

Proposed Text Amendment to Section 12: Planned Development

Section 12. Planned Development – Text Revisions to Southbury Zoning Regulations

- **Definitions: A Planned Development District (PDD)** is a custom flexible zoning tool and classification that allows for development standards to be tailored to a specific project, allowing municipalities to tailor development standards promoting more creative and flexible land use designs than conventional zoning promoting creative and context-sensitive land use. It functions as a unique zoning district established for a particular geographic area to accommodate custom development goals incorporating mixed uses allowing for deviations from standard zoning regulations. Minimum land parcel size for a PDD is five (5) acres.
- **Definitions: A Planned Development Unit (PDU)** is a custom land use solution for the creation of residential uses including the mix of residential, commercial office, retail and mercantile uses. It is a zoning tool that allows for more flexible development compared to traditional zoning regulations, offering control over site planning and potentially leading to a more cohesive and varied community. PDU's are often designed to integrate residential living accommodations within residential and business districts of a community by providing solutions for mixed-use housing including the mix of residential, commercial office, retail and mercantile uses. Maximum land parcel size for a PDU is five acres, unless the development unit consists of cluster residences, in which case the maximum land parcel size will be ten (10) acres. .
- **Definitions: Mixed Use Development** : PDD's and PDU's can accommodate a combination of residential, commercial, mercantile and even industrial uses within a single development, offering greater convenience and accessibility for residents and tenants.

12.1 Purpose: A "Planned Development", consisting of a Planned Development District (PDD) ~~or a Planned Development Unit (PDU) approved by the Planning Commission,~~ or a Planned Development Unit (PDU) established by the Zoning Commission may be authorized in accordance with the procedure, standards and conditions hereinafter specified and only for one or more of the following purposes and under the criteria specified therefor:

- 12.1.1** To permit the division of a tract or parcel of land in a Residential R-80, R-60, R-40 or R-30 District into three (3) or more parts or lots for the purpose of sale or building development for "*Cluster Residences*" In accordance with **Technical Supplement 1** of the adopted Plan of Conservation and Development for the Town of Southbury Connecticut, for the purpose of conserving scenic areas, views and vistas observed from certain public streets, conserving special natural environments and historic sites and/or conserving active, productive farmland; *and/or*
- 12.1.2** To permit, on a lot in a Residential R-80, R-60, R-40 or R-30 or *(R-20)* District or M-2 *or B District* a "Multi-Family Dwelling Group" or Groups in accordance with **Technical Supplement 2** of the adopted Plan of Conservation and Development for the Town of Southbury, Connecticut, for the purpose of establishing alternative dwelling accommodations consisting of dwellings containing, two (2) or more dwelling units not restricted for occupancy by age of occupant, and otherwise for the following purposes which may include the purposes of Par. 12.1.1 and 12.1.2; and/or
- 12.1.3** To permit a tract of land of considerable size to be improved and developed with a use of land, buildings and other structures and site development that constitute an integrated and harmonious design unit, consistent with the character of the Town, the orderly development of the neighborhood, the purposes of these Regulations and the adopted Plan of Conservation and Development for the Town of Southbury, Connecticut.

Minimum land parcel size for a PDD is five (5) acres

Maximum land parcel size for a PDU is five (5) acres (unless for cluster residences – 12.1.1); then the maximum land parcel is 10 acres

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- 12.1.4** To permit, on a lot, a use of land, buildings and other structures, and related site development, not permitted on Schedule A within the existing zoning district where the lot is located but which would be beneficial to and consistent with the orderly development of the Town and the neighborhood and consistent with the purposes of these Regulations and said Plan of Conservation and Development; and/or
- 12.1.5** To permit, on a lot, the design and construction of buildings and other structures, and site development, in connection with a use permitted on Schedule A within the existing zoning district where the lot is located and that by virtue of their location, orientation, structure, texture, materials, landscaping or other features would be consistent with the character of the Town and the neighborhood and with the purposes of these Regulations and said Plan of Conservation and Development and would demonstrate unusual design merit.

When, in connection with any and all of the purposes specified in Par. 12.1.1 through 12.1.5, a) the tract, parcel or lot is of sufficient size to accommodate the Planned Development (PDD or PUD), b) an existing zoning district listed in Par. 2.1 could not be appropriately established to accomplish such purpose or would authorize uses and impose standards that preclude or would not adequately assure accomplishment of such purpose, and c) the Planned Development is specifically consistent with particular elements of, or is otherwise not inconsistent with, such adopted Plan of Conservation and Development.

