provided, however, the foregoing landscaped, or natural buffer area requirement shall not apply to the first one hundred (100) linear feet on either side of a vehicular accessway.
- 2. The minimum floor area for a housing unit shall be 1,500 sq./ft. The square footage of a garage shall not be included in calculating the minimum floor area for a housing unit.

3. Residential buildings shall maintain a front yard and a rear yard setback of 25 feet from any public or private roadway.
4. Residential buildings shall be separated by at least 30 feet from any other residential building on the same site. If, however, any facing walls contain a window or door, such distance shall be increased by one foot for each two feet of height of the higher facing wall above the lowest adjacent ground elevation thereto. Any walls which are facing at an angle of 30° or less shall be considered facing walls. Enclosed stairwells and similar architectural appurtenances shall be considered as part of the wall and shall maintain the required setback

22.5 Building standards.

- A. Deed restricted affordable units shall be substantially similar to non-price-restricted units in terms of building design, materials and finish quality.
- B. Utilities shall be buried underground unless this requirement is waived by the Plan and Zoning Commission due to site conditions.
- C. Building height shall be determined for compliance with this article as the distance between the lowest existing elevation of a finished floor elevation to the top of the roof peak.
- D. In accordance with Conn. Gen. Stat. §§ 30-269 and 30-273, at least ten percent (10%) of all dwelling units in a PRD shall be accessible to and adaptable for persons with disabilities or handicaps as defined in the Americans with Disabilities Act, 42 U.S.C. §12101 and the Federal Fair Housing Act, 42 U.S.C. §3600.

22.5.1 Recreational Facility

A recreational facility that includes a playing field and a gated and fenced pool area shall be included in any PRD proposal.

22.6 Parking requirements.

- A. Number of spaces: 2.0 spaces per unit
- B. One additional parking space must be provided for each 100 square feet of recreational building floor area.
- C. The Plan and Zoning Commission may reduce the required parking if it is determined by the Commission that lesser parking will adequately serve a proposed use.
- D. Any open parking areas, excluding garage driveway pads, must be set back a minimum of 15 feet from all sides of dwellings.
- E. Parking which serves more than one unit may not have as its only egress

backing out onto a public street.

- F. Adequate, unobstructed space shall be provided for snow clearance of parking spaces. Provision shall be made for adequate storage of cleared snow.
- G. All parking areas shall comply with the landscaping provisions of these regulations. In addition, parking areas will be screened from the street and adjoining neighbors by a landscaped treatment of at least four feet in height.
- H. Driveways shall not constitute parking spaces in determining conformance to parking standards.

22.7 Landscaping and open space requirements.

- A. All PRD areas shall contain a buffer strip at least 25 feet wide planted to substantially screen the perimeter buildings and parking in the planned residential area from neighboring areas.
- B. A preliminary landscape plan must be submitted with the initial residential plan and a final landscape and planting plan submitted with the final residential plan.
- C. To the greatest extent possible, all mature trees should be retained on the site. Street trees (minimum three-inch caliper) shall be planted on thirty-foot centers. The street trees shall be planted outside the right-of-way.
- D. Utility terminal boxes and connections placed aboveground shall be adequately landscaped to screen them from view and shall be shown on the initial and final residential plans.
- E. Existing mature vegetation on the site shall be retained in areas not disturbed by construction. In areas disturbed by construction, or in areas where existing vegetation is sparse, new plant material (trees, shrubs) shall be provided as follows:
 - (1) Shade trees, evergreen trees and flowering trees shall be planted in, or adjacent to, parking areas. At least one tree shall be planted for each three spaces, or fraction thereof, in locations approved by the Plan and Zoning Commission.
 - (2) Trees and shrubs shall be planted around foundations and between structures in a manner approved by the Plan and Zoning Commission.
- F. All landscaped areas shall be served by underground water sprinklers, unless this requirement is waived by the Plan and Zoning Commission.
- G. Usable open space:
 - (1) At least 400 square feet per dwelling of usable open space shall be provided in all districts.
 - (2) Usable open space must include at least one contiguous area with the

smallest dimension being at least 65 feet.

22.8 Affordable housing definition and eligibility.

Each PRD shall constitute a "set aside development" or "assisted housing" as defined in Connecticut General Statute 8-30 (g).

