

SECTION 24 – SENIOR RESIDENTIAL DISTRICT

24.1 Purpose:

The purpose of the Senior Residential District(s) is (1) to provide for diversity of senior housing types and sizes, (2) to provide additional affordable or economical senior housing, (3) to protect environmentally significant areas and (4) to preserve significant amounts of open space by allowing flexibility in the design and placement of residential structures.

24.2 Qualifying Standards:

No parcel of land shall be considered for a Senior Residential District unless it complies with the following standards:

- 24.1 The parcel shall be located in (and thereafter if approved shall be designated in conjunction with) a residence District 40, or in a Commercial District A-40 which is contiguous to a Residence District 40 in areas of the Town of Middlebury specified below (eligible area). Such districts shall be designated on the Zoning Map as SR. In addition, an identifying number may be assigned to each district, as approved. If the parcel is in a Commercial District A-40 it must be rezoned to Residence District 40 as part of the approval of the preliminary development plan. The eligible area is:
- A. That portion of the R-40 District bounded easterly by Interstate 84 (I-84) and by Conn. Route 63, northerly by Woodside Avenue and westerly by residential lots fronting on White Ave.
 - B. That area of land immediately north of Nutmeg Road bordered on the west by Regan Road and bordered on the east by the termination of Stevens Road and on the south by the southernmost boundary of the Middlebury Commons Senior Housing Development.
- 24.2.2 The minimum size for a Senior Residence District is 5 contiguous acres; the maximum size is 15 acres.
- 24.2.3 Senior Residential District, hereinafter referred to as SR, must contain 200 ft. minimum road frontage. The Commission may, however, approve reduced frontage (but not less than 150 feet) if existing conditions would not adversely affect abutting property or be detrimental to the neighborhood. The minimum road frontage must be on a street designated as an arterial road or a collector street in the Middlebury Plan of

Development. The Commission may approve access to a Town Street which connects to an arterial road or collector street.

24.2.4 SR must be created within an existing Residence District 40 located in the eligible area.

24.2.5 The SR is only allowed where (1) immediate access to existing sanitary sewer lines is available, provided the Water Pollution Control Authority has determined that sufficient capacity exists, and (b) immediate access to an existing public water system is available, provided the Water commission has determined an adequate supply exists for domestic service and fire protection.

24.2.6 Resident Eligibility
Occupancy for Senior Residential Housing is open to an individual fifty-five (55) years of age or older, or a household in which one member must be fifty-five (55) years of age or older.

24.3 Density

24.3.1 Standard Density
The maximum density shall be six dwelling units per 40,000 square feet.

24.4 Procedure for Establishing Senior Residential Districts

24.4.1 Establishment

All Senior Residential Districts shall be considered re-zoning subject to the requirements and procedures of Section 8-3 of the Connecticut General Statutes, except as noted herein. A Senior Residential District shall be established only in conjunction with approval of a Preliminary Development Plan for the entire District by the Planning and Zoning Commission. The purpose of the Preliminary Development Plan shall be to indicate the general intent and arrangement of the proposed development.

A. Zone change Application

A completed application for zone change approval, with the required fee, shall be submitted to the Commission accompanied by (10) copies of the Preliminary Development Plan meeting the requirements of Subsection 24.4.2 below. Such application shall include the full text of the proposed zoning amendment necessary for complete approval of the Senior Residential District, together with a statement of maximum

proposed density and the calculations thereof in compliance with Subsection 24.3 above.

B. Public Hearing

After receipt of a complete zone change application, complete preliminary plan of development and required application fees, the Commission shall hold a public hearing and take action to approve, approve with modification, or disapprove the zone change and Preliminary Development Plan with the time limits provided in Section 8.3 and 8-7d of the Connecticut General Statutes. The Commission, acting in its legislative capacity when it approves, approves with modification, or denies the zone change application and Preliminary Plan of Development required by this regulation has extensive discretion to determine compliance with the required standards.

