

With edits from the Commission's meeting of November 10, 2021, redline

Add to Table of Section 3.2.A a new column at the right between R-15 and "Additional Regulations," "DDZ," and below that, on line #1 (single family), 2 (two-family conversion), 3 (two-family-new), 4 (multi-family conversion), 5 (multi-family new), 6 (age restricted housing), and 7 (congregate housing) "SE" (Special Exception)' and on line 12 (community residential facility) add "ZP" (per state law); and on line 12 (community residential facility within 1000' of another one) "SE." Under the column "Additional Regulations," for those same first 7 lines, add a comma and "5.8" (reference to the Design Development Zones section below).

Add to Section 3.4 (Area and Dimensional Requirements), at the end of the opening paragraph:

For Designed Development Zones, see Section 5.8 of these Regulations.

New Section 5.8:

SECTION 5.8 - DESIGNED DEVELOPMENT ZONES

5.8.0 Intent. The purpose of this Section is to provide for increased flexibility, balanced by increased control, in the development of land so as to facilitate the following objectives: a) the provision of housing for persons who, due to age, income, or health, require more compact residential patterns than are possible with conventional single-lot subdivisions; b) encourage appropriate and harmonious variety in the physical landscape, to encourage and improve the level of amenity and design, and to more effectively promote the health and general welfare of the Town of New Hartford; c) to provide recreational opportunities for residents of the Town and the region while minimizing adverse impacts on the Town and the neighborhood; and d) to improve the tax base of the Town.

5.8.1 Designed Development Zones. Any owner of property may apply to the Commission for a change of zone to one of the following Designed Development Zones, provided said application conforms in all respects with the requirements set forth in this Section for such zone change, and to the requirements of any other applicable Section of these Regulations for the particular use(s) proposed: Designed Community Residential (DCR) or Designed Elderly Residential (DER). Approval of a change of zone to such designation shall be a precondition of any application for any use permitted in such zone in accordance with Article 3 (Residential Districts) of these Regulations.

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For the purpose of this Section, the term "underlying zone" shall be defined as the zone or district existing on the subject parcel prior to the filing of an application for a Designed Development Zone.

5.8.2 Application Procedure For All Designed Development Zones.

5.8.2.1 Informal Preliminary Considerations. The New Hartford Planning and Zoning Commission recommends that, prior to the submission of an official application for Designed Development Zone approval, the applicant initiate a pre-application conference with the Commission and subsequently prepare and present a preliminary plan for informal consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate the general consideration of factors and problems affecting the development of the land before the applicant proceeds with the official application and the preparation of final maps, plans and documents required for formal consideration by the Commission. The presentation of a preliminary plan will more readily and economically facilitate alterations and changes recommended by the Commission. Neither the pre-application conference nor the formal consideration of the preliminary plan shall be deemed to constitute any portion of the official and formal procedure of applying for a change of zone or a Preliminary Site Development and Land Use Concept Plan approval. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application for Designed Development Zone. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for change of zone.

5.8.2.2 Formal Application.

A. Who May Apply. The following persons may apply for a Designed Development Zone: An owner, or all of the joint owners, of the property within the proposed Designed Development Zone; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond

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for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

- B. Application Form and Fee. All Applications for a Designed Development Zone shall be submitted to the Commission on a form prescribed by it and accompanied by an Application fee in accordance with the Ordinances of the Town of New Hartford. In addition, each application shall be accompanied by a list of the names and addresses of the owners of all properties abutting the subject zone change, as such names and addresses appear in the records of the Town Assessor.
- C. General Statement. Applications for change of zone to any Designed Development Zone shall include a general statement describing the following:
 - 1. The specific types of proposed uses on the site, including the bedrooms per unit and any restrictions on occupancy (such as age or disability);
 - 2. The methods by which site utilities will be provided;
 - 3. The proposed timetable for development, including a description of phases, if any;
 - 4. The open space resources of the site, and the amount of open space to be retained, and the method of preservation, if any;