- 12.1.6. To permit, *Flexibility in Design*:** PDD's and PDU's allow for more flexible planning and design than traditional zoning, potentially leading to unique and varied community layouts.
- 12.1.7 To permit, *Zoning and Legal Agreements*:** While not subject to standard zoning, PDD's and PDU's are still subject to legal agreements between the developer and local authorities, which often involve public hearings and may include conditions on things like affordable housing, mixed uses or environmental preservation. Overall, PDD's and PDU's offer municipalities a flexible approach to zoning, allowing for developments that are more responsive to specific local needs.
- 12.1.8 To permit, *Community Focus*:** PDD's and PDU's often aim to create a cohesive and integrated community by carefully considering factors like the overall design of the development.
- 12.1.9 To permit, *Custom Zoning Standards*:** PDD's and PDU's enable modifications to conventional zoning regulations, allowing for innovative designs that align with the project's objectives and the surrounding environment.
- 12.1.10 To permit, *Minimum Parcel Size*:** Typically, a minimum and maximum land parcel sizes are required to establish a PDD or PDU. Minimum land parcel size may be based on the existing land parcel size in the zoning district being considered for development. *Town of Southbury – Official Zoning Map – Adopted April 30th, 1966.*
- Minimum land parcel size for a PDD is five acres.*
- Maximum land parcel size for a PDU is five acres (unless the development unit consists of cluster residences, in which case the maximum land parcel size will be ten (10) acres.*
- 12.1.11 To permit, *Community Integration*:** The aim of PDD's and PDU's is to create a cohesive and integrated community by carefully considering factors such as overall design, infrastructure, and amenities.

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12.2 Units and Districts: A Planned Development consisting of *Cluster Residences* (Par. 12.1.1) located, or a *Multi-Family Dwelling Group* (Par. 12.1.2) located on, or otherwise pertaining to a purpose specified in Par. 12.1.4 or 12.1.5 and located on shall be considered a Planned Development Unit (PDU) and shall conform to the procedures, standards and conditions of Par. 12.3 and 12.4. Planned Developments, located on a lot larger than specified for a PDU, shall be considered a Planned Development District (PDD) and shall conform to the procedures, standards and conditions of Par. 12.3 and 12.5.

12.3 Special Submission Requirements: Requests for approval of a Planned Development for one or more of the purposes specified in Par. 12.1 shall be submitted in writing and shall be accompanied by the following:

12.3.1 Report: A written report explaining the purpose of the Planned Development under this Section and how the Planned Development meets the criteria specified in Par. 12.1, including but not limited to consistency with the adopted Comprehensive Plan of Development for the Town of Southbury, Connecticut; ten (10) copies shall be submitted.

12.3.2 PDU Site Plan: For a Planned Development Unit (PDU), six (6) copies of the following shall be submitted as applicable:

- a. For Cluster Residences (Par. 12.1.1) when the development consists solely of single detached dwellings for one (1) family or otherwise constitutes a subdivision subject to the Subdivision Regulations of the Town of Southbury, Connecticut, a "site development plan" as specified in such Regulations.
- b. For Cluster Residences (Par. 12.1.1) or the portion thereof, that include dwellings containing two (2) or more dwelling units and for Multi-Family Dwelling Groups (Par. 12.1.2), a SITE DEVELOPMENT PLAN meeting the requirements of Par. 14.2.2; or
- c. For a purpose specified in Par. 12.1.4 or 12.1.5, a SITE DEVELOPMENT PLAN meeting the requirements of Par. 14.2.2.

12.3.3 PDD Regulation: For a Planned Development District (PDD), a written regulation to be applicable within the proposed District, in form suitable for adoption as an amendment to these Regulations, containing no less than the following:

- a. A suitable boundary description and survey map of the District, and any land use areas or subdistricts within the District.
- b. The precise uses of land, buildings and other structures to be permitted.
- c. Standards for the area, location and bulk of buildings and other structures, and the area, shape and frontage of lots.
- d. Site development and building standards.
- e. Procedures for administrative review and approval of detailed plans and specifications for the Planned Development.
- f. Citation of the "General Plans" that are to be applicable within the District; and
- g. Any other regulatory provisions necessary to carry out the purpose of the District, including citation of other provisions of these Regulations that are to be applicable within the District; 20 copies shall be submitted.