24.4.2

Preliminary Development Plan Submission

Ten copies of the Preliminary Development Plan, hereinafter referred to as PDP, shall be submitted to the Planning and Zoning Commission, along with an application for a Certificate of Zoning Compliance. Such applications shall include a clear statement explaining how the proposed zone change and SR meet the purposes set forth in Subsection 24.1 above. The Commission shall charge a fee, as may be amended from time to time, to cover review cost of a SR submission. The applicant shall refer the plans to the Conservation Commission for a review of the public water impacts and to the Water Pollution Control Authority for a review of sewer impacts. In addition, plans shall be submitted to the Architectural Review Board for comment under procedures established in Section 51 of the Zoning Regulations. The PDP shall include topography at two-foot contour intervals. The Preliminary Development Plans must be developed by either a professional engineer, architect, registered landscape architect, registered land surveyor or a professional planner, or any combination of such professionals, each to limit himself to his particular area of expertise. The PDP shall include the following:

- A. The existing and proposed vehicular circulation system including major and minor thoroughfares, collector streets, local streets, parking and loading areas, and points of access to public easements and rights-of-way.
- B. A written report by a qualified traffic engineer evaluating the impact of the SR on the transportation system, including the amount of traffic

projected within and for the proposed development and the adequacy of the surrounding streets and traffic controls to accommodate existing traffic, projected traffic from the proposed development, and projected traffic for other approved developments in the area.

- C. The existing and proposed pedestrian circulation system including its interrelationships with the vehicular circulation system, open space system, and other areas of common use.
- D. A general landscape plan including the proposed treatment of common areas, usable open space, watercourses, and the treatment of the perimeter of the SR including materials and techniques to be used as living screens, berms, fences, and stone walls.
- E. Information on land areas adjacent to the proposed SR to indicate the relationship between the existing and proposed utilization of surrounding properties, including land uses, zoning, densities, height of structures, circulation systems, public facilities, and unique natural features.
- F. Proposed types, quantities, and general location of residential units including square footage and number of bedrooms and densities for individual sections or phases of the development as well as for the SR as a whole.
- G. Examples of proposed product types for the residential units, typical lot and/or building layouts and elevation of all buildings (front, back, and both sides) showing proposed textures, materials and colors. Identical buildings will not require multiple elevations.
- H. Proposed area regulations in conformity with this Section 24, and with Section 11 of these regulations to the extent applicable, and their justification.
- I. Proposed development schedule with projected completion date(s) for the SR and its individual phases.
- J. Proposed number of units by bedroom count.
- K. Identification of any historical structures or features on the site.
- L. Preliminary grading and drainage information of the same nature and to the same extent required for a subdivision under the Commission's regulations and Board of Selectmen's regulations and ordinances.

- M. A map showing all wetlands areas, watercourses and slopes above 25%.
- N. A listing of all property owners by tax parcel number, within 250 feet of the project boundaries.
- O. A summary table indicating compliance with the development standards. The table shall show proposed phasing, the number and type of buildings and units, number of parking spaces required and provided, square footage and percentage of lot area covered by pavement and buildings, lot area, frontage and landscape requirements and amount of open space required and provided.
- P. A report discussing projected demands for public water and sewer and evidence that an undue burden will not be placed on these services by the proposed development.
- Q. The impact of the SR on schools, police, fire and other municipal services.
- R. Any other information the Commission deems appropriate for a proper and complete review of the Preliminary Development Plan.
- S. The Commission may waive any requirement of Subsection 24.4.2 of these Regulations if, and only if, the Commission determines that the requirements sought to be waived are not reasonably necessary to the proper disposition of the application.

24.4.3

Findings

In order to approve a zone change and Preliminary Development Plan submitted under this Section, the Commission shall first make the following findings:

- A. The purposes specified in Subsection 24.1 have been substantially met.
- B. The qualifying standards of Subsection 24.2 and the design standards of Subsection 24.7 have been met.
- C. Provisions for traffic, water, sewerage, stormwater and open space are adequate, do not overburden existing streets, water, sewer and stormwater drainage facilities on-or-off-site and do not create water problems off-site.

