

# Middle Housing via “Summary Review”



## Mixed-Use Developments:

Where Mixed-Use Developments, as defined in Conn. Gen. Stats. §8-13m, are permitted by summary review in accordance with Section 16 of Public Act 25-1 (Nov. Special Session), the following standards shall apply:

1. For developments that result in the development of ten or more dwelling units, there shall be no residential uses on the ground floor of any building that is located in a non-residential zoning district.
2. Buildings shall conform to the height, yard, and other bulk requirements of the underlying zoning district.
3. The building and landscaping design standards of Section [transit community middle housing development] shall apply.

Defined in CGS 8-13m: ““Mixed-use development” means a development containing one or more multifamily or single-family dwelling units and one or more commercial, public, institutional, retail, office or industrial uses.”

See Section 11( e )(3) of the Act.

## Transit Community Middle Housing Developments:

Where Transit Community Middle Housing Developments, as defined in Section 11 of Public Act 25-1 (Nov. Special Session), are permitted by summary review in accordance with Section 16 of Public Act 25-1 (Nov. Special Session), the following standards shall apply:

### 1. Building Design

#### **a. Roof Design:**

1. The roof of any building shall be peaked at a pitch of -, and may include gambrel or hip roof designs. Flat roofs are prohibited.
2. Each roof shall have at least two (2) gables, shed dormers, or similar features, which features shall include a window or ventilation louvres.
3. Roofs shall be surfaced with shingles or standing-seam metal. Tarpaper roofing shall be prohibited.
4. All roofs shall project beyond the wall of the line below them by at least – feet.

Defined as: ““Transit community middle housing development” means a residential building containing not less than two dwelling units but not more than nine such units, including, but not limited to, townhouses, duplexes, triplexes, perfect sixes and cottage clusters.”

## **Wall and exterior design:**

1. No wall shall be longer than – feet, measured at the foundation, without a horizontal break in plane at least – feet in depth.
2. Wall surfaces shall be brick, stone, clapboard siding (wood or faux material), shingle (wood or faux material), or board-and-batten. EFI, plywood, stucco, or panelized surfaces shall be prohibited; concrete (painted or nonpainted) shall be prohibited except for exposed foundations of no more than – feet in height.
3. Each building shall have at least one (1) bay, box, or bow window.
4. Each building shall have an open-air porch at least – feet in depth, and having a width equal to the width of any one side of the building. Said porch may be screened, but not enclosed.
5. Windows shall include dividers, and shall be designed as 6 over 1, 6 over 6, or 4 over 4.

## **Landscaping**

- a. Foundation Plantings. Each building shall include foundation plantings as follows: at least 6 shrubs per – lineal feet of wall length, except at stairways, handicapped ramps, or access walkways. Shrubs shall include at least – percent evergreens and – percent flowering shrubs. All shrubs shall be at least – gallon size at time of planting and shall be guaranteed for one (1) year after planting.
- b. Trees. Each building shall have at least one (1) tree between the building and any adjacent street. Such tree may be deciduous or evergreen. Deciduous trees shall be at least – inches caliper at time of planting and evergreen trees shall be at least – feet in height at time of planting. All trees shall be guaranteed for one (1) year after planting.
- c. Parking areas. Parking lots shall contain at least one (1) landscaped island for every – parking spaces. Such landscaped island shall be equal to the dimensions of a parking space as specified in these regulations. Each landscaped island shall include one (1) deciduous shade tree at least ^ inches in caliper at time of planting, and shall be guaranteed for one year. All parking areas shall be set back at least – feet from the property line, and such setback area shall be landscaped with at least – shrubs per lineal foot; and being a minimum of – gallons at time of planting; and be guaranteed for one (1) year after planting.
- d. Ground Areas. All unpaved ground areas shall be landscaped with grass or groundcover. Gravel, pea-stone, or mulch shall not be permitted except within tree or shrub planting beds, which beds shall extend no more than – feet from the adjacent trees or shrubs.

## **Lighting**

- a. Dark-Sky Lighting. All lighting shall be dark-sky compliant. Building-mounted floodlights are prohibited.
- b. Entranceway Lighting. Each building shall have at least one (1) decorative light at each entrance doorway, and one post light no higher than – feet between the building and any occupant parking lot and any adjacent street.
- c. Parking Area Lighting. Parking areas shall be illuminated using dark-sky compliant fixtures mounted on poles no higher than – feet.

## **Signs**

Signs shall conform to the size, height, number, and other requirements of the underlying zone. Signs shall not be internally illuminated.

## Zoning Map Amendment

Creation of up to two “conservation and traffic mitigation districts” as overlay zones, per Section 19(d) of the Act. New zoning district designation:

**Conservation and traffic mitigation district:** An overlay district in accordance with Section 19(d) of Public Act 25-1 (Nov. Special Session), which shall be subject to approval by the Secretary of the Office of Policy and Management in accordance with subsection (e ) of such Act.

The Act specifies that there can be no more than 2 such districts; they can be contiguous; each one shall be equal to no more than 4% of the municipality’s land area; and must be approved by the Secretary of OPM. Within the district, the municipality may require parking for residential developments of more than 16 units, but must also allow the developer to provide a parking needs assessment. Regardless of the assessment, the municipality cannot require more than 1 parking space for each studio or one-bedroom unit or 2 spaces for each two or more bedroom unit, or the parking spaces found by the assessment, whichever is less.

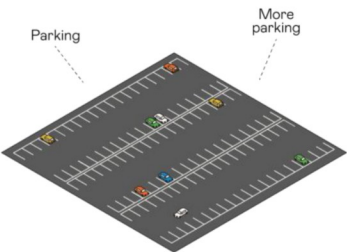
# Parking Provisions

## Section 18

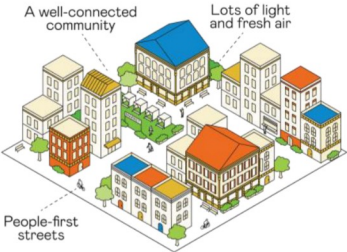
Changes 8-2 (Zoning Enabling Statute) to state that Zoning Regulations **SHALL NOT:**

**“Require a minimum number of off-street motor vehicle parking spaces for any residential development Except as provided by Section 19 of this act”**

**Eliminates the former Opt-Out Provisions of PA 21-29 for local parking.**



- Surface Parking**
- 1 acre
  - 120 parking spots
  - 0 housing units
  - 0 sqft retail
  - 0% usable open space



- Walkable Neighborhood**
- 1 acre
  - Minimal parking spots
  - 40 housing units
  - 10k sqft retail
  - 55% usable open space

# New Parking Requirements

## Section 19

Prohibits municipalities from rejecting an application solely for failing to conform with any requirement for off-street parking spaces for any residential development **with two limited exceptions:**

**Exception 1** - Subsection (b) deals with larger developments over 16 units

**Exception 2** - Subsection (d) deals with Conservation & Traffic Mitigation Districts

**Section 19:** (NEW) Except as provided in subsections (b) and (d) of this section, *no zoning enforcement officer, planning commission, zoning commission or combined planning and zoning commission shall reject an application for any residential development solely on the basis that such development fails to conform with any requirement for off-street motor vehicle parking spaces unless such officer or commission finds that a lack of such parking spaces will have a specific adverse impact on public health and safety that cannot be mitigated through approval conditions that have no substantial adverse impact on the viability of such development.*

# Example 1:

## Multifamily Development Under 16 Units

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- Does not meet either of the exceptions from Section 19 that would allow zoning for required parking minimums
    - Is not over 16 units and
    - Is not located in a Conservation and Traffic Mitigation District
  - Therefore, Commission cannot regulate parking through zoning *and* cannot deny an application based on parking
  - Developer can provide parking, and likely will where demand for parking as part of unit makeup is more marketable



# Example 2:

## Multifamily Development Over 16 Units

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- **Can** require parking at maximum levels of one space for each studio/1-bedroom and two spaces for each 2+ bedroom units
- Must allow applicant to propose alternative numbers via Parking Needs Assessment
- Must condition approval on the **lower** of either the required parking or the Parking Needs Assessment figure
- To reject a lower parking needs assessment figure, you'd need to substantiate a finding that a lack of parking will have a "specific adverse impact" on public health and safety which cannot be mitigated through approval conditions that have no substantial impact on the viability of such development



# Multifamily Development Over 16 Units

A municipality may require a minimum number of off-street motor vehicle parking spaces for a residential development that contains more than sixteen dwelling units, as defined in section 47a-1 of the general statutes, provided any such municipality **shall allow the proposed developer of such development to submit to the zoning enforcement officer, planning commission, zoning commission or combined planning and zoning commission a parking needs assessment** that conforms with the requirements of subsection (c) of this section.

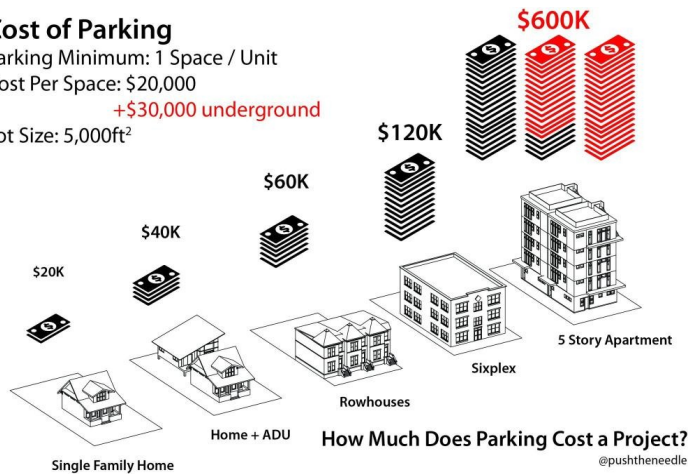
## Cost of Parking

Parking Minimum: 1 Space / Unit

Cost Per Space: \$20,000

+ \$30,000 underground

Lot Size: 5,000ft<sup>2</sup>



Such officer or commission shall condition the approval of such development on the construction of off-street parking spaces not exceeding: (1) One such space for each studio or one-bedroom dwelling and two such spaces for each dwelling unit with two or more bedrooms, or (2) the number of such spaces recommended for the development by the parking needs assessment submitted pursuant to this section, whichever results in the least required number of off-street parking spaces.

# Example 3: Multifamily Development Under 16 Units in a “Conservation and Traffic Mitigation District”



BEFORE



AFTER

- **Can** require parking at maximum levels of one space per studio/1-bedroom and two spaces per 2+ bedroom units for small developments in CTMD
- Must allow applicant to propose alternative numbers via Parking Needs Assessment
- Must condition approval on the **lower** of the required parking or the Parking Needs Assessment figure
- To reject a lower parking needs assessment figure, you'd need to substantiate a finding that a lack of parking will have a “specific adverse impact” on public health and safety which cannot be mitigated through approval conditions that have no substantial impact on the viability of such development



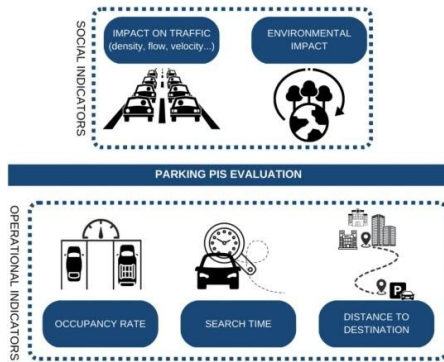
# What is a “Conservation and Traffic Mitigation District”?

1. No such district shall be larger than four per cent of a municipality's land area,
2. A municipality shall submit a property description of any such district adopted by the municipality to the Secretary of the Office of Policy and Management upon the adoption of such district,
3. Any such zones may be contiguous, and
4. The municipality shall allow the proposed developer of such development to submit to the zoning enforcement officer, planning commission, zoning commission or combined planning and zoning commission a parking needs assessment that conforms with the requirements of subsection (c) of this section.



# What is a “Conservation and Traffic Mitigation District”?

*Notwithstanding the provisions of this section, any municipality, as defined in section 7-148 of the general statutes, **may adopt not more than two conservation and traffic mitigation districts** in which the municipality **may require a minimum number of off-street motor vehicle parking spaces for a residential development that contains fewer than sixteen dwelling units, provided (1) no such district shall be larger than four per cent of a municipality's land area, (2) a municipality shall submit a property description of any such district adopted by the municipality to the Secretary of the Office of Policy and Management upon the adoption of such district, (3) any such zones may be contiguous, and (4) the municipality shall allow the proposed developer of such development to submit to the zoning enforcement officer, planning commission, zoning commission or combined planning and zoning commission a parking needs assessment that conforms with the requirements of subsection (c) of this section.***



# What is a “Parking Needs Assessment”?

- Paid for by the proposed developer
- Shall include an analysis of
  - (1) available existing public and private parking that may be used by residents of the proposed development,
  - (2) public transportation options that may be used by residents of the proposed development that mitigate the need for off-street parking,
  - (3) projected future needs for off-street parking for such proposed development, and
  - (4) any relevant local traffic, parking or safety study

# Transit-Oriented Communities Optional under P.A. 25-1 Incentive Based

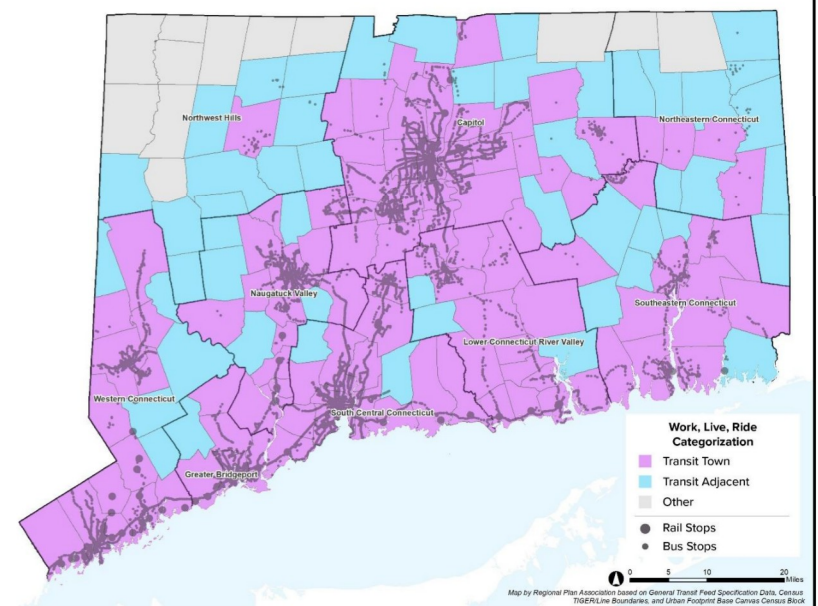


# Who Qualifies?

- Towns with regular rail or bus service can create a transit-oriented district allowing for as of right developments within ½ mile of the transit station
- Communities that border a transit community are also eligible

**"Rapid transit station"** means any public transportation station serving any rail or rapid bus route;

**"Regular bus service station"** means any fixed location where a bus regularly stops, not less than once every sixty minutes during peak operating hours, for the loading or unloading of passengers along a defined route operating on a fixed schedule;



