

**Application PZ #24-7ZRA — [REVISED]**  
**Proposed Amendments to the Ledyard Zoning Regulations**  
July 8, 2024

**Purpose**

- Part I.** To establish reasonable limits for the mass, height, and population density of multifamily developments that are compatible with and help protect the character of Ledyard in a manner consistent with the goals of the POCD and the Affordable Housing Plan.
- Part II.** To prohibit mining and quarrying and to impose reasonable constraints on large-scale excavation.
- Part III.** To require a public hearing for §8-30g "Affordable Housing" applications.

**Part I**  
**Multifamily Developments**

1. **Page 5-1** – (from §5.2 table):

**Delete** "Maximum Building Height of Principal Structure (ft)\*\*\*"

**Replace with:**

*"Maximum Building Height of Principal Structure (ft)"*  
(Retain the existing **35'** under the R20, R40, and R60 columns.)

2. **Page 5-2** – (just before the §5.3 table):

**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"

3. **Page 6-2** – (last line of Table 6.2.1)

**Delete** the "**50\***" entry on the last line of Table 6.2.1 under the LCDD, LCTD, MFDD, GFDD, and RCCD columns.

**Replace** each "**50\***" entry with: "**35**" on the last line of Table 6.2.1 under the LCDD, LCTD, MFDD, GFDD, and RCCD columns.

4. **Page 6-2** – (just below Table 6.2.1)

**Delete:** "\*Maximum height may be increased to sixty-five (65) feet for multi-family 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."

5. **Page 6-4** – (Line 4 of Schedule 6.4)

**Replace:** "SPL" with "SUP" on the line identified as "Residence Multi-family (apts, condos) §8.13" in the LCDD, MFDD, GFDD, and RCDD columns.

6. **Page 8-25** – (§8.28.B)

**Delete:** "§8.28.B "Density: The density for an Apartment Condominium complex shall be limited only by the applicable building, fire, and public health codes and applicable bulk/dimensional requirements of the particular zone."

**Replace §8.28.B with:**

*"B. There is no minimum floor space area for a dwelling unit or a numerical or percentage cap on the number of dwelling units in a multifamily residence, as defined in §2.2.*

- 1. As defined in §2.2, the height shall not exceed 35'.*
- 2. The number of stories shall not exceed three (3).*
- 3. The size shall not exceed 10,000 square feet for a one-story, 20,000 square feet for a two-story, or 30,000 square feet for a three-story multifamily residence.*
- 4. The population density shall not exceed sixty (60) people per acre based on an occupancy of two people per bedroom.*
- 5. Multiple multifamily residences can be on a single parcel.*
- 6. Each dwelling unit must have one or more bedrooms."*

7. **Page 8-26**

**Delete:** "E. Off-street Parking: Off-street parking shall be provided as required by §9.4."

**Replace with:**

*"E. Off-street Parking:*

- 1. Parking shall be below, attached, between, or behind multifamily residences.*
- 2. Required resident parking shall be on the same parcel as the multifamily residence.*
- 3. Covered parking attached to or below a dwelling unit shall count as 1.25 parking spaces toward the off-street parking requirements.*
- 4. A tandem parking space shall count as a single parking space.*

5. *A minimum of two parking spaces are required per one- or two-bedroom dwelling unit.*
6. *Parking requirements are increased by 15% if no on-street parking is available.*
7. *Parking requirements are credited 1.25 spaces for every covered parking space attached to or below a dwelling unit.*
8. *A reasonable number of off-street parking spaces shall be reserved for guest parking."*

**8. Page 8-26**

**Delete:** "F. Maximum Building Height for a Multi-family Residence in the R20, R40, or R60 districts is forty-five feet/3.5 Stories."

**Replace with:**

**"F. Recreation.** *A reasonable amount of appropriate outdoor recreational space and facilities shall be provided for use by residents. (Optional for age-restricted developments.)"*

**Part II**  
**Excavation, Mining, & Quarrying**

1. **Page iii** – (In the Table of Contents)

**Delete:** "8.16 EXCAVATION (FILLING OR REMOVAL OF SOIL, GRAVEL AND STONE)"

**Replace with:**

*"8.16 EXCAVATION"*

2. **Page 2-7** – (In §2.2 (Definitions))

**Delete:** The definition of "Excavation, Major"

**Delete:** The definition of "Excavation, Minor"

3. **Page 2-7** – (In §2.2 (Definitions))

**Delete:** The definition of "Excavation"

**Replace with:**

**EXCAVATION:** *"The act or process of digging, removing, relocating, or displacing soil, rock, or other materials from a parcel or lot to build foundations, install utilities, or landscape for the development of one or more principal or accessory uses allowed in the district. Excavation is not a "land use.""*

4. **Page 2-7** – (In §2.2 (Definitions))

**Add the following definitions for "Mining," "Quarry," and "Quarrying":**

**MINING:** *The act or process of extracting valuable or marketable minerals from the earth's surface.*

**QUARRY:** *A place, typically a large pit, from which marketable stone or other materials of value are being extracted or have been extracted.*

**QUARRYING:** *The act or process of extracting marketable stone or other valuable materials from a quarry.*

5. **Page 5-3** – (in Table 5.3)

**Delete** "Excavation Operations - Major ( $\geq 300$  cu yds) 8.16" and the SUP requirement under the R20, R40, R60 columns.