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5. The pattern/method of ownership and maintenance of any interior roadways, public facilities, the sewerage disposal systems(s), the water supply system(s), and other common elements; and
 6. A schedule of bedrooms per dwelling unit, total numbers of units, square footage of units, and such other data as may be required to evaluate compliance with the standards and criteria of these Regulations.
 7. A statement outlining how the proposed development conforms to the Comprehensive Plan embodied in these Regulations and the adopted Plan of Development of the Town; and how the proposal will better utilize the resources of the site to the benefit of the neighborhood and the Town than would be possible under the requirements of the underlying zone.
 8. A statement outlining how each of the requirements set forth in these Regulations are met, and how each of the criteria for evaluation of the application are satisfied.
- D. Zone Change Map for Recording. All applications for a Designed Development Zone shall be accompanied by a boundary survey, suitable for filing in the Office of the Town Clerk, indicating the area of the proposed zone change relative to existing property boundaries, and the names of all abutting property owners of record. Said survey shall include a key map, but none of the other information required in Appendix 2.C of these Regulations. Said survey shall be certified by a Connecticut licensed land surveyor that the survey conforms to the standards of survey and map accuracy respectively of Class A-2 in accordance with the Minimum Standards for Surveys and Maps of the State of Connecticut. In the event that the Commission approves a zone change of a lesser area than that

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requested, the applicant shall provide an amended zone change map reflecting the zone change as approved.

E. Preliminary Site Development Plan and Land Use Concept Plan. All applications for a Designed Development Zone shall be accompanied by a Preliminary Site Development and Land Use Concept Plan as required below:

1. The Plan shall be drawn clearly and legibly in ink on transparent cloth or other equally stable material at a scale of 1" = 40' or less. Sheet size shall not exceed 24" x 36" and the plan shall be drawn by a professional engineer, architect, landscape architect, or land surveyor registered in the State of Connecticut. The Commission may require that up to four (4) paper prints be provided and all plans shall be filed in a digital format, as well. Where appropriate, the information may be provided in textual rather than graphic form.
2. Any and all of the following information may be required at the discretion of the Planning and Zoning Commission in accordance with the scale of the proposed development:
 - a) Key Map. A key map at an appropriate scale of ~~1"=1000'~~ showing the location of the proposed development and its relationship to existing Town roads.
 - b) Adjacent Land Uses. The boundaries of the subject parcel or parcels to be rezoned and/or developed, owners of these parcels and adjacent parcels, roadways, structures, and land uses within five hundred (500') feet of the boundaries of the parcel.
 - c) Existing Site Features. Existing

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structures, roads, land uses, topography at a contour interval of five (5') feet or less, major and unique natural, scenic, historic, and open space features of the parcel and their relationship to the proposed development.

- d) Proposed Land Uses. The proposed density of land uses intended for different parts of the parcel, including the number of dwelling units and bedrooms, and the amount of land to be devoted to each land use including the amount and general location of proposed open spaces.
- e) Proposed Buildings. The general height, bulk, use and location of buildings, and preliminary architectural drawings.
- f) Circulation. The proposed location of roads, parking and pedestrian circulation including tie-ins with existing Town facilities.
- g) Water Supply. The proposed method of supplying potable water to the development.
- h) Sewage Disposal. The proposed method for the collection and disposal of all sanitary waste.
- i) Stormwater. The proposed stormwater handling concept including possible utilization of detention, aquifer recharge, sediment control, irrigation, and fire protection storage.
- j) Surface Water Quality. A statement indicating the quality of existing

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watercourses through or near the site.

- k) Erosion Control. A statement indicating the erodibility of the soils and a general indication of the need for erosion and sedimentation control.
- l) Noise. The expected intensity and frequency of noise.
- m) Soils. A detailed soil survey for the parcel prepared by the Soil Conservation Service or its equivalent prepared by a qualified soil scientist.
- n) Watercourses. The location of any inland wetland and watercourse as defined by the New Hartford Inland Wetlands and Watercourses Regulations, as amended.
- o) Scheduling. A general schedule of development in terms of time and site development area for all proposed phases.
- p) Restrictions. The substance of any proposed covenants, easements, restrictions and organizations.
- q) Further Documentation. Other documentation as may reasonably be required by the Commission to make an adequate determination of the appropriateness of the proposal to the site and of its fulfillment of the intent of these Regulations. The Commission may require information generally required in the Final Site Development Plan if it feels such information is necessary to make an adequate judgment. Preliminary findings for all

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site investigations shall be indicated.

- E. Subdivision Application. If the Preliminary Site Development and Land Use Concept Plan depict the division of the subject property so as to create a subdivision or resubdivision, as those terms are defined in the New Hartford Subdivision Regulations, an application under such Regulations shall be required prior to any conveyance of land requiring approval pursuant to such Regulations.

