EX#1

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Land Use Department

TOWN OF LEDYARD

APPLICATION FOR
PLANNING & ZONING COMMISSION REVIEW

Application Number: PZ#25-2ZRA Submission Date: 3-12-25 Official Receipt Date: 3-13-25

FEE: $ 560.00 DATE PAID: 3-12-25 RECEIPT #: 575058

Applicant/Agent: Eric Treaster Phone: 860-536-6240

Signature: _____

Address: 10 Huntington Way, Ledyard, CT 06339

Email: BSAOFNL-ERIC@YAHOO.COM

Owner Name (if different): NA

Address of Owner: NA

Location of Work: NA

Tax Assessor's Map: NA Block: NA Lot: NA Zone: NA

Is this property within 500 feet of another municipality? NA CAM Zone: NA

____ Special Permit ____ Site Plan Review __X__ **Regulation Change** _____ Zone Map Change

Details:

This is an application for the adoption of the attached replacement set of text amendments to the Zoning Regulations for the development of multifamily dwellings. Their adoption will help to assure that multifamily developments will be more consistent with the *'protection of character'* goals in the POCD than are the current regulations.

The proposed text amendments are introduced and summarized on the first two pages of the enclosed application. The specific replacement regulations are listed on pages 3 – 5.

Approved by: _____

Denied by: _____

Introduction to the Proposed Replacement Multifamily Regulations

Eric Treaster
12 March 2025

Chairman Wood
Planning & Zoning Commission Members

The enclosed proposed amendments to the "Multifamily" regulations will improve the consistency of new multifamily developments with the "*protection of character*" goals in the POCD.

1. The existing regulations require a special permit for multifamily developments in residential districts. The most significant change in this application is requiring a special permit for multifamily developments in non-residential districts. This is because all multifamily developments should be subject to the same regulations in a fair and uniform manner.

   Although sometimes overlooked, CGS §8-2(a)(1), zoning's enabling statute for uses allowed by right (or by right with site plan approval), basically limits zoning regulations to the regulation of (a) height, number of stories and size of buildings and other structures; (b) the percentage of the area of the lot that may be occupied; (c) the size of yards, courts, and other open spaces; (d) the density of population and the location and use of buildings, structures, and land for trade, industry, residence or other purposes, including water-dependent uses, as defined in section 22a-93; and (e) the height, size, location, brightness, and illumination of advertising signs and billboards. These are objective simple pass/fail regulations. Zoning regulations generally cannot regulate noise, traffic, dust, screening, the distance to parking spaces, the sufficiency of recreational facilities, the existence or screening of dumpsters, consistency with the POCD, quality of life issues, landscaping, and other characteristics of principal uses allowed by right. With rare exceptions, the PZC cannot impose conditions of approval on by-right uses during site plan reviews.

   §8-2(a)(3) – which provides for special permits – allows the Commission to impose "standards" in the regulations, which can be objective and subjective. It also provides for the Commission's imposition of conditions (of approval) when necessary to protect public health, safety, convenience (natural resources), and property values. Multifamily developments should always require a special permit, which allows the Commission to impose and evaluate a much wider range of subject areas than the limited number permitted for uses allowed by right.

2. The proposed regulations provide a maximum footprint of 5,000' for a multifamily structure.

   This number may be changed depending on the Commission's preference, but a reasonable number should be specified in the regulations to help ensure a multifamily development is consistent with the protection of character goals in the POCD. At three stories, a 5,000' footprint would allow for about 20-25 500' apartments in a single structure, depending on the size of the elevator, staircases, exits, and hallways.

3. The proposed regulations reduce the maximum height of a multifamily development from 45' in residential districts and 65' in certain commercial districts to 35', the same as for most other uses.

   Depending on the roof design, height is measured to the midpoint between the ridge and the eaves, which means the visual height can be greater than 35'. Reducing the maximum height to 35' will also help ensure that new multifamily developments will be consistent with the protection of character goals in the POCD.

4. The proposed regulations require "reasonable" recreational facilities and "parking distances."

   The applicant would have the burden of showing that his proposal is reasonable.