**Delete** "Excavation Operations - Minor ( $< 300$  cu yds) §8.16" and the SPL requirement under the R20, R40, R60 columns.

6. **Page 6-7** – (in Table 6.4)

**Delete** "Excavation Operations - Major ( $\geq 300$  cu yds) 8.16" and the SUP requirement under the RCDD, I, and CIP columns.

**Delete** "Excavation Operations - Minor ( $< 300$  cu yds) §8.16" and the SPL requirement under the RCDD, I, CIP, and CM columns.

7. **Page 8-14** –

**Delete** the entire §8.16 "Excavation (Filling or Removal of Soil, Gravel and Stone)

**Replace §8.16 with the following:**

**8.16 EXCAVATION**

**Purpose:** *To allow for the necessary removal of materials for developing a permitted principal or accessory land use without impacting health, safety, convenience, or property values.*

**A. Limits:** *The maximum excavation removal amount is limited to 5,000 cubic yards. Excavation removal amounts above 5,000 cubic yards require one or more renewal applications and new permit(s).*

**B. General Requirements:**

1. *Excavation necessary to develop a permitted principal or accessory use that requires a zoning permit or a special permit is permitted under the zoning permit or special permit for the use.*
2. *Excavation shall not result in reduced desirability, usefulness, or value of the excavated parcel or adjacent parcels.*
3. *Excavation shall not result in an unsightly undeveloped site due to open pits, rubble, unused or junk equipment, or other indications of improper site closure.*
4. *Excavation shall not involve explosives or rock-crushing machinery if it is within 2,000 feet of a residence.*
5. *Excavation must begin within one year of the date of its permit.*

6. *Excavation must be completed within 180 days of beginning.*
7. *Excavation may involve expansive controlled demolition agents and other alternative, less intrusive technologies when explosives or rock-crushing machinery are not allowed or are unsuitable.*
8. *No excavation shall occur closer than fifty (50) feet from any wetlands, watercourse, or water body.*
9. *No removal shall occur within twenty-five (25) feet of a property line or within fifty (50) feet of a highway property line, where the distances are measured from the top of the bank.*
10. *Upon the completion of excavation,*
  - a. *No bank shall exceed a slope of one (1) foot vertical rise in three (3) feet of horizontal distance;*
  - b. *Disturbed areas shall be covered with a minimum of four (4) inches of topsoil and graded;*
  - c. *The area will be limed, fertilized, and seeded; and*
  - d. *The site shall be maintained until the area is stabilized.*
11. *To provide for surface drainage, the gravel bank floor area shall be graded to not less than one percent (1%) or more than four percent (4%).*
12. *Topsoil and subsoil stripped from the operation area will be stockpiled for site restoration.*
13. *Nonconformance with the "Plan of Operation" constitutes a violation of the zoning regulations or permit approval conditions.*
14. *No excavation will involve mining or quarrying, as defined in §2.2, as the principal purpose of the excavation.*
15. *To determine if a proposed excavation is a prohibited mining or quarrying use, the ZEO or the Planning and Zoning Commission, as appropriate, may determine if an applicant would likely proceed with his proposed development if it did not depend on revenue from the sale of minerals and stones excavated from the site.*

**C. Additional requirements when the excavation removal amount is between 300 and 5,000 cubic yards.**

1. *A special permit is required for the excavation component of the development if the proposed principal or accessory use is allowed by right.*
2. *A site plan shall be provided that includes the surrounding area and depicts the location of residences within 2,000 feet of the site.*
3. *The Commission may impose constraints on the days and hours of excavation as a condition of approval of the special permit.*
4. *Excavation requires a twenty (20) foot wide by fifty (50) foot long tracking pad at the site entrance consisting of three (3) inches of crushed stone installed before the start of operations.*
5. *The Commission may require the applicant to post a bond to the Town of Ledyard in an amount and form sufficient to assure the parcel will be excavated, graded, landscaped, and restored in conformance with the Plan of Operation and its Closure Plan.*
6. *The Commission may require additional screening as a condition of approval if it deems more isolation of adjacent properties is necessary.*
7. *If the removal area is near a town/state or state road, the Commission may require additional screening as a condition of special permit approval.*