- F. Additional Information. A change of zone application calls upon the Commission to exercise a legislative function, and to determine that the Designed Development Zone applied for will be superior to the underlying zone in achieving the purposes of these Regulations as set forth in Section 1.2 hereof. It is the obligation of the applicant to provide any additional information which the Commission may request or require in order to make such a determination. Such information may include, but is not limited to: additional information concerning surrounding land uses, building locations, driveways, streets, topography, watercourses and wetlands, utilities, and the like; a traffic impact study prepared by a Connecticut Registered Professional Engineer qualified to prepare such studies; an environmental impact statement prepared by professionals qualified to prepare such studies; detailed architectural information, such as color samples, screening of roof- or ground-mounted heating and air conditioning equipment and ventilation ducts, building illumination, samples of construction materials, and the like; detailed landscaping plans, including the type, size, number and location of material to be planted, the location and construction material of any fences, walls, flag poles, street furniture, walkways, trash disposal areas, and the like; reports from its own consultants and staff, or from government agencies.

5.8.2.3 Public Hearing, Personal Notice, and Action.

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- A. Procedure, Notice. The Commission shall act in such manner, and in accordance with such time limits, as are designated for changes of zone in accordance with Section 8.7 of these Regulations and in accordance with the applicable provisions of the General Statutes. In the event of conflict between the procedure set forth in these Regulations and the General Statutes, the latter shall prevail. In addition to any notice provided by Statute or Section 8.7, the applicant shall mail personal notice to each owner of abutting property, as their names and addresses appear in the records of the Town Assessor, said notice to be by First Class postage with a certificate of mailing. Said notice shall be mailed no less than ten (10) days prior to the initial public hearing on the zone change, and the applicant shall submit, at such hearing, evidence of such mailing and of receipt, where available. The applicant need not provide similar notice of any continuation of the initial public hearing. The Commission may approve all or part of the zone change requested.
- B. Action on Preliminary Site Development and Land Use Concept Plan. The Commission shall approve, modify and approve, or disapprove the Preliminary Site Development and Land Use Concept Plan. Such modifications may include, but are not limited to, requirements for deed-restricted affordable housing units, as defined in Connecticut General Statutes Section 8-30g, and such units may exceed the maximum units per acre ~~set forth~~ in accordance with Section 5.8.4 of these Regulations. Any Special Exception for any use within the approved Designed Development Zone shall conform to the approved Preliminary Site Development and Land Use Concept Plan, except to the extent that the Commission approves or requires a departure therefrom. No Certificate of Zoning Compliance or Building Permit shall be issued, nor shall any construction activity of any kind commence, for any work depicted on an approved Preliminary Site Development and Land Use Concept Plan, until such time as a Special Exception,

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in accordance with Section 8.5 of these Regulations, has been issued for development to be located in the phase, or on the lot or site, where such construction activity is to occur.

- C. Notice of Action and Filing of Map. Upon approval of a Designed Development Zone and Preliminary Site Development and Land Use Concept Plan, the Commission shall provide notice to the applicant and the public, as provided in the General Statutes, and shall cause the approved Designed Development Zone and the said Plan to be noted on the official zoning map of the Town of New Hartford by outlining the boundaries of the land affected thereby and indicating the approval date.
- D. Recording. The applicant shall, within ninety (90) days of approval of any Designed Development Zone, record notice thereof in the New Hartford Land Records under the name of the record owner of land affected thereby, giving a legal description of the land, and giving specific reference to the approved plan(s) and map(s); and, further, the applicant shall record in the New Hartford Land Records a copy of the approved plan(s) and map(s), endorsed by the signatures of the Commission's Chairman or Secretary.

5.8.3 Criteria for Decisions on Change of Zone and Preliminary Site Development and Land Use Concept Plan. In acting on the application for change of zone and the Preliminary Site Development and Land Use Concept Plan, the Commission shall be guided by the following general and specific standards and criteria:

5.8.3.1 General Standards and Requirements for All Designed Development Zones. In considering a petition for a Designed Development Zone, the Commission shall be guided by the following considerations. Where necessary, documentation by the petitioner shall be presented to the Commission when required so that the impact of the proposal on these considerations can be assessed.

- A. The need for the proposed project in the proposed location, in accordance with the recommendations of

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the adopted Plan of Development for the Town of New Hartford and the Comprehensive Plan as embodied in these Regulations.