- D. No congestion in the streets surrounding the site will result from the SR, and the proposed development design will not require upgrading of the street system of the Town of Middlebury. This requirement can only be waived if the Commission and the Board of Selectmen in their sole discretion elect to permit the necessary upgrading at the applicant's expense. To make the necessary analysis, the applicant may be required to provide additional information, plans and data at his/her expense.
- E. The proposed development design will not require upgrading of the existing on- or off-site sewer, water and similar municipal systems and drainage systems. This requirement can only be waived if the Commission in its sole discretion recommends, and the Water Pollution Control Authority elects to permit the upgrading either on- or off-site at the applicant's expense. To make the necessary analysis, the applicant may be required to provide additional information, plans, and data at his expense.
- F. The need exists in the community for a different type of housing unit than is allowed under the base zone, and the need exists for the number of senior housing units suggested.
- G. The development and design of the SR will not have an adverse effect on surrounding properties, will be in harmony with the neighborhood, and will not have adverse effect on property values in the area.
- H. The proposed development will not have a significant adverse effect on the environment and in particular wetland and watercourse areas. In making this finding, the recommendations of the Conservation Commission regarding the development will be taken into account.
- I. Where appropriate, the applicant has provided for continuing maintenance of private roads, parking areas, stormwater drainage facilities, open space and other amenities not accepted by the Town of Middlebury.

24.4.4

Recording and Effective Date

The approved Preliminary Development Plan shall be endorsed by the Commission and recorded in the office of the Town Clerk of the Town of Middlebury within ninety (90) days of the date of approval, unless extended by the Commission for good cause shown. The Senior Residential District zone change contemplated by Subsection 24.4.1 shall be effective upon recording of such approved and endorsed PDP.

24.4.5 Final Development Plan Submission

Before development can begin, a Final Development Plan must be approved by the Planning and Zoning Commission with respect to all or, if the site is to be developed in phases, that portion of the SR District where Phase I is located. If the SR is to be developed in phases each phase shall require a Final Development Plan. The Final Development Plan shall conform substantial to the approved PDP, including, without limitation, the vehicular and pedestrian circulation system approved in the Preliminary Development Plan and shall adhere to all area regulations adopted by the Preliminary Development Plan (please refer to Subsections 24.4.2 and 24.4.3 above.) The Final Development Pan shall include the following:

- A. Final subdivision plan submission in accordance with Subdivision Regulations, if applicable.
- B. Site plans meeting the standards of Subsection 24.4.2 herein above, Section 8 and Section 51 of these Regulations, and the standards for a site development plan required by the Subdivision Regulations.
- C. Detailed landscape plans for common areas, usable open space, and perimeter areas including proposed grading, plant materials, and method(s) of maintenance.
- D. The legal instrument provided for in Subsection 24.6 below, if applicable.

24.4.6 Procedure

- A. The Final Development Plan, hereinafter referred to as FDP, must be submitted within one year from the date of Preliminary Development Plan approval. Otherwise, the Preliminary Development Plan is null and void and the parcel will revert to the original underlying zone designation unless the Commission approves an extension of up to six months. Upon such reversion the Commission shall take action to remove the SR District designation of the parcel from the zoning map. Application for a Final Development Plan may be for only part of the approved Preliminary Development Plan if the PDP as approved contemplates phases or if it is determined by the Commission that, as a result of the size of the project, it would be detrimental to the Town or neighborhood to allow development of a single phase, or it would be unreasonable to require a final application for the entire project. In no event, however, shall the first phase encompass less than five acres.

- B. Final application for subsequent phases of the project shall be submitted at maximum intervals of three hundred and sixty-five (365) days. Upon failure to submit any such application within said time limit, the provisions of Subsection A. above will apply as to such phase.
- C. The Commission may hold a public hearing on the Final Development Plan if, in its estimation, the plan differs significantly from the Preliminary Development Plan. Otherwise, the Final Development Plan shall be processed in the same manner as a site development plan approval under Section 51 of these Regulations, but subject, however, to this Section 24, and shall be filed after approvals in accordance with those procedures.
- D. The Commission shall, prior to approval of the FDP, make the findings specified in Subsection 24.4.3 herein, above.

24.4.7

Project Completion

If no Final Development Plan has been approved for all or a portion of the SR within twenty-four (24) months after approval of the Preliminary Development Plan, the Senior Residential District designation may be revoked by the Commission.