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12.3.4 PDD General Plans: For a Planned Development District (PDD), six (6) copies of a "General Plan" for the entire District, consisting of the following shall be submitted as applicable:

- a. For Cluster Residences (Par. 12.1.1) when the development constitutes a subdivision subject to the Subdivision Regulations of the Town of Southbury, Connecticut, a "site development plan" as specified in such Regulations; or
- b. For Cluster Residences (Par. 12.1.1), or the portion thereof, that include dwellings containing two (2) or more dwelling units, for Multi-Family Dwelling Groups (Par. 12.1.2), or for a PDD under Par. 12.1.3, 12.1.4 and/or 12.1.5, site plans, architectural plans and other drawings as relevant and in sufficient detail to illustrate the existing topography and the character, function and location of uses, buildings, structures, streets, driveways, parking and loading facilities, outside storage areas, contours, wetlands, water courses, drainage, sewage disposal, water supply and landscaping, which General Plans may but need not necessarily show the degree of detail required for a SITE DEVELOPMENT PLAN and issuance of a ZONING PERMIT.

12.3.5 PDD Petition Map: For a Planned Development District (PDD), a petition map as specified in Par. 15.1.2; six (6) copies shall be submitted.

12.3.6 Fee: An application or petition fee as specified in Par. 14.8.

12.4 PDU Procedure: Request for a Planned Development Unit (PDU) is an application for approval of a SPECIAL EXCEPTION and may be granted by the ~~Planning Commission~~ Zoning Commission only after due notice and public hearing as required by law. In approving an application, the ~~Planning Commission~~ Zoning Commission shall find that the applicable purposes and criteria of Par. 12.1. will be met in addition to the General Standards of 7.2. and the special standards of Par. 12.6.; otherwise, the application shall be disapproved upon receipt, the ~~Planning Commission~~ Zoning Commission shall refer the application to the Planning Commission and shall hold a Public Hearing and act thereon in the same manner as required for approval of a Special Exception. If the Zoning Commission approves a Planned Development Unit, the Planned Development authorized thereby is deemed to be permitted by these Regulations.

12.5 PDD Procedure: Request for a Planned Development District (PDD) constitutes a petition for legislative action to amend these Regulation in accordance with Section 15. The petition shall be submitted to the Zoning Commission and shall be signed by the owner or owners of all lots within the proposed District; provided, however, that the District may also include existing street, highway and utility rights-of-way not owned by the petitioner. Upon receipt, the Zoning Commission shall refer the petition to the Planning Commission and shall hold a public hearing and act thereon in the same manner as required for amendment of these Regulations. The following requirements are also applicable:

12.5.1 Findings: A PDD may be adopted by the Zoning Commission only upon finding that proposed District and Planned Development meet the applicable purposes and criteria of Par. 12. a special standards of Par. 12.6 and that the District is in accordance with the comprehensive plan of zoning for the Town and consistent with the adopted Comprehensive Plan of Development for the Town of Southbury, Connecticut.

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12.5.2 Detailed Plans: The use, buildings, structures and site development authorized by a PDD are permitted subject to administrative approval of Detailed Plans therefor as follows:

- a. When a Cluster Residence development under the purposes specified in Par. 12.1.1 constitutes a subdivision subject to the Subdivision Regulations of the Town of Southbury, Connecticut, the Detailed Plans shall include a RECORD SUBDIVISION MAP, and all the plans required therefor, approved by the Planning Commission under such Regulations; and
- b. When the Planned Development is a Cluster Residence development that includes dwellings containing two (2) or more dwelling units (Par.12.1.1) or is a Multi-Family Dwelling Group (Par 12.1.2), or otherwise pertains to a purpose specified under Par. 12.1.3, 12.1.4 and/or 12.1.5, the Detailed Plans shall be submitted to the Zoning Enforcement Officer together with an APPLICATION for a ZONING PERMIT and shall include no less than the information required for SITE DEVELOPMENT PLANS under Par. 14.2.2 of these Regulations. Detailed Plans may be submitted for approval in sections or stages. The Zoning Commission shall act on the Detailed Plans in the same manner as specified for Planning Commission approval of SITE DEVELOPMENT PLANS under Par. 14.4.1 and 14.1.2; provided, however, that the following additional requirements are applicable:
 - i. The Zoning Commission, in reviewing and approving Detailed Plans, shall refer a copy of such Plans to the Planning Commission, and, within 45 days of the referral, the Planning Commission shall report its recommendations to the Zoning Commission concerning compliance with the standards of Section 7 of the Regulations and consistency with the adopted Comprehensive Plan of Development. Subsequent modifications to approved detailed plans need not be referred to the planning commission so long as the fundamental character of the approved detailed plans, as determined by the zoning commission, is not changed.
 - ii. The Detailed Plans, as determined by the Zoning Commission, shall conform to the PDD Regulation, shall be consistent with the General Plans that are a part of such Regulations and shall conform to the standards of Section 7 as those standards may be modified by such PDD Regulation; and
 - iii. If the Planned Development constitutes a subdivision as provided in Par. 12.5.2a, eligibility to submit such Detailed Plans for approval occurs only after the RECORD SUBDIVISION MAP has been approved by the Planning Commission under Subdivision Regulations.