- B. The existing and future character of the neighborhood in which the Designed Development Zone is to be located. Particular attention shall be paid to the type and density of adjacent residential development, the character and uniqueness of the natural resources of the neighborhood, the character and use of existing highway facilities, and the Plan of Development and the Comprehensive Plan.
- C. The location and character of buildings in relation to one another and to existing or likely adjacent structures. Such location and character shall create a harmonious grouping and shall be compatible with surrounding structures.
- D. Traffic circulation within the site, the amount, access, and location of parking and loading facilities, and the quantity and composition of traffic generated by the proposed uses. Development shall be located so as to provide direct access to existing major streets and highways and to discourage increased traffic loads through residential neighborhoods and minor residential streets and to prevent increased congestion or circulation problems on existing streets. The proposal shall not impose upon the Town improvements to circulation off the site along existing roads or at affected neighboring intersections.
- E. The quality of the natural resources within the proposed zone and the effect the proposal will have on such resources. The presence of wetlands and floodplains, the quality of the water in streams and ponds, and the impact the proposal might have through the disposal of septic effluent or stormwater runoff, the degree of topographic alteration, and the uniqueness of animal and plant communities shall be considered.

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The site shall be suitable for development in the manner proposed without causing hazards to persons or property on or off the site from flooding, erosion, slipping of soil, or other harmful or inconvenient effects. Conditions of soil, groundwater level, drainage, and topography must be appropriate for both land and pattern of use intended.

- F. The availability of water to the site and adequate disposal of sewerage effluent. The characteristics of the soil to accept the effluent in a safe and harmless manner, in the quantities proposed, shall be adequate. Sufficient water shall be available to the site to supply the needs of the proposed uses.
- G. The location and type of display signs and lighting and the hours and type of operation of commercial and industrial operations. Such facilities and operations shall not cause annoyance and inconvenience to the neighboring residential areas.
- H. Safeguards to protect adjacent property and the neighborhood in general from disturbance through the use of appropriate landscaping and siting of uses and facilities.
- I. The economic impact on the Town of New Hartford with particular attention on the effect on existing public highways of the proposed development and the likely burden to be placed on educational and other services.

5.8.3.2 General Findings Required. In general, the Commission shall make the following findings for the subject Designed Development Zone:

- A. The proposed Designed Development shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties.

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- B. The location and size of proposed uses, the intensity of operations involved in connection with such uses, the site layout, and their relationship to access streets shall be such that vehicular and pedestrian traffic generated by the use or uses, shall not be detrimental to the character of the neighborhood.
- C. The establishment of such Designed Development Zones will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- D. The proposed uses permit the development of the site without the destruction of valuable natural assets or pollution of lakes, streams, and other water bodies while providing the best possible design of structures and land uses compatible with the shape, size, and topographic and natural character of the site.

5.8.3.3 Specific Requirements for All Designed Development Zones.

A. Access.

- 1. Access and circulation ways shall be designed to permit fire fighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and snow removal equipment to operate in a safe and efficient manner. Such accessways are not to serve as car storage areas.
- 2. The Commission may require the street system to connect to two or more existing Town through- roads or State highways in order to provide for a safe and efficient circulation system within the Town, except where topography or other physical considerations do not permit such streets or where such street connections would adversely affect the neighborhood. The Commission may allow a boulevard entrance with sufficient separating distance in lieu of two separate points of access, or may allow a secondary emergency access roadway, provided that each lane of the

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boulevard shall be at least twenty (20') feet in width.

The Designed Development Zone shall be served from, or have access to, at least one through improved State highway which provides adequate circulation and access to other sections of the Town. Ease of entrance to, and exit from, the development with minimum impact on normal traffic flow must be assured.

3. The Commission may require temporary turnarounds and street connections to adjoining undeveloped land as necessary for its proper development, except where topography does not permit or where such street connections would adversely affect the neighborhood.
 4. The street system shall be designated to permit connection to existing and proposed facilities where necessary for proper functioning of the utility systems, or the extension of utilities to adjoining properties.
 5. Buildings, walls, fences, planting and other sight obstructions shall be so located and designed that a driver backing out of any garage, carport or parking space has an unobstructed view of approaching traffic.
- B. Parking. Parking for all uses shall be in accordance with the requirements of Section 6.2 of these Regulations.
- C. Underground Utilities. All developments shall provide for underground installation of all utilities in both public ways and private extensions thereof. All developments shall provide proper design and construction of storm sewer facilities, including grading, gutters, piping and treatment of turf to handle stormwater, prevent erosion and the formation of dust. Utilities and maintenance facilities shall be in accordance with the requirements and regulations of the appropriate authority having jurisdiction.
- D. Pedestrian Circulation. The Commission may require such walkways within the development or to nearby properties as shall serve pedestrian movements to community facilities within the development or within reasonable walking distance.

