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# PLANNING AND ZONING DEPARTMENT

MUNICIPAL CENTER, 196 NORTH MAIN STREET  
SOUTHINGTON, CONNECTICUT 06489  
PHONE (860) 276-6248



FEE: See fee schedule

Date: 3/29/21

Z.A. # 608

## PETITION TO ENACT A ZONING REGULATION AMENDMENT OF TEXT

The undersigned respectfully petitions the Southington Planning and Zoning Commission to consider granting a change in the text of the Zoning Regulations.

Description of proposed amendment with all related subsection numbers. Show existing text in upper and lower case and show proposed additions in all upper case letters or underlined numbers. Proposed deletions should be enclosed within double parentheses.

Proposed text amendments to Section 3-08 Housing Opportunity District ("HOD")

Is any zoning district potentially impacted by this proposed amendment within 500 feet of a Town boundary?  
\_\_\_\_\_ yes \_\_\_\_\_  no

Reason for desired amendment: Age-restricted (55+) housing community development

Applicant:

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### 3-08 HOUSING OPPORTUNITY DISTRICT (“HOD”)

3-08.1 General Section The Housing Opportunity District (HOD) is a class of district that may be established by the Commission and delineated on the Zoning Map upon petition by the owner of property or by any person duly authorized by said owner and after due notice and public hearing as required by law for amendment of these Regulations.

3-08.2 Purpose -The HOD is made part of the Comprehensive Plan of Zoning for the following purposes:

A. To encourage the construction of housing that is both affordable as defined by State Statutes and is consistent with design and construction standards present in the community.

B. To assist the Town of Southington in complying with the State Zoning Enabling Act, Connecticut General Statutes § 8-2, as amended by Public Act 91-392, by adopting zoning regulations that promote housing choice and economic diversity, including housing for low and moderate income households.

C. To utilize existing infrastructure efficiently and to promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes and prices.

3-08.3 Petition – A petition for a change in zone boundary for the purpose of establishing a HOD may be filed with the commission in accordance with the provisions of Section 14-03. After a zone change is approved, approval of a site plan application is required.

3-08.4 Area of HOD – The area to be zoned HOD shall consist of **either** not less than 30 acres in a single tract by a number of contiguous tracts under one ownership, or consolidated into a single tract by a number of different owners by means of a binding agreement which will assure the uniform treatment of an overall development for the entire tract from the time of application and continuing thereafter, **or 10 acres or more provided that it is within 1,500 feet of a major transportation corridor (i.e. interstate highway, etc.), and served by public water and public sewer or private septic\*, may be suitable for a mix of single family and/or attached duplex units at a maximum total site density not to exceed 4 units per acre.**

#### 3-08.5 Permitted Uses

A. Multi-family dwelling units for rental use or for sale, subject to the following requirements:

1. Each multi-family dwelling shall be served by public sewer and water **or private septic subject to State Health and/or DEEP approval, if necessary.**

2. No building shall contain more than 6 dwelling units.

3. The minimum distance between multi-family buildings shall be 45 feet. Duplex and detached single-family dwellings may be a minimum of ~~30~~ **15** feet apart in a common interest act community.

4. The minimum setback from the road shall be 25 feet.
  5. The minimum side yard setback shall be 40 20 feet.
  6. The minimum rear yard setback shall be 40 20 feet.
  7. The minimum distance between the rear of the units shall be 45 feet. The minimum distance between the sides of units shall be 45 feet. Duplex and single-family dwellings may be a minimum of 30 15 feet apart in a condominium project.
  8. Decks and patios shall not be in the building setback.
  9. No residential or accessory building shall exceed three stories or 35 feet in height.
- B. A lease or sales office, recreational facilities and garages for the private use of the residents and their guests;
- C. One or more swimming pools and such buildings as are reasonably associated with the use of swimming pools. Swimming pools must be fenced in with a locking gate for safety.
- D. Active and passive recreational uses, including, but not limited to, walking trails, tot playlots, and picnic areas. Plans shall provide on the same parcel of land adequate playspace for the children of such dwellings, except in the case of elderly housing units where such space shall be provided for active or passive adult recreation. The Commission in its sole discretion, if subject to a two-thirds affirmative vote, may waive or reduce recreational requirements for elderly housing set forth herein above, if it finds that the proposed use is designed exclusively for elderly housing, that all or a majority of the proposed units shall be designed to have not more than ~~one~~ two bedroom per unit and that the lot is located within a reasonable safe distance to a public park, public school, open space or other facility with a reasonable area of land dedicated to recreational usage.
- E. Signs, as provided in Section 13;
- F. Other accessory uses customary with and incidental to the aforesaid permitted uses.

3-08.6 Development Density – Dwelling unit density in the HOD shall not exceed ~~eight~~ four (4) dwelling units per acre of land. For purposes of computing allowable density, the minimum required area of the HOD shall exclude the area of ponds, marshes and other wetlands and other areas with a natural slope in excess of 25 percent.

3-08.7 Affordability Requirement – Not less than thirty percent (30%) of the dwelling units in the HOD development (and each phase of the development) shall be subject to deed restrictions that shall require that such dwelling units be sold or rented at or below prices that will preserve the units as affordable housing, as defined by Connecticut General Statutes § 8-30g, with fifteen percent (15%) reserved for persons and families whose income is at or below eighty percent (80%) and fifteen percent (15%) reserved for persons whose income is at or below sixty percent (60%), as applicable, of the area median income for Southington or the statewide median income, whichever is less, as determined by the United States Department of Housing and Urban Development. Such restrictions shall remain in effect for at least forty (40) years after the initial occupation of the proposed development. Those units to which deed restrictions will apply shall be designated with the submission of the final site plan.

3-08.8 Procedure – In addition to the materials required to be submitted under Section 9 as part of a site plan application, the applicant shall submit an “Affordability Plan” that complies with the requirements of Connecticut General Statutes § 8-30g.

3-08.9 Adequate Parking and Access: At least two and one-half (2.5) off-street parking spaces shall be provided for each **two bedroom** HOD dwelling unit **and at least one and one-half (1.5) off-street parking spaces shall be provided for each one bedroom HOD dwelling unit.** Parking spaces in front of garages shall be counted towards this requirement. The parking and loading facilities shall be deemed to be adequate and properly located, and the entrance and exit driveways are laid out to achieve reasonable safety.

3-08.10 Each property line along which residential units are proposed shall be paralleled by a screen of naturally existing vegetation at least 20 feet wide, or shall be landscaped by planting a double row of pine trees. All landscaping shall be appropriately maintained. Applicants shall avoid clearing existing vegetation where possible, but may propose additional plantings where necessary to improve screening. Such landscaping is not required in areas where utilities are proposed or where wetlands or watercourses are located.

3-08.11 Mechanicals and outside generators that serve the entire community and dumpsters shall be screened with a lightproof fence. In the case of dumpsters, a detail of the proposed dumpster enclosure shall be included on the plans and a note shall be added to the plans stating that the top of the dumpster shall be no higher than the top of the fence. A lightproof fence shall be required.

3-08.12 If a community center is proposed, the community center shall have one parking space for every 200 s.f. of gross area of the community center in accordance with Section 12-01.1 of the Zoning Regulations.

3-08.13 Full cutoff light fixtures and recessed lenses only shall be used on the property and no light shall be positioned so as to cause a nuisance external to the site from excessive.

3-08.14 Design Standards for Transportation Network: A grid street pattern or interconnecting loops shall be required for the purposes of ensuring adequate public safety access and effective traffic circulation. For developments over ~~25~~ **30** units in density, applicants shall provide two entrance/exits from the development.

3-08.15 Adequate Public Utilities: That the water supply, the sewage disposal, and the storm water drainage shall conform with accepted engineering criteria, comply with all standards of the appropriate regulatory authority, and that such utilities have, or can be improved by the developer to have, adequate capacity for the proposed use.

3-08.16 A Phase I Environmental Report must be submitted to verify there are no environmental concerns and no potential environmental equity concerns.

3-08.17 Adequate Streets for Use: Streets providing access to the proposed use or development shall be adequate in width, grade, alignment and visibility, and shall have adequate capacity for the additional traffic generated by the proposed use. The Commission may deny any proposed development which causes the level of service (LOS) on a roadway or roadway to fall below LOS D2. Alternately, offsite roadway improvements or signalization may be required to ensure the adequacy of the local roadway system and public safety. Provisions shall be made for vehicular traffic to enter and exit the site which do not create an undue traffic hazard and/or cause undue traffic congestion. All access points shall accommodate two lanes of traffic entering and exiting the site unless the Commission deems it in the interests of public safety and the welfare of the general public, due to the existing conditions, to permit alternative access to the site including but not limited to restricted turning movements and shared access.

3-08.18 The property and proposed parking areas shall be suitably landscaped with a combination of trees, shrubs and other plant materials to filter and screen the view of the proposed development from the surrounding area and adjacent properties and enhance the appearance of the proposed development. The Commission may require as a condition of approval a performance bond to assure the completion of any site and/or public improvements.

3-08.19 The proposed use, proposed buildings and structures and other site features are to be designed and maintained in such a manner as not to impose an unacceptable risk to aquifers and public water supplies.

3-08.20 Environmental Protection and Conservation: That the proposed plans shall provide for the reasonable conservation of natural features, the utilization of best management practices to minimize degradation of storm water run-off, and the utilization of landscape and/or buffer areas to protect environmentally sensitive portions of the site.

3-08.211 Control of Issue of Certificates of Occupancy: The issue of Certificates of Occupancy New, ZA #543, effective 1/5/08 shall be limited to 75% of the dwelling units contained in the project until:

- a. All common and/or public improvements, landscaping or erosion and sedimentation control measures covered by bond have been completed to the satisfaction of town staff. Town staff may support bonding for outstanding improvements due to extenuating circumstances, subject to a 2/3 vote by the Commission. Bonding in lieu of improvements for these developments shall be the exception and not the rule.
- b. As built plans of utilities and public improvements within the development, certified by a registered professional engineer, have been received and accepted by the Town Engineer or his designee.
- c. All recreational facilities shown on the approved final plan have been installed.
- d. The final course of pavement has been installed.