## Key Points:

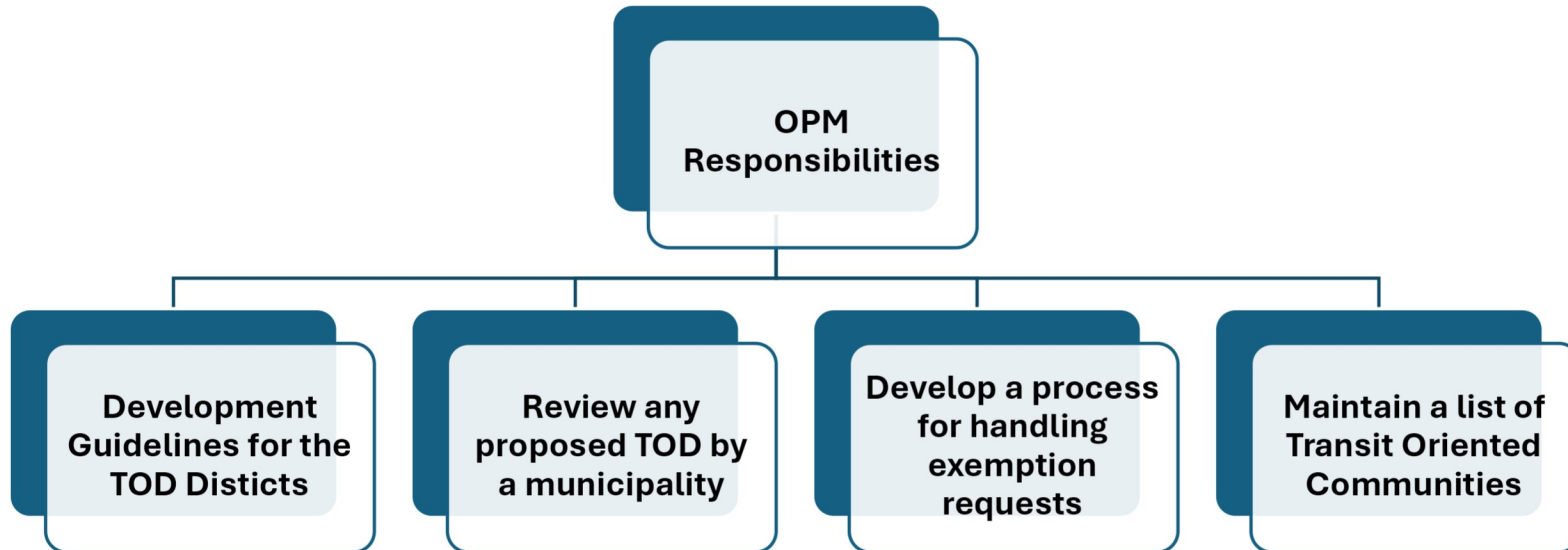
- **OPM must approve the transit-oriented district and make a determination of “reasonable size” based on criteria found in the bill**
  - **Area is adequate to support greater density of development in an equitable manner;**
  - **Consideration of the municipal and regional housing needs;**
  - **Not require to include lands in a Special Flood Hazard Zone, land subject to conservation or preservation restrictions;**
  - **Coastal resources;**
  - **Areas necessary for drinking water supply;**
  - **Areas likely to be inundated during a 30 year flood event as determined by the Marine Sciences Division of UCONN**





State of Connecticut

# Office of Policy and Management





## **TOD Districts are required to allow as of right:**

- Transit community “Middle Housing” 2-9 Units;
- Developments of 10 or more units that meet § 8-30g set aside affordable standards;
- 100% Affordable Developments on land owned by municipalities or public housing authority
- Land owned by a not-for-profit or religious entity
- Conversion of residential or commercial to any of the above development types

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## Incentives for Transit Oriented Communities include:

- Funds under a newly established Housing Growth Program
- Eligible for loans for sewer projects
- Higher rates of reimbursement for school construction projects
- Makes municipalities eligible for additional funding under any program administered by OPM if additional zoning criteria is met.



Housing Priority Development Zones:

Incentive is to lower standards to achieve an 8-30g moratorium

# What is a Priority Housing Development Zone

- "Priority housing development zone" means a zone adopted by a zoning commission that acts as an overlay to one or more existing zones in an eligible location and satisfies certain conditions which include:
  - The zone shall be consistent with the state plan of conservation and development and be located in an eligible location;
  - The regulations concerning a priority housing development zone shall be submitted to the commissioner for review and approval;
  - The regulations establishing a priority housing development zone shall permit, as of right, multifamily housing;
  - The minimum allowable density for a priority housing development zone, per acre of developable land, shall be: (A) Four units per acre for single-family detached housing; (B) six units per acre for duplex or townhouse housing; and (C) ten units per acre for multifamily housing;
  - shall be subject only to site plan or subdivision procedures, submission requirements and approval standards of the municipality and shall not be subject to special permit or special exception procedures, requirements or standards.
  - A priority housing development zone shall be not less than ten per cent of the total developable land within a municipality
  - Standards subject to modification, waiver or elimination by a zoning commission shall include, but not be limited to, building height, setbacks, lot coverage, parking ratios and road design standards.
  - may allow for a mix of business, commercial or other nonresidential uses within a single zone or for the separation of such uses into one or more subzones