- A. Individuals and Families eligible for affordable housing units will have an income, at the time of execution of a contract of sale or lease agreement, that does not exceed 80% of the lesser of the median family income for the New Haven/Meriden Metropolitan Statistical Area (MSA) or the median income for the State of Connecticut as established on an annual basis by the U.S. Department of Housing and Urban Development (HUD).
- B. At least half of the affordable dwelling units shall be set aside for individuals or families with incomes no more than 60% of the median income as determined in accordance with Connecticut General Statute 8-30 (g).
- C. In determining whether an applicant for an affordable housing unit meets the qualifying criteria, the same factors and methods of calculations used by the United States Department of Housing and Urban Development in determining the area median household income shall be used.
- D. An "affordable housing unit" is a dwelling which, if for sale, is offered at a purchase price, or, if for rent, is offered at a contract rent, excluding utilities, that is affordable to households whose income, after adjustment for family size, is at or below 80% of the lesser of the median income of the New Haven/Meriden MSA or the median income of the State of Connecticut as determined by the United States Department of Housing and Urban Development.
- E. The unit will be considered affordable to households meeting the income criteria if the household will not have to spend more than 30% of their monthly income for housing.

22.9 Procedure for considering planned residential development proposals.

- A. All PRD's shall be considered special uses subject to requirements and procedures of this article and Article V, Section 52 of the Beacon Falls Zoning Regulations.
- B. A PRD shall be approved only in conjunction with the approval of an initial residential plan (IRP) and a final residential plan (FRP) for the entire parcel by the Plan and Zoning Commission.
- C. The Plan and Zoning Commission shall charge a fee, as may be amended from time to time, to cover review costs of PRD submissions.
- D. The initial and final residential plans must be developed by either a professional engineer, architect, registered landscape architect, registered land surveyor or a professional planner, or any combination of such professionals, each to limit himself/herself to his/her particular area of expertise.

22.10 Initial residential plan (IRP) submission.

- A. An initial residential plan (IRP) shall be submitted to the Plan and Zoning Commission. A complete application shall include:
- (1) A map showing topography of ten-foot intervals and depicting all wetland areas, watercourses and slopes above 25%.
 - (2) A listing of all property owners, by tax parcel number, within 500 feet of the project boundaries.
 - (3) Information on land areas adjacent to the proposed PRD to indicate the relationship between the existing and proposed utilization of surrounding properties, including land uses, zoning, densities, height of structures, circulation systems, public facilities, and unique natural features.
 - (4) A summary table indicating compliance with the qualifying, planning and design standards. The table shall show proposed phasing, if any, the number and type of buildings and units, the number of parking spaces required and provided, square feet and percent of lot area covered by pavement and buildings, lot area, frontage and landscape requirements and amount of open space required and provided.
 - (5) Provisions for affordable housing units.
 - (6) The existing and proposed vehicular circulation system including parking and loading areas and points of access to residential and recreational uses.
 - (7) The existing and proposed pedestrian circulation system including its interrelationships with the vehicular circulation system, open space system, and other areas of common use.
 - (8) A written report by a qualified professional evaluating the impact of the PRD on the transportation system, including the amount of traffic projected within and for the proposed development and the adequacy of the surrounding streets and traffic controls to accommodate existing traffic, projected traffic from the proposed development, and projected traffic from other approved developments in the area.
 - (9) A general landscape plan including the proposed treatment of the interior and the treatment of the perimeter of the PRD including materials and techniques to be used such as living screens, berms and fences.
 - (10) Examples of proposed product types for the proposed buildings including building layouts and elevations of all buildings (front, back and both sides) showing proposed textures, materials and colors. Identical buildings will not require multiple elevations.
 - (11) Provision for usable open space as required by the regulations.

- (12) Proposed development schedule with projected completion date(s).
- (13) Proposed number of units by bedroom count, i.e., the number of efficiency units, the number of one-bedroom units, etc.
- (14) Preliminary grading and drainage information of the same nature and to the same extent required for a subdivision.
- (15) Identification of any historic structures or features on the site.
- (16) An affordability plan containing at least the following:
 - (a) Name of the entity or person responsible for the compliance with the affordability restrictions,
 - (b) An affirmative fair housing marketing plan governing the sale or rental of the units;
 - (c) The building schedule and location of the affordable units;
 - (d) A sample calculation of rental rates and sale prices for the affordable units;
 - (e) Proposed restrictive covenants and lease restrictions;
 - (f) Such other information as may be required by the Commission or by the Commissioner of the Connecticut Department of Economic and Community Development.

B. Public hearing: After receipt of a completed PRD application, completed initial residential plan and required application fees, the Plan and Zoning Commission shall hold a public hearing and take action to approve, approve with modification, or disapprove the initial residential plan.

22.11 Findings required for approval of initial or final residential plans.

- A. In order to approve an initial or final residential plan, the Plan and Zoning Commission shall first make the following findings:
 - (1) The purposes of the PRD regulations have been met.
 - (2) The qualifying PRD standards and the planning and design PRD standards have been met.
 - (3) Provisions for traffic, water, sewerage, stormwater and usable open space are adequate, do not overburden existing streets, water, sewer and stormwater drainage facilities on- or off-site and do not create water problems off-site.
 - (4) The site design and layout in terms of location of buildings and locations of residential and recreational uses provides for the safety of the residents of the residential units.
 - (5) The PRD will not require upgrading of the street system of the Town of Beacon Falls. If the Plan and Zoning Commission, in its discretion,

elects to permit the necessary upgrading of the street system, the applicant will pay for any required upgrading. In order for the Plan and Zoning Commission to make the necessary analysis, the applicant may be required to provide information, plans and data at the applicant's expense.

- (6) The proposed housing design will not require upgrading of the existing on-site or off-site public sewer, water or drainage systems. The IRP provides for the maintenance or reduction of pre-development level drainage runoff from the site upon completion. If the Plan and Zoning Commission, in its discretion, elects to permit the necessary upgrading of the on-site or off-site public sewer, water or drainage systems, the applicant will pay for any required upgrading. In order for the Plan and Zoning Commission to make the necessary analysis, the applicant may be required to provide information, plans and data at the applicant's expense.
 - (7) The development and design of the PRD will not have a significant adverse effect on surrounding properties or property values in the area.
 - (8) The proposed development will not have a significant adverse effect on the environment and, in particular, wetland, watercourse and public watershed areas. In making this finding, the recommendations of the Inland Wetlands and Water Courses Commission regarding the development will be taken into account.
 - (9) Where appropriate, the applicant has provided for continuing maintenance of parking areas, stormwater drainage facilities, open space and other infrastructure or amenities not to be accepted by the Town of Beacon Falls.
 - (10) The special exception conditions as contained in Article V, Section 52 have been examined with respect to the PRD by the Plan and Zoning Commission and found to be consistent with the health, welfare and public safety needs of the community.
 - (11) Performance standards of Article VI, Section 61 and soil and erosion control measures of Article V, Section 54 have been met.
- B. Recording and effective date: An approved initial residential plan shall be endorsed by the Plan and Zoning Commission and recorded in the office of the Beacon Falls Town Clerk within 90 days of the date of approval, unless extended by the Commission for good cause shown.

22.12 Final residential plan (FRP) submission.

- A. Before development can begin, a final development plan must be approved by the Plan and Zoning Commission in accordance with the provisions of Article V, Section 51 of these regulations and, if applicable, the Subdivision Regulations.
- B. Application for a final residential plan may be for all or only a portion of

the approved initial residential plan. If the site is to be developed in phases, each phase shall require a final residential plan. The final residential plan shall conform substantially to the approved initial residential plan. The Plan and Zoning Commission will be the sole judge as to substantial conformance.

- C. The final residential plan shall include the following:
 - (1) Site plans meeting the standards of Article V, Section 51 of these Regulations and the standards required by the initial residential plan.
 - (2) Final subdivision plan submission, if applicable, in accordance with the Subdivision Regulations.
 - (3) Detailed landscape plans for common areas, usable open space, parking and perimeter areas including proposed grading, plant materials and method(s) of maintenance.
 - (4) The deed restriction provisions for the affordable housing units as specified in these regulations.
 - (5) All required legal documents referred to in these regulations.
- D. The Plan and Zoning Commission may hold a public hearing on the final residential plan if in its estimation the plan differs significantly from the initial residential plan. Otherwise, the final residential plan shall be processed in the same manner as a site plan approval under Article V, Section 52 of these Regulations, but subject, however, to this article, and shall be filed after approval in accordance with the requirements of this article.