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E. Streets.

1. Public Streets. Streets designated on the Preliminary Site Development and Land Use Concept Plan and approved by the Commission to be dedicated to the Town shall conform to the specifications prescribed by the Subdivision Regulations of the Town of New Hartford, regardless of whether the development requires Subdivision approval in accordance with those Regulations.
2. Private Streets and Driveways. Driveways serving more than one (1) dwelling, or serving any non-residential use, shall have two traffic lanes for their entire length, shall be at least ~~twentyeight~~ twentyeighteen (20+8') feet in width in addition to any parking space, except where a single lane may be used for short direct service driveways or where simultaneous two-way traffic is not anticipated. The Commission may require wider public or private road widths upon consultation with the Fire Chief.

The interior roadways of a Designed Development Zone are to be owned and maintained by either the residents of the community, a duly authorized association, or other legally organized entity which may own the development as a whole. Where developable land lies to the rear of a development, the Commission may require one or more Town roads through the property to serve future interior development. Such roads shall be constructed in accordance with Town of New Hartford Subdivision Regulation road specifications.

- F. Waste Disposal. Adequate sight screening must be provided for all garbage collection areas.
- G. Buildable Area/Minimum Parcel Size Calculation. For all purposes of this Section 5.8, including, but not limited to, calculation of the minimum size of the Designed Development Zone, density, building coverage, and the like, the area of the

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Designed Development Zone shall be the buildable area, which is to be computed based on the Buildable Land as defined in Section 2.2. (Definitions) of these Regulations.

- H. ~~Minimum Road Frontage.~~ ~~Any~~~~No~~ property proposed for a Designed Development Zone shall have ~~less than~~ ~~()~~ feet of frontage on an accepted, improved ~~Town road or~~ State highway, or shall have an easement at least one hundred (100') feet in width which easement confers all rights of a public highway, including, but not limited to, vehicular and pedestrian access, installation of utilities, and the installation of landscaping and lighting.
- I. ~~Setback Requirements, Building Proximity.~~ No building or structure shall be located closer to ~~less than~~ ~~()~~ feet from any boundary of the proposed Designed Development Zone than would be allowed for the rear yard setback of the underlying zone. Where a Designed Development Zone adjoins a single-family home development or approved residential subdivision, the Commission may require additional setbacks and/or natural screening to insure privacy from adjoining residences.

Setbacks between buildings and structures within the Designed Development Zone shall be such as to provide light and air, as well as acoustical and visual privacy for all dwellings, and access space for service, fire protection and maintenance equipment and operations.

- J. Design. The design of any Designed Development Zone shall protect neighborhood property values, prevent future deterioration, promote good community living standards, provide for preservation of the historic character of the Town, provide for feasible management and control of the premises, and serve the purposes of this Section 5.8 and Section 1.2 of these Regulations, specifically including the protection of the public health, safety, and welfare. Site and architectural design shall take advantage of topographic features, provide visual and acoustical privacy between family units and/or other land uses, provide for landscaping and restoration of all areas disturbed by construction, and compliment any adjoining neighborhood. Consistency of scale and

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architectural design and detailing throughout the various structures within the Designed Development Zone shall be maintained.

K. Open Space and Recreation Facilities.

1. Definition. All land not used for the construction of dwellings, supporting facilities, parking, vehicular circulation, or private yards shall be considered open space. It shall be so arranged and defined that its area, permanent use and control can be established with restrictions or covenants prohibiting or restricting construction upon it.
2. Method of Preservation. All common open space shown on the Preliminary Site Development and Land Use Concept Plan must be preserved by one of the following methods, as determined by the Commission:
 - a) Owned by a corporation composed of the owners of all lots or other ownership units. When ownership of common open space is held by such a corporation, membership in said corporation shall be mandatory for all unit or lot owners, and said corporation shall have powers of assessment and enforcement as set forth in Chapter 828 of the Connecticut General Statutes, the Connecticut Common Interest Ownership Act. In addition, any such common open space shall be subject to a Conservation Easement in favor of the Town of New Hartford in such form as the Commission shall specify. Such Easement may, in the Commission's discretion, provide for public access in areas where such access appears appropriate upon consideration of the area and the recommendations of the adopted Plan of Development.
 - b) Owned by a private conservation trust, the State of Connecticut, the Town of New Hartford, or such other corporate or governmental entity as