5. The proposed regulations clarify that a high-tech "sewer treatment plant" is not an "accessory use" (as defined), which means they are not permitted to support massive multifamily developments in areas with no public sewers.

   This change will discourage the development of multi-hundred-unit apartment complexes in conflict with the POCD's "protection of character" goals in areas with no public sewer.

6. The proposed regulations prohibit apartments with no bedrooms (studios and efficiencies).

   This is because one-room efficiency and studio apartments tend to attract transient tenants, are more difficult to manage, require more interventions, and often require more government services than one-, two-, three-, and four-bedroom units.

7. The proposed regulations impose a three-story limit.

   This change is to help assure consistency with the protection of character goals in the POCD.

8. The proposed regulations prohibit half-story and basement units.

   This change helps reduce the risk of humidity, mold, and flooding, which are more common in below-ground and basement apartments.

[Proposed] "Multifamily" Regulations

Prepared by: Eric Treaster

12 March 2025

To Reduce Maximum Multifamily Height to 35' in R20, R40, & R60 Districts

Page 5-1 – DELETE: ~~*"Maximum Building Height of Principal Structure (ft)***"*~~ [the bottom line in Table 5.2.]

REPLACE WITH: *"Maximum Building Height of Principal Structure (ft)"*

Page 5-2 – DELETE: ~~*"***Maximum Building Height for permitted Non-residential Principal Uses and/or Multifamily Residences in the R20, R40, or R60 Districts is 45ft/3.5 Stories"*~~ [the top of page 5-2.]

REPLACE WITH: *"***Maximum Building Height for permitted Non-residential Principal Uses and/or Multifamily Residences in the R20, R40 or R60 Districts is 35' and not to exceed 3 Stories."*

To Reduce Maximum Multifamily Height to 35' in LCDD, LCTD, MFDD, GFDD, & RCCD Districts

Page 6-2 – REPLACE: Each **"50"** and ***"50*"*** with **"35"**. [on the last line in Table 6.2.1 on page 6-2 under the LCDD, LCTD, MFDD, GFDD, and RCCD columns]

Page 6-2 – DELETE: ~~*"*Maximum height may be increased to sixty-five (65) feet for multifamily and/or mixed-use buildings with full sprinkler systems; located in areas with functioning fire hydrants; and where all sides of the structure are accessible by a ladder fire engine."*~~ [Immediately below Table 6.2.1]

To Add A Special Permit Requirement For Multifamily Developments & Residential Mixed Use Developments In LCDD, LCTD, MFDD, GFDD, & RCCD Districts

Page 6-4 – REPLACE: Each ***"SPL"*** entry on the *"Residence Multifamily (apts, condos) §8.13"* line [in Table 6.4] with ***"SUP"***

Page 6-6 – REPLACE: Each ***"SPL"*** entry on the *"Mixed Use Residential/Commercial §8.22"* line [in Table 6.4] with **"SUP"**

To Avoid Public Health and Safety Risks Associated With Privately Owned Sewer Treatment Plants For Commercial, Multifamily and Mixed Use Developments

Page 2-9 – ADD: (§2.2) INDIVIDUAL SEWER DISPOSAL SYSTEM: An Individual Sewage Disposal System (ISDS) is a privately owned and maintained sewage disposal system, commonly referred to as a septic system or on-site wastewater system, consisting of a two-compartment septic tank and disposal field. The septic tank separates and stores solid material, and the disposal field allows wastewater to percolate into the ground.

Page 2-16 – ADD: (§2.2) SEWER TREATMENT PLANT: A type of wastewater treatment facility intended to remove contaminants from sewage to produce an effluent that is suitable to discharge to the surrounding environment and prevent water pollution employing one or more of the following technologies: (a) activated sludge system; (b) aerobic treatment system; (c) enhanced biological phosphorus removal; (d) expanded granular sludge bed digestion; (e) filtration; (f) membrane bioreactor; (g) moving bed biofilm reactor; (h) rotating biological contactor; (i) trickling filter, or (j) ultraviolet disinfection.

Page 2-16 – ADD: (§2.2) SEWER TREATMENT PLANT, PRIVATE: A sewer treatment plant intended to remove contaminates from sewage generated by a commercial, multifamily, or mixed-use on the same parcel.

Page 2-16 – ADD: (§2.2) SEWER TREATMENT PLANT, PUBLIC: A sewer treatment plant owned and operated by a municipality or public utility intended to remove contaminates from sewage generated by commercial, multifamily, or mixed uses on other parcels.

Page 3-3 – ADD: (§3.8.F) Private sewer treatment plants (see definition) are not permitted.

To Assure Consistency With The "*Protection Of Character Goals*" in the "*POCD*" and the "*2013-2028 Ledyard Affordable Housing Plan*"

Page 8-25 – RETAIN: 8.28 RESIDENCE, MULTIFAMILY (APARTMENTS, CONDOMINIUMS, TOWNHOUSES)

A. Apartment/Condominium complexes may consist of single or multiple buildings, and if located within the R20, R40, or R60 districts, shall not be permitted on lots of less than five (5) acres

Page 8-25 – DELETE:

~~*B. Density: The density for an Apartment/Condominium complex shall be limited only by applicable building, fire and public health codes and applicable bulk/dimensional requirements of the particular zone.*~~

REPLACE WITH:

B. Density: The following constraints are to help assure consistency of these regulations with the protection of character goals in the "*Ledyard Affordable Housing Plan 2023-2028*" and the "*2020 Plan of Conservation and Development*:"

1. The footprint of a multifamily structure shall not exceed 5,000 square feet.
2. Multiple multifamily structures are allowed on a single lot.
3. Apartments with no bedrooms (studio apartments) are not permitted.
4. Partially below-ground and below-ground level apartment units are not permitted.
5. Residents shall be provided with reasonable indoor, outdoor, or a combination of indoor and outdoor recreational facilities.

Page 8-25 – RETAIN

C. Water and Sewer: A community water system, or public water, shall be provided in accordance with the CT Public Health Code.

D. Buffers:

1 A suitable landscaped buffer strip not less than ten (10) feet wide shall be provided along the parcel's side and rear boundary lines.

2. All buffer areas shall be planted with a combination of grass, shrubs, flowers, shade trees, evergreen, and other vegetative materials skillfully designed to provide a visual landscaped buffer and shall be maintained in proper order to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten (10) feet. The Commission will consider existing topography and foliage when determining whether the buffer strips contain no parking areas or buildings. The Commission may allow other structures within the buffer area, such as wells, site utilities, and drainage facilities.

3. Buffer strips shall contain no parking areas or buildings. The Commission may allow other structures within the buffer area, such as wells, site utilities, and drainage facilities.

Page 8-25 – DELETE: *E. ~~Off-street Parking: Off-street parking shall be provided as required by §9.4.~~*

REPLACE WITH: E. Off-street Parking:

1. Tandem parking spaces shall count as a single parking space.
2. A minimum of one parking space is required per bedroom.
3. The parking requirements shall be increased by 15% if no on-street parking exists.
4. A reasonable number of off-street parking spaces shall be reserved for guest parking.
5. Parking areas must be screened from public roadways.
6. Parking areas must be located between, behind, and/or in closed garages on the first floor of multifamily developments.
7. Parking spaces must be reserved and assigned to individual apartment units @ one space per bedroom. Unassigned parking spaces may be used for guest, handicapped, and overflow parking.
8. Parking spaces must be within a reasonable distance of the multifamily structure(s).
9. Multi-story parking structures (parking garages) are not permitted.
10. Parking must be on the same parcel as the multifamily structure(s).
11. Parking areas must have reasonable lighting.
12. Parking areas must have reasonable landscaping.
13. Parking areas must be designed for reasonable on-site snow banking.
14. Parking spaces shall consist of a hard surface.
15. Parking spaces shall be striped.

To Help Achieve Consistency With the "Protection of Character" Goals in the POCD

Page 8-25 – DELETE: ~~*F. Maximum Building Height for a Multifamily Residence in an R20, R40 or R60 Districts is forty-five feet / 3.5 Stories*~~

Page 8-25 – ADD: F. Refuse Management:

1. The design shall ensure that individual refuse containers, if any, are stored or screened so they are out of view on non-pickup days.

2. Dumpsters, if any, shall be screened and located near the apartment units.