

FINAL DRAFT
12/1/16, Rev. to 7/18/17

(As Adopted 8/8/17 Effective 9/1/17)

SHELTON PLANNING AND ZONING COMMISSION

Proposed Amendments to Zoning Regulations

I. Amend **Section 23 – PERMITTED USES** by inserting into **Schedule A – Permitted Uses** a new **Use Line 1D.** to read as follows:

1D. Designed Residential Developments consisting of single family detached dwellings for one (1) family subject to the additional requirements of **Par. 33** and of **SECTION 35.**

Said Use Line shall be marked with an “E” under District Codes **R-1A, R-1** and **R-3** and with an “X” under all other District Codes.

II. Replace the existing **SECTION 35 – PLANNED RESIDENCE DISTRICTS** with a new **SECTION 35** entitled **DESIGNED RESIDENTIAL DEVELOPMENTS (DRD)** to read as follows:

35.1 **Design Residential Developments (DRD):** A DRD is an alternative development that may be proposed by an Applicant and granted by the Commission as a **Special Exception** in accordance with the application procedure set forth in **Section 23.7** as well as the requirements set forth herein. If said proposal also involves the creation of fee-simple lots and/or public streets, said proposal shall also conform to the City of Shelton Subdivision Regulations. It is the policy and intent of this Section to provide a voluntary mechanism and alternative design standards that will encourage the preservation of open space and protect agricultural lands, forests, wildlife habitat, contiguous protected areas, and the suburban character of the City of Shelton, through a mechanism that removes the constraints of traditional lot area,

shape and frontage requirements and establishes a density standard for the applicable district, in an attempt to produce a flexible and economical alternative to conventional subdivisions.

35.2 **Objectives:** The goal of this alternative mechanism is to achieve one or more of the following objectives:

1. To encourage a less sprawling form of community development that makes more efficient use of land, reduces land consumption, and preserves suburban character.
2. To encourage designed residential developments by providing developers with an alternative that preserves open space and reduces infrastructure construction and maintenance costs due to a more compact subdivision design and road design flexibility, as well as opportunities for receiving a minor density increase.
3. To mandate the use of private roads and streets maintained by a home-owner's association, thereby reducing future costs to the City for on-going maintenance of development infrastructure. At the specific request of the Commission, however, one or more proposed streets shall be constructed and dedicated as public streets to assure overall continuity in City-wide street circulation.
4. To preserve plant and animal habitat, wildlife corridors, and recreational opportunities by protecting large contiguous open spaces and connected corridors.
5. To preserve views and reduce development spread along travel corridors by maintaining visual buffers and minimizing intrusions along existing public streets.
6. To establish an efficient procedure which ensures high-quality design and planning that protects open space without increasing the processing time or the development cost to the Applicant or the City.

- 35.3 **Applicability:** The parcel of land on which the DRD is proposed shall be located in the R-1A, R-1 or R-3 Districts as officially delineated on the Building Zone Map of the City of Shelton.
- 35.4 **Development Tract Size:** The Designed Residential Development option is available for any tract of residential land having a minimum area of 10 acres or more. Such tract shall have a minimum of 50 feet frontage on a City-accepted street and must be of such shape that a square with a minimum side of 400 feet will fit within the limits of such tract. Notwithstanding the above, the Commission may authorize utilization of a lesser tract area if the proposed open space satisfies one or more of the following:
- a) Such tract is abutting other protected open space or permanently protected agricultural lands and/or forests or other contiguous, protected area; or
 - b) Such tract encompasses and results in the preservation and protection of one or more significant and/or unique features such as stone walls, significant ledge outcroppings, major trees having a diameter of not less than 24 inches, any unique and environmentally sensitive feature and/or other significant natural features; or
 - c) Such tract makes proper accommodation of the Blue Dot Trail or similar trail system, if recommended by the Trail Committee/Conservation Commission.
- 35.5 **Application Procedures and Standards:** Applications for a DRD shall follow the procedures of and conform to the Standards set forth herein and in the City of Shelton Subdivision Regulations.
- 35.6 **Minimum Open Space Requirements and Criteria.** For purposes of this SECTION, “buildable land” is defined as the net remaining land after deducting delineated wetlands, steep slopes in excess of 25%, rock outcroppings, flood plains, above-ground utilities and vehicular rights-of-way. Said open space shall conform to the following:

- a) Open space shall be defined as land not developed for residential uses, accessory structures related to those residential uses, or shared recreational facilities, owned, maintained, and monitored by the entities identified below. Walking, hiking, and biking trails which are not paved and which have a pervious surface are not considered shared recreational facilities and can be included within the required minimum percentage of open space. Septic fields, as well as areas required for and used as storm-water detention basins, may not be ~~used~~ counted as part of the minimum required open space area. A minimum of 30% of the buildable land of the original parcel as determined above must be preserved as open space, but in no instance shall the minimum open space be less than one (1) acre in area.
- b) The minimum required open space shall not include footprints of shared recreational facilities. Shared recreational facilities shall be defined as accessory structures and improvements necessary and appropriate for educational, recreational, cultural social, or other nonresidential uses permitted in the underlying zone. Shared recreational facilities shall be allowed on common land and other open space not designated as part of the minimum required open space, as long as the requirements of the Shelton Zoning and Subdivision Regulations are satisfied.
- c) The applicant must demonstrate that not less than 75% of the minimum open space requirement is met by either a single contiguous parcel or by no more than two separate parcels of land, each with a minimum width of not less than 100 feet.
- d) The applicant must demonstrate that the proposed open space is directly, safely and conveniently accessible to the largest practicable number of lots within the development and that there is safe and convenient pedestrian access to said open space from those lots in the residential development that do not adjoin the open space.