- A. Each portion or phase of a SR, for which no Final Development Plan has been approved within 24 months of the approval of the Preliminary Development Plan, shall be deemed to be subject to revocation unless an extension of the 24 month time period has been granted as provided below.
- B. The applicant shall post a performance bond in accordance with Section 51 of these Regulations for completion of all improvements in the development, except residential units, at the time of approval of the final Development Plan in accordance with procedure set forth in Section 51 of these Zoning Regulations. The performance bond requirement of Section 51 may be satisfied by an irrevocable letter of credit in the amount set by the Commission and in a form approved by Town Counsel.
- C. If less than 5% of the dwelling units in any approved phase of a SR have received certificates of occupancy within twenty-four (24) months of the approval of such Final Development Plan, the SR shall be reviewed by the Commission to determine the developer's intent to proceed. The Commission may, for good cause, allow for extensions

of up to one (1) year for completion of buildings, structures, or other improvements. If the Commission determines that the developer does not intend to proceed with the SR, the Commission may revoke such Final Development Plan approval. Notice of intent to revoke shall be given to the developer, or his successors in interest by certified mail sent at least ten (10) days prior to the date the meeting at which such action is proposed. Revocation of the FDP, or any phase thereof, shall terminate SR approval as to such FDP as well, and shall automatically revoke the zone change of the SR District, subject to the right to complete all structures commenced in accordance with the FDP. Thereafter all completed structures shall constitute pre-existing, non-conforming uses in accordance with these Regulations.

- D. In accordance with C.G.S. Section 8-3 (i), the Commission shall state on its certificate of approval for the Final Development Plan the five-year expiration date for completion of all work in connection with the Final Development Plan.

24.5 Permitted Uses

24.5.1 Permitted Subject to the Provisions of this Section 24

Uses permitted within the Senior Residential District include single family detached and single family attached dwellings, two family and multi family dwelling units (a) designed exclusively to be occupied by and to meet the specific requirements and design standards suitable for occupancy by one or more elderly, disabled and handicapped persons and (b) which conform to the requirements of State and Federal programs providing for housing for the elderly as evidenced by a signed and sealed certified statement from the owner, his architect, and engineers that such housing conforms to the State and Federal agencies' program requirements for elderly housing whether or not such housing is constructed under such program. Accessory uses permitted are those customary with and incidental to any aforesaid permitted uses.

24.6 Maintenance Requirements

In order to ensure the long term maintenance of common land and facilities and to prevent maintenance expenditures by the Town, the following shall be required:

All SR projects shall be approved subject to the submission of a legal instrument(s) setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, common parking areas, and other communally owned facilities. No such instrument shall be acceptable until approved by the Town Attorney as to legal form and effect.

24.7 Design Standards

24.7.1 Open Space

Provision for open space is one of the major purposes for using Senior Residential Developments. A minimum of fifty percent (50%) of the total site acreage must be preserved as private, common and recreational open space. For this purpose roads, parking areas, drives, land within twenty-five (25) feet of a building, and strips of land less than twenty-five (25) feet wide shall not be counted as part of the land constituting open space. All remaining land not utilized for dwellings shall be considered land which is dedicated as open space, unless otherwise designated and approved by the Commission.

24.7.2 Building Setbacks

No building may be placed within 20 feet of an existing property line, or within 100 feet of an existing dwelling on an adjacent parcel as determined at the time of application. Buildings shall be set back 100 feet from abutting external roadways and 150 feet from any state highway, unless the Commission determines that, as to particular structures a setback of as little as 50 feet from any abutting external roadway would enhance the design and not adversely affect residents of the structure. Minimum setbacks from internal driveways shall be 25 feet, unless the Commission determines that, as to particular structures, a setback of as little as 15 feet would enhance the design and would not adversely affect residents of the structures.