**D. Application Requirements:**

*Applications that include excavation, as defined, must include the following:*

1. *A description of the purpose(s) of the excavation.*
2. *The anticipated start date and the hours and days of excavation.*
3. *The amount of time expected between beginning and completing the excavation.*
4. *The expected excavation removal amount (in cubic yards).*
5. *Identification of the existing and proposed structures on the site.*
6. *A statement that the proposed excavation will not involve mining or quarrying, as defined in §2.2, as a principal purpose of the excavation.*
7. *A signature page signed by the applicant certifying the excavation will be conducted in conformance with the Zoning Regulations, the Plan of Operation, the Closure Plan, and the Plan for Sediment and Erosion Control.*

8. A "Plan of Operation" that includes:
- a. *If the removal area is on or near a river, estuary, watercourse, or wetlands, a detailed description of the protective measures that will be taken to conform with federal, state, and local regulations.*
  - b. *If the excavation is in or abuts a residential district, a description of how the excavation will not create impulse or continuous sounds at the property line that exceed 5 dB above the ambient noise level at the property lines.*
  - c. *A description of how the excavation will not create odor, dust, fly ash, or other airborne contaminants, or how these contaminants will be controlled so as not to leave the excavation site.*
  - d. *A plan for sediment and erosion control.*
  - e. *Information showing that if the excavation is below the seasonal high water table, the pond banks will be no steeper than a two-to-one ratio (2:1).*
  - f. *Information showing that surface water will flow from the excavated area through appropriate sediment control devices before leaving the site.*
  - g. *The proposed truck access & egress route to and from the excavation area.*
  - h. *Information regarding the depth of the groundwater table.*
  - i. *Information regarding a log of soil borings taken to the depth of the proposed excavation.*
  - j. *A description of the proposed excavation effort and technology.*
  - k. *A description of the machinery that will be used on the site.*
  - l. *Details for the final grading and landscaping after the completion of excavating.*
  - m. *Details regarding the drainage of the operation area during and after the completion of the work.*
  - n. *A description of how erosion will be controlled during excavation and how storm water and process water used in the operations will be contained, treated, and discharged in conformance with federal, state, and local regulations.*
  - o. *A closure plan showing how the site will be closed and restored upon completion of the proposed excavation.*



**Part III**  
**Affordable Housing Applications**

1. **Page ii** (in Table of Contents) –

**Replace §8.3 "RESERVED" in the Table of Contents with:**

**"8.3 AFFORDABLE HOUSING DEVELOPMENTS (CGS §8-30G APPLICATIONS) 8-2"**

2. **Page 8-2** –

**Replace §8.3 "RESERVED" with the following:**

**"8.3 AFFORDABLE HOUSING DEVELOPMENTS (CGS §8-30g APPLICATIONS)**

- A. *The "Affordability Plan" shall use current rates for its estimated costs of utilities (water, sewer, electricity), insurance premiums, taxes, maintenance, HOA fees, and financing (interest) used in the calculation of the maximum rent or sales price of the deed-restricted affordable dwelling units. The insurance premium cost estimate for the deed-restricted units shall be based on a recent quote from a licensed insurance company and include a description of the amount and type(s) of coverage provided under the policy. The cost estimate for utilities shall take into consideration the size and design of the dwelling; the R-value of its insulation; the size, number, and R-value of its windows; the annual HVAC routine servicing costs; and the quantity and cost (at current rates) of the fuel for the heating and cooling of the deed-restricted units.*
- B. *The "Affordability Plan" shall include a section titled "Conditions of Approvals, Deeds, and Restrictive Covenants [or Lease Provisions] That Will Govern the Affordable Dwelling Units."*
- C. *To show the proposed affordable housing units are comparable in size and design to the market rate units, the "Affordability Plan" shall include a list of differences, if any, between the designated "affordable dwelling units" and the "market rate" units. [For example, will the affordable dwelling units be smaller, have less desirable views, less parking or more distant parking, less efficient insulation, fewer, smaller, or less efficient windows, have fewer bedrooms, fewer or smaller bathrooms, fewer or smaller closets, fewer cabinets, no central AC, a separate entrance, or less efficient heating or cooling than the market-rate units.]*
- D. *The Commission shall impose reasonable changes and conditions of approval to improve the Application that will not have a substantial adverse impact on the viability of the affordable housing development or the degree of affordability of the affordable housing units.*
- E. *If the Commission denies the Application, it shall provide a detailed statement of its reasons, which must be supported by sufficient evidence in the record.*
- F. *A public hearing is required for all proposed affordable housing developments.*