35.7 **Ownership, Maintenance and Protection of Open Space:** Open space land shall be held, managed, and maintained by the developer until owned and controlled by the homeowners' association or other approved entity.

a. **Ownership.** Open space shall be permanently protected and maintained by one or a combination of one or more of the following:

- 1) Conveyance to a Homeowners' Association. A homeowners' association is a private non-profit corporation, association, or other non-profit legal entity established by the developer. Membership in said homeowners' association shall be mandatory for property owners and made a required covenant in any deed issued or passed, or
- 2) Private ownership protected by deed covenants and restrictions in perpetuity, and use limited to conservation, agriculture, forest and other uses consistent with the purposes of this regulation, or
- 3) Conveyance to the City of Shelton upon acceptance by the Board of Aldermen or such other acceptable alternative that meets the spirit and intent of this Regulation and is approved by the Commission.

All common areas and improvements shall be described and identified as to location, site, use, and control in the covenant. Such covenant shall set forth the method of assessment for the maintenance of such land per best management practices. It shall provide voting and use rights for the open space when applicable and may charge dues to cover expenses, which must be acceptable to the Commission and/or City Corporation Counsel prior to issuance of a building permit. The cost of such mandated legal review shall be borne by the applicant. Any changes in such Articles of Association or Incorporation shall require the prior written approval of the Commission and City Corporation Counsel. The covenant shall be written so as to run with the land and become part of the deed to each lot or dwelling unit within the development.

b. **Protection.** Conveyances of open space land to a homeowners' association will be subject to a permanent conservation easement granted to the City of Shelton and monitored by the Conservation Commission and shall include provisions for:

- 1) No further subdivision.
- 2) No residential or industrial development.
- 3) No roads or commercial uses except for agriculture and forestry-related uses conducted according in accordance with Best Management Practices.
- 4) Whether or not public access will be restricted or permitted.
- 5) Monitoring and easement oversight by the City of Shelton or such other agent as may be assigned by the City (such as a land trust or other conservation organization).

35.8 **Allowable Building Sites and Adjustments:** The allowable number of building sites in an approved DRD shall be determined in accordance with the following criteria:

- a. **Density:** The Allowable Number of building sites permitted in a DRD shall be determined by dividing the Buildable Area of the tract by the minimum lot area requirement for the zoning district in which the development tract is situated. If the proposed DRD is located in more than one zoning district, then the total number of building sites allowed within the DRD shall be the sum of those allowed for the portion of land lying within each zoning district. The Allowable Number of building sites shall be rounded to the nearest whole number.
- b. **Building Sites:** Individual building sites in a DRD can be smaller in size than lots required in a conventional subdivision, thereby leaving the remaining land as open space.
- c. **Allowable Number Adjustments:** For selecting the option of a DRD rather than a conventional subdivision, the applicant is entitled to an Allowable Number adjustment of an additional five percent (5%) in the Allowable Number of building sites as determined under (a) above. In addition, the Commission may approve a further adjustment that increases the number of allowable building sites by an additional five percent (5%) per criteria as set forth below, not to exceed an additional ten percent (10%) adjustment. The total Allowable Number of building sites adjustment, including the initial adjustment and the additional adjustments,

cannot exceed 15%. The applicant must provide evidence of meeting these criteria in the manner prescribed in Shelton Subdivision Regulations. The Commission shall have the final decision in the determination of total allowable building sites.

1. **Protection of additional open space:** If the proposed DRD protects 60% or more of the tract acreage as open space in perpetuity, the development may earn a buildable sites increase of 5%.

2. **Protection of agricultural land:** If the development protects agriculturally valuable lands and provides permission for their use as such in perpetuity, the development may earn a buildable sites increase of 5%. The open space portion preserved for agricultural use must amount to a minimum of 50% of the minimum required open space, but not less than 5 contiguous acres. In order to be considered agriculturally valuable, the land must contain soils designated "prime" or of "statewide significance" by the US Natural Resource Conservation Service soil survey and the land must be reasonably accessible, or the land has been historically farmed within the last 10 years. The instrument granting use, acceptable to the Commission, may reasonably restrict the type or intensity of farming to occur to prevent nuisances. This provision is intended to protect agriculturally valuable lands for present and/or future agricultural use, and the fact that agricultural uses are not pursued at any particular time does not affect the validity of the bonus.

3. **Protection of forestland:** If the development protects more than 10 acres of sustainably managed forestland and provides permission for the protection as such in perpetuity, the development may be entitled to a buildable sites increase of 5%. These restrictions shall be incorporated into the conservation easement granted to the City of Shelton. In order to be considered sustainably managed forestland, a management plan must be developed by a licensed Forester and approved by the State Forester.

4. **Public access:** If the public is granted access to the open space and use thereof, the development may be entitled to a buildable sites increase of five

percent (5%). Public access must be restricted to pedestrian traffic only to be entitled to this building sites increase. The instrument granting such public access, as acceptable to the Commission, may reasonably restrict the use of motorized vehicles.

5. **Protection of contiguous open space:** If the development protects open space that is contiguous with other protected open spaces on adjacent parcels, such that the total contiguous protected open space is more than 50 acres, the development may be entitled to a buildable sites increase of five percent (5%).

The process for determining the potential entitlement to increases in the Allowable Number of buildable sites are application requirements for receiving such Adjustment and are spelled out in these regulations. As noted above, the total permitted increase in the Allowable Number of building sites shall not exceed 15%. The Commission shall have the final decision regarding eligibility for such adjustments. In instances where the final Adjusted Number number of buildable sites results in a decimal number, the number should be rounded to the nearest whole number.

- 35.9 **Frontage and Setback Requirements.** When “fee-simple” lots are proposed in a DRD, minimum lot frontage and setback requirements are reduced as compared to the lot standards for conventional subdivisions in order to allow increased flexibility and consolidated development so that additional open space is preserved in the development. Interior lots are permitted whenever appropriate. See Table 1 for minimum lot frontage and setback requirements for fee-simple lots. When building sites in a proposed DRD are proposed on land owned in common, setbacks from roads and drives and other standards shall also conform to the requirements set forth in Table 1 and building spacing shall be not less than the sum of the two required minimum sideline setbacks.

35.10 **Setback from Tract Perimeter:** Additional setbacks may ~~shall~~ be required where the perimeter of the original tract abuts streets and other private, non-open space areas. The intent of this setback is to provide appropriate visual protection where needed. The Commission may require designation of non-access restrictions along existing streets where deemed necessary. Said setback area shall provide natural vegetative buffering or be appropriately landscaped with planting materials as requested and approved by the Commission.

35.10 **Off-Street Parking Requirements:** A minimum of 2 off-street parking spaces shall be provided for each dwelling unit.

35.11 **Road Design and Construction:** Unless mandated otherwise, all internal development roads shall be private roads, owned and maintained by the Homeowner's Association.

1. **Private Roads:** Private roads have opportunities for increased flexibility in design and construction and subject to approval by the Commission, City Engineer, Fire Department, and Police Department. Maintenance of private roads and associated storm water drainage facilities must be spelled out in the covenant of the Homeowners' Association, subject to the Commission's approval.

2. **Public Streets:** When so mandated as such by the Commission, such public street design and construction shall conform to the road design standards set forth in the Subdivision Regulations as well as the specifications of the City of Shelton, as amended. In order to increase design flexibility, the Commission may consider alternative road design standards for DRDs, subject to the approval of the City Engineer, Fire Department, Police Department, and City Streets Committee of the Board of Alderman. The Commission may permit reduced road widths and the use of permeable pavement materials to reduce the amount of impervious surfaces in a DRD, subject to the approval of the City Engineer.

3. Bonding: Any public streets and all storm water detention facilities shall be bonded in accordance with standard City bonding requirements. Prior to the issuance of any Occupancy Permits, all non-public improvements shall be completed to the satisfaction of the Commission or shall be bonded to assure completion.

35.13 Utility Services: All utilities serving a proposed DRD shall be located underground.

a) Sanitary Sewage Disposal: All proposed DRDs in the R-3 District shall be serviced by the municipal sanitary sewer system. In the R-1 and R-1A Districts, individual on-site septic systems meeting the requirements of and subject to the approval of the Naugatuck Valley Health District are permitted. In the case of individual septic systems, each lot shall meet or exceed the minimum lot size requirements set forth in Table 1 for such lots.

b) Water Supply: Individual on-site house wells in a DRD may only be permitted in the R-1A District. All other DRDs shall be served by public water supply. Where allowed, on-site wells and water systems shall be installed and maintained in accordance with the standards of the Naugatuck Valley Health District.

**Table 1: Designed Residential Development
(Lot Size, Frontage, and Setback Requirements for Fee Simple Lots)**

	<u>R1A & R-1 Districts</u>	<u>R-3 Districts</u>
Minimum Lot Size	20,000 sq. ft. Individual Septic Systems/Municipal Sanitary Sewers and Public Water required.	10,000 sq. ft. Municipal Sanitary Sewers and Public Water required.
Lot Frontage	20 ft.	20 ft.
Side Setback*	15 ft.	8 ft.
Rear Setback	30 ft.	20 ft.
Front Setback	30 ft.	20 ft.
Setback from tract perimeter property line	75 ft.	75 ft.

* Dwellings on land owned in common shall require a minimum spacing of 30 feet.