

**Proposed Zoning Amendments for Incentive Housing Zones
City of New London Zoning Regulations**

1

Amend Article III, Establishment of Zoning Districts and Map, Section 300, List of Districts, by adding:

IHZ – Incentive Housing Zone Overlay District

2

Amend Article II, Definitions, Section 210, Other Terms, by adding the following definitions, alphabetically:

Multifamily Building – A building that contains or will contain two or more residential dwelling units that does not meet the definition of Townhouse.

Townhouse – A residential building consisting of two or more attached units in which each unit shares with the adjacent unit(s) a wall which extends from foundation to roof and has exterior walls on at least two sides.

Eligible Household – A household whose annual income is at or below eighty percent (80%) of the area median income for New London as determined and reported by the United States Department of Housing and Urban Development (HUD).

Incentive Housing Development – A residential or mixed use development that is located within an Incentive Housing Zone and that complies with the statutory requirements set forth in Connecticut General Statutes §§ 8-13m et seq., as amended, and §537 of these New London Zoning Regulations.

Incentive Housing Restriction – A deed restriction, covenant, or site plan approval condition constituting a binding obligation with respect to the restrictions on household income, sale or resale price, rent and housing costs required by Connecticut General Statutes §§ 8-13m et seq., as amended, and §537 of these New London Zoning Regulations.

Incentive Housing Unit – A dwelling unit within an Incentive Housing Development that is subject to an incentive housing restriction.

Incentive Housing Zone – A zone adopted by a zoning commission as an overlay to one or more existing zones, in an eligible location and in compliance with Connecticut General Statutes §§ 8-13m et seq., as amended.

Mixed-Use Development – A development containing any combination of residential and civic, retail, restaurant, or office uses.

Public Transportation – A use or structure that facilitates the transportation of the general public, including but not limited to bus depots, bus stops, train stations, railroad yards, railroad crossings, and the like.

3**Add a new Section 537 to Article V – Incentive Housing Zone Overlay District****§537 – Incentive Housing Zone Overlay District**

537.1 Purposes. The Incentive Housing Zone is an overlay district whose purposes are:

- 1) To assist the City of New London in complying with the State Zoning Enabling Act, Connecticut General Statutes §8-2, by adopting zoning regulations that promote housing choice and economic diversity, including housing for moderate income households.
- 2) To promote the revitalization of New London's Downtown by encouraging residential or mixed-use development that will provide for a variety of housing and business opportunities in a pedestrian oriented environment.
- 3) To encourage use of underutilized land areas on parcels with existing development where new housing would be compatible with and complimentary to existing uses on the site and in the downtown.
- 4) To encourage rehabilitation and renovation of existing historic and older buildings in the downtown to convert underutilized space in the upper stories to residential use.
- 5) To encourage smart growth and low-impact development.
- 6) To ensure high quality and creative site planning, architecture, and landscape design that is consistent with the downtown and the specific subdistrict where the proposal lies, the distinct visual character of the historic structures in New London, and the scenic beauty of the waterfront and historic areas.

537.2 Location. The boundaries of the IHZ Overlay District are shown on the City of New London Zoning Map. The IHZ Overlay District is further divided into subdistricts as shown on the supplementary IHZ map.

537.3 Applicability.

- 1) The regulations in this §537 shall apply to any proposed Incentive Housing Development within the IHZ Overlay District. The provisions of the underlying zoning district shall not apply to a proposed Incentive Housing Development unless otherwise indicated in this §537, and such underlying zoning designation shall terminate upon approval of a site plan of an Incentive Housing Development. Reinstatement of the underlying zoning shall automatically occur upon rescission of the site plan, approved by vote of the Planning & Zoning Commission.

- 2) The provisions of the following sections of the New London Zoning Regulations shall apply to an Incentive Housing Development proposal. No other sections shall be applicable unless specifically made applicable by and within this §537.
- (a) Article II, Definitions
 - (b) § 601, Swimming Pools
 - (c) § 602, Tennis Courts, Paddle Tennis Courts, and Similar Accessory Recreation Facilities
 - (d) § 607, Accessory Buildings and Structures
 - (e) § 608, Exceptions and Modifications – Height Limits
 - (f) § 609, Earth Products Extraction and Fill
 - (g) § 610, Regulations Concerning the Sale of Alcoholic Liquor
 - (h) § 611, Vending Machines
 - (i) § 612, Wind Energy Conservation Systems, Solar Devices, and Dish Antennas
 - (j) § 613, Performance Standards
 - (k) § 615, Signs
 - (l) § 617, Fences
 - (m) § 618, Temporary Forms of Outdoor Entertainment
 - (n) Article IX, Administration and Enforcement