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such assure the preservation and maintenance of such common open space in perpetuity. No application for a Designed Development Zone shall be deemed complete without written evidence from the proposed entity that it is willing to accept the ownership and maintenance of such common open space. If the proposed entity is other than the Town of New Hartford, any conveyance shall be subject to a Conservation Easement in favor of the Town of New Hartford, as described in the preceding paragraph.

- c) Ownership by the developer or its successors: Ownership of common open space by the developer or its successors shall only be permitted in Designed Development Zones where no subdivision of the property is proposed, i.e. where the entire zone is owned and managed by a single commercial entity. The developer shall convey a Conservation Easement in favor of the Town of New Hartford, as described in the paragraph (a) hereinabove.
- d) Any other method of perpetual preservation for open space, active or passive recreation, agricultural, wildlife, or similar purposes; provided, however, that no area reserved for open space shall be used or occupied by commercial buildings or uses, or otherwise available for a charge or fee to the general public, such as riding academies or stables, golf courses, driving ranges, country clubs, nurseries, day care centers, retail uses, and the like. Such uses may be included in a Designed Development Zone if permitted ~~by Section 3- (Use Regulations) of these Regulations in the underlying zone,~~ but shall not be considered "open space".

- 3. General Requirements for Open Space and Recreation. Open space shall be provided at not less

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than fifteen (15%) of the total area of the Designed Development Zone. The Plan may include, or the Commission may require, active or passive recreational facilities such as community buildings, tennis courts, swimming pools, community gardens, walking trails, and similar amenities. Regardless of the method employed, the instrument of conveyance must include provisions suitable to the Planning and Zoning Commission for guaranteeing:

- a) The continued use of such land for the intended purposes;
 - b) Continuity of proper maintenance for those portions of open space land requiring maintenance;
 - c) When appropriate, the availability of funds required for such maintenance;
 - d) Adequate insurance protection; and
 - e) Recovery for loss sustained by casualty condemnation or otherwise. In any event, the developer must file in the New Hartford Land Records at the time the approved Site Development Plan is filed, legal documents which will produce the aforesaid guarantees and, in particular, will provide a method for restricting the use of Common Open Spaces for the designated purposes.
- L. Phasing. Each phase proposed for a Designed Development Zone shall be capable of independent existence and operation and shall be consistent with the approved Preliminary Site Development and Land Use Concept Plan. Amenities, such as recreation areas, community buildings, open space, and other similar improvements shall be divided as equally as possible among phases, or shall be completed in the earliest phase(s) of the development, as the Commission may require. Any amenities or improvements for any phase, or for all phases if the Commission so requires,

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shall be bonded in accordance with the requirements of this Section 5.8.

M. Eligible Underlying Zones; **Designed Development Zones may be approved in any underlying district. ~~all Residence Districts (R-4, R-2, R-1.5, R-30, and R-15) and in the Business, Commercial, and New Hartford Center Districts.~~**

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N. Public Utilities: No Designed Development Zone shall be approved except in locations where it can be connected to public sewer and water. Community water and sewer will not be acceptable.

O. Mixed Use. Portions of a Designed Development Zone located within underlying Business, Commercial, Industrial or New Hartford Center Districts may contain permitted principal or accessory uses permitted in those underlying zones, including such uses on the lower floors of buildings and residential on the upper floors. **Portions of a Designed Development Zone located within underlying Residential Districts may contain permitted principal and accessory uses contained in those underlying districts. Where residential and non-residential uses are located in the same building, building height may be up to four (4) stories provided that the building is fully sprinklered.**

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Commented [MKB2]: I added this sentence to make it clear that, e.g., schools, farms, day care center, and all the other uses allowed in residence zones would be allowed in a residential DDZ.

PM. Other Standards of These Regulations. In addition to the foregoing standards, the Commission shall also apply the standards set forth in all other applicable Sections of these Regulations, such as parking, General Regulations, Special Regulations, and the like.

5.8.4 Special Standards for Designed Community Residential (DCR) Zones.

5.8.4.1 Intent. To encourage the development of complete residential neighborhoods with a variety of housing types in association with convenient commercial and recreational facilities designed as a single, harmonious community and to allow the maximum protection of desirable open space and natural features through increased siting flexibility.