24.7.3 Building Standards and Separation

- A. The minimum floor area for units shall be 500 square feet for a single bedroom unit, 650 square feet for a two-bedroom unit and 850 square feet for a three-bedroom unit.
- B. Maximum building length is deemed to be that shown on the PDP.
- C. The maximum height shall be limited to 2 ½ stories or 35 feet to the peak of the roof. Accessory buildings shall be limited to 1 ½ stories or 25 feet to the peak of the roof.
- D. All buildings in the SR shall be of good quality design and appearance

so as to blend harmoniously with the site and the neighborhood. Such design shall convey an impression and feeling to persons familiar with architecture that these dwelling units are of quality and substance and the SR is a desirable place to live. All dwellings within a neighborhood or phase shall be of a single consistent architectural style to create a harmonious appearance. However, a subsequent phase may be of an alternative style of design provided it complements the architectural quality of the development and is reasonably compatible to that which exists in order to establish a conforming and consistent design.

- E. All utility lines and connections shall be underground, except terminal boxes and connections, which are prohibited from being placed underground, as approved by the Commission.
- F. All above grade electric or telephone utility boxes and other apparatus shall be suitably screened with plant material or by an architectural screen compatible with the exterior materials of the dwelling units.

24.7.4 Parking

- A. Not less than one parking space per dwelling unit.
- B. Visitor parking spaces shall be located within two hundred (200) feet from the farthest dwelling unit to be served if the average topographical grade between the parking spaces and the dwelling units is less than five percent (5%).
- C. No parking may have as its only egress backing out onto a through street within the Senior Residential District. Such parking off of cul-de-sacs may be permitted at the discretion of the Commission in instances where it would not present a safety hazard.
- D. In connection with parking, adequate, unobstructed space shall be provided for snow storage and clearance.
- E. All parking shall comply with the provisions of Section 62.

24.7.5 Road Standards

- A. All roads within a SR must be constructed to Town road standards as set forth in the Town Subdivision Regulations and Town Ordinances

and other road regulations and, in general, shall be designed to discourage through traffic. The Planning and Zoning Commission may recommend to the Board of Selectmen that a street standard be modified along short cul-de-sacs. The Board of Selectmen must grant their approval before the Preliminary Development Plan is approved.

- B. Streets developed under the Senior Residential District regulations will be public unless the Planning and Zoning Commission approves or requires the use of private roads and the necessary mechanism to maintain the roads. The Board of Selectmen must concur in this decision before the Preliminary Development Plan is approved.
- C. In the case of private roads the Commission may permit pavement widths down to twenty (20) feet, provided if the right-of-way width remains at least fifty (50) feet, where the Commission finds that density, length of road, projected traffic volumes, available parking and other relevant factors justify such reduction.
- D. The Planning and Zoning Commission may at its discretion require four feet wide sidewalks to serve portions or all of the proposed Senior Residential District.
- E. No entry signs may be placed within the median of roadways. One small sign per entrance (maximum 20 sq. ft.) announcing the project may be placed outside the public right-of way at no more than 2 entrances to the development.

24.7.6

Coverage Requirements

The maximum percentage of the parcel may be covered by buildings is 10%.

24.7.7

Landscaping

- A. All areas adjoining other residential property shall contain a buffer strip at least thirty (30) feet wide planted to substantially screen the buildings in the SR from neighboring residential areas.
- B. A preliminary landscape plan must be submitted with the Preliminary Development Plan and a final landscape and planting plan submitted with the Final Development Plan.
- C. To the greatest extent possible, all mature trees should be retained on the site. Street trees (minimum three (3) inch caliper) shall be planted

on 30 foot centers. In instances where sidewalks are placed within the right-of-way, the street trees shall be planted outside the right-of-way.

- D. Existing mature vegetation on the site shall be retained in areas not disturbed by construction. In areas disrobed by construction, or in areas where existing vegetation is sparse, new plant material (trees, shrubs) shall be provided as follows:
1. Shade trees, evergreen trees and flowering trees shall be planted in, or adjacent to, parking areas. At least one (1) tree shall be planted for each three (3) spaces, or fraction thereof, in locations approved by the Commission.
 2. Trees and shrubs shall be planted around foundations and between structures in a manner approved by the Commission.

24.7.8

Solar Access

The Senior Residential District shall be designed in accordance with the design and construction standards pertaining to solar energy set forth in the Middlebury Subdivision Regulations, to the extent possible, to enable maximum effective use of solar energy systems in the future.