12.5.3 Adoption of PDD: The Planned Development District (PDD) may be adopted by the Zoning Commission with modifications deemed necessary by the Commission to maintain the purposes of these Regulations. Notice of adoption shall be given in the same manner as required for amendment of these Regulations. Any adopted PDD shall be shown on the Zoning Map with its own PDD number and with a reference to Town records where the District provisions may be seen.

12.5.4 Time Limits: The Zoning Commission, in connection with adoption of a Planned Development District, may specify time period within which APPLICATION for a ZONING PERMIT and submission of Detailed Plans shall be made, construction shall commence and/or the Planned Development shall be completed and a Certificate of Zoning Compliance therefor obtained; if not so specified, the Planned Development shall be completed and a Certificate of Zoning Compliance therefor obtained within five (5) years from the effective date of the District. The Zoning Commission may extend such time periods after the public hearing for good cause shown. In the event of failure to meet such time periods, as the same may be extended, the Zoning Commission is deemed authorized by the owner to the tract or lot to amend these Regulations and the Zoning Map, deleting the Planned Development District and establishing in its place the previous or another zoning district.

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12.6 PDU and PDD Special Standards: The following special standards are applicable to a Planned Development whether authorized as a Planned Development District or a Planned Development Unit:

12.6.1 Cluster Residence Development (*Heritage Village zoning from 1966*) shall conform to the criteria of such Technical Supplement #1, and without limiting the generality thereof, the following in particular:

- a. The number of dwelling units shall not exceed the number that could be established as the sum of single detached dwellings for one (1) family on approvable building lots in the District where proposed; and
- b. From and after the effective date of this Par. 12.6.1b, the sum of the number of dwelling units in dwellings containing two (2) or more dwelling units authorized in Cluster Residence developments in the Town shall not exceed 285.

Review - Old Field and Traditions

Review Lists for Current PDD's and PDU's

12.6.2 Multi-Family Dwelling Groups (*Heritage Village zoning from 1966*) shall conform to the criteria of such Technical Supplement #2, and without limiting the generality thereof, the following in particular:

- a. The lot on which dwellings containing two (2) or more dwelling units are located shall contain not less than 15,000 square feet of lot per area per dwelling unit, exclusive of all wetlands, water bodies, flood plains and land having a slope more than 25% grade.
- b. From and after the effective date of this Par. 12.6.2b, the sum of the number of dwelling units in dwellings containing two (2) or more dwelling units authorized in such Multi-Family Dwelling Groups in the Town shall not exceed 285, minus such number as may be authorized in Residential R-30A Districts after such date, and no more than 40% of the 285 dwelling units, shall be authorized in each of the five (5) year periods commencing with October 1 of 1987, 1992 and 1997; and
- c. The request for a Planned Development for a Multi-Family Dwelling Group shall demonstrate that, in planning the Dwelling Group, consideration has been given to alternative housing opportunities for a variety of types of families and individuals, including features of family size, income and age of occupant, who may reside in the Town.

Review - Heritage Village, Heritage Crest, Heritage Circle, Old Field and Traditions

Review Lists for Current PDD's and PDU's

12.6.3 Other Residential: When the Planned Development, or portion thereof, under the purposes of Par. 12.1.3, 12.1.4 and/or 12.1.5 includes subdivision of land to create lots for single-family detached dwellings and/or establishment of dwellings containing two (2) or more dwelling units, the special standards of Par. 12.6.1 and 12.6.2 shall **NOT** be applicable to such lots and dwellings **when PDD's and PDU's are designed to integrate within residential (residential living accommodations), business and manufacturing districts of a community by providing solutions for mixed-use housing including the mix of residential, commercial office, retail and mercantile uses.**

12.7 Existing Planned Development: Existing Planned Developments, whether approved under a Planned Development District or as a Planned Development Unit prior to November 1, 2002, may be continued as the applicable Planned Development District regulations and the conditions imposed and stipulations made in connection with a Planned Development Unit, and such existing Planned Developments may be modified in accordance with the procedures, standards and conditions specified in SECTION 12 prior to such date.