22.13 Planned residential development completion time requirements.

- A. The final residential plan must be submitted within two years from the date of the initial residential plan approval. Otherwise, the initial residential plan is null and void. The Plan and Zoning Commission may approve an extension of up to one year.
- B. The applicant shall post a performance bond in accordance with these Regulations for completion of all improvements in accordance with the final residential plan, except residential units, at the time of approval of the final residential plan.
- C. If less than 40% of the dwelling units in any approved phase of a PRD have received certificates of occupancy within 24 months of the approval of such final residential plan, the PRD shall be reviewed by the Plan and Zoning Commission to determine the developer's intent to proceed.
- D. The Plan and Zoning Commission may, for good cause, allow for extensions of up to one year for completion of buildings, structures, or other improvements.

- E. If the Plan and Zoning Commission determines that the developer does not intend to proceed with the PRD, the Plan and Zoning Commission may revoke such final residential plan approval.
- F. Notice of intent to revoke shall be given to the developer, or his successors in interest, by certified mail sent at least 10 days prior to the date of the meeting at which such action is proposed.
- G. Revocation of the FRP approval, or any phase thereof, shall terminate PRD approval as to such FRP, subject to the right to complete all structures commenced in accordance with the FRP. Thereafter, all completed structures shall constitute pre-existing, nonconforming uses in accordance with these Regulations.
- H. In accordance with PA 21-163, the Plan and Zoning Commission shall state on the certificate of approval for the final residential plan the nineteen-year (19 year) expiration for completion of all work in connection with the final residential plan.
- I. A certificate of zoning compliance for units in the final plan for which application is made which are not subject to the contract and covenant restricting them as affordable housing shall be issued only after the completion and issuance of a certificate of zoning compliance for a pro rata number of units of restricted affordable housing. The pro rata allocation shall be based on the proportion of the number of affordable housing units to the total units approved in the whole application.

22.14 Requirements for maintenance of common land and facilities.

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

- A. PRD 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 areas, and other communally owned facilities. No such instrument shall be acceptable until approved by the Town Attorney as to legal form and effect.
- B. Any homeowners' association (HOA) created shall be organized as a not-for-profit corporation with automatic membership in the HOA when property is purchased in the PRD. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall specify the rights and responsibilities of property owners to the HOA. The HOA shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro rata share formula for all property owners.

22.15 Street standards.

- A. All public streets within a PRD must be constructed to Town street standards as set forth in the Beacon Falls Road Ordinance, Subdivision Regulations and other street regulations.
- B. The Plan and Zoning Commission may permit pavement widths down to 20 feet, provided the right-of-way width remains at least 50 feet, where the Plan and Zoning Commission finds that density, length of street, projected traffic volumes, available parking and other relevant factors justify such reduction.

22.16 Affordable housing resale restrictions.

- A. In the case of affordable housing units, the title to said properties shall be restricted so that in the event of any resale by the owner or any successor, the resale price shall be affordable as specified in § 22.8.
- B. Rent increases in units which are rented shall be allowed only to the extent that the new rent, excluding utilities, is affordable by households as specified in § 22.8.
- C. Required restrictions shall be conveyed by deeds incorporating the terms and conditions of the sale agreement and resale restrictions or embodied in the lease and notice of the lease, a copy of which shall be filed with the Town of Beacon Falls Tax Assessor. These covenants shall run with the land and be enforceable by the Town of Beacon Falls until released by the town. The sale and resale or lease, sublease and re-letting of units may not occur until the Assessor of the Town of Beacon Falls verifies that the conditions have been met with respect to the initial sale or resale price or rent under a lease, sublease or re-letting. The new purchaser or renter of the property shall also provide the Assessor with information verifying their income or age, as appropriate, for the prior three years.

22.17 Contract requirements with the Town of Beacon Falls.

Subsequent to the approval of the final residential plan and prior to the issuance of a building permit and a certificate of zoning compliance, the applicant must execute and file with the Town Clerk an agreement with the Town of Beacon Falls. Said contract will describe the following:

- A. Terms of the final residential plan.
- B. Procedures for establishment of maximum income for the occupants of the affordable housing and price limits on sale, resale, rental, sublease, or conversion to common interest ownership and subsequent sale of the affordable or elderly housing units. This shall include current calculations applying these Regulations as of the month prior to application.
- C. Provision for increases of the specified income, sale price or rent of

restricted affordable units.

- D. Covenants in favor of the Town of Beacon Falls incorporating the terms and conditions of the contract, which covenants shall run with the land and be enforceable by the town.
- E. Subordination to the interest of other liens against the property to the affordable deed restrictions.
- F. The complete affordability plan.