5.8.4.2 Location. A DCR Zone shall have safe and convenient

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access to Arterial Streets in Section 2.2 of these Regulations which can accommodate the projected increased volume of traffic caused by the development, in addition to the projected future traffic demands caused by ultimate development of other land served by the subject highway, without (1) exceeding the capacity of the existing highway facility, and (2) creating dangerous or inconvenient conditions, or congestion on adjacent highways or affected intersections.

5.8.4.3 Density. Density shall not exceed ~~six (6)~~ dwelling units per acre of Buildable Land as defined in Section 2.2. (Definitions) of these Regulations, provided that the Commission may grant an additional density two (2) units per acre of Buildable Lane for deed-restricted affordable housing in accordance with Section 5.8.2.3.B above.

5.8.4.4 Maximum Coverage, and Height. ~~Maximum building coverage shall not exceed (-%).~~ Maximum Impervious Surface Coverage shall not exceed seventy-five percent (-75-%). No building shall exceed ~~thirty-five (35')~~ feet in height, except that the Commission may allow four (4) stories for mixed use buildings in accordance with Section 5.8.3.3.O above.

5.8.5 Special Standards for Designed Elderly Residential (DER) Zones.

~~5.8.5.1 [Not sure what additional you would want here.] All~~ provisions for Designed Community Residential Zones shall apply to Designed Elderly Residential Zones.

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5.8.6 Conformance to Recorded Documents. Land described shall be used and developed only in accordance with the recorded documents.

5.8.7 Amendment of Approved Designed Development Zones. An application to alter or extend an approved Designed Development Zone shall specify the nature of the planned alterations and/or extensions and shall be accompanied by a scale plan of the proposed alterations and extensions in the same detail as is required in an initial application for Designed Development Zone and shall be accompanied by a fee in accordance with Town Ordinance. Such application shall be processed in the same manner as a new application under this Section.

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Any amendment to, or extension of, any previously approved Designed Development Zone shall be processed as an application under this Section 5.8.

Any amendment to the Preliminary Site Development and Land Use Concept Plan may be requested and acted upon as part of the application for, and action on, an application for Special Exception in accordance with Section 8.5 of these Regulations; or, alternatively, the Commission may act upon such amendment as a separate application from the original applicant, a successor in interest, or the Commission itself, following a public hearing and other procedures as prescribed for a change of zone. See Section 8.7 (Amendment) of these Regulations.

- 5.8.8 Commencement and Completion of Construction. For any Designed Development Zones approved pursuant to this Section 5.8, the construction of any building or structure or the establishment of any use depicted on the Preliminary Site Development Plan and Land Use Concept Plan, or any phase thereof, shall be completed by the applicant, and a Certificate of Zoning Compliance and Certificate of Occupancy, where required, shall be issued, within five (5) years from the effective date of any Special Exception issued in accordance with the said Preliminary Site Development Plan and Land Use Concept Plan. Upon application, the Commission may grant three—(3) extension(s) of the aforesaid time limit for a period of up to one (1) year(s), each. The foregoing time limits shall be tolled during the pendency of any court appeal of the approval of the Designed Development Zone or, for any particular phase or portion of the Zone, of any Special Exception issued thereunder. The extension and tolling provisions hereof shall, to the extent permitted by law, apply to previously approved Designed Development Zones.

In the event that any such building, structure, or use shall not be completed within the time limits contained in this section, the subject property, or such portion thereof as shall be in violation of this section, shall revert to the underlying zone following a public hearing, with notice to all property owners within the subject Designed Development Zone, and upon the filing in the New Hartford Land Records of a notice to that effect by the Commission or its authorized agent.

- 5.8.9 Performance Bonds. The Commission may require performance bonds to insure improvements to be conveyed to or controlled by the Town in connection with any Designed Development Zone, or any Special

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Exception issued pursuant thereto, in accordance with Section 8.5.1 of these Regulations.

5.8.10 Deeds. Any conveyances of Town roads, open space, drainage easements, or other interests in real property to be conveyed to the Town of New Hartford shall be by Warranty Deed, and shall be accompanied by a current Certificate of Title, prepared by an attorney admitted to the bar of the State of Connecticut, and certifying that such conveyance is free and clear of, or subordinated to, any mortgage lien, restriction or other encumbrance.