537.4 Description of Subdistricts.

- 1) Eastern Core. This subdistrict is 31.6 acres excluding the rights-of-way, and overlays the CBD-1 District in the downtown area (northeast of Sparyard Street). It includes the area between Eugene O'Neill Drive and Water Street, State Street, and Bank Street – the core of the historic center of New London. This area has experienced numerous changes in uses and architectural styles over the past four centuries, resulting in an eclectic mix of buildings today. The intent of this IHZ subdistrict is to contribute to the revitalization of New London's downtown by creating opportunities for reuse of underutilized upper stories in existing buildings as well as for redevelopment of underutilized sites for new mixed use buildings with residential uses in the upper stories. Non-residential use of street level space is required, to enhance the streetscape as an interesting pedestrian oriented environment with many places to go (shops, restaurants, galleries, etc.).
- 2) North/South. This subdistrict is 16.56 acres excluding the rights-of-way and corresponds to the CBD-2 District. Split by the Eastern Core subdistrict, this area includes development that is not as dense, primarily as a result of the urban renewal efforts in the late 1960's. Several historic properties remain, including the four Whale Oil Row homes (now offices), the Acorn Barns House at 68 Federal Street (also offices), and the Bishop House (now offices and apartments) among others. Many of the more modern buildings are located in this subdistrict, including the 1914 Monte Cristo Garage (now mixed use with housing and commercial), the Radisson Hotel, and the Southern New England Telephone complex. The intent of this subdistrict is to contribute to the revitalization of New London's downtown by creating opportunities for

redevelopment of underutilized properties to include residential uses. Non-residential use of street level space is encouraged where surrounding properties would not be conducive to residential use at the street level, to enhance the streetscape and weave these areas into the fabric of the downtown.

- 3) Northwest. This subdistrict is 2.56 acres (there are no rights-of-way within it), and is underlain by the C-1 District. This small area is adjacent to the historic properties along the eastern side of Huntington Street, and includes three properties which are currently underutilized for their location at the edge of the downtown and near the courthouse. The intent of this subdistrict is to provide opportunity for redevelopment of these sites to better incorporate this area into the downtown, to improve the appearance of the streetscape adjacent to Whale Oil Row, and to better utilize the land area available.

537.5 Permitted Uses and Dimensional Requirements.

- 1) Within the Eastern Core Subdistrict:
 - (a) Uses:
 - (1) Non-residential uses specified in §530.2 (CBD-1) shall be permitted by right.
 - (2) Non-residential uses specified in §530.3 (CBD-1) shall be permitted by special permit.
 - (3) Multi-family residential use shall be permitted by right but is not permitted on the street level.
 - (4) Live/work residential units shall be permitted by right provided they are located on the upper floors and they meet the criteria listed under Section 530.3 paragraph 44(a) through (g).
 - (b) The density of residential units shall be:
 - (1) a maximum of 20 dwelling units per acre (du/a), or
 - (2) greater than 20 dwelling units per acre, provided:
 - i. the project is to renovate an existing building of historic value without increasing the building envelope (i.e. no increase in footprint or height);
 - ii. the units are a minimum of 600 square feet; and
 - iii. each unit has its own full kitchen and full bathroom.
- 2) Within the North/South Subdistrict:
 - (a) Uses:
 - (1) Nonresidential uses specified in §535.2 (CBD-2) shall be permitted by right.
 - (2) Nonresidential uses specified in §535.3 (CBD-2) shall be permitted by special permit.
 - (3) Townhouse and multi-family residential uses are permitted by right.
 - (4) Live/work residential units shall be permitted by right provided they are located on the upper floors and they meet the criteria listed under Section 535.3 paragraph 29(a) through (g).

- (b) The density of residential units shall be:
 - (1) a maximum of 27.5 dwelling units per acre (du/a), or
 - (2) greater than 27.5 dwelling units per acre, provided:
 - i. the project is to renovate an existing building of historic value without increasing the building envelope (i.e. no increase in footprint or height);
 - ii. the units are a minimum of 600 square feet; and
 - iii. each unit has its own full kitchen and full bathroom.

- 3) Within the Northwest Subdistrict:
 - (a) Uses:
 - (1) Nonresidential uses specified in §535.2 (CBD-2) shall be permitted by right.
 - (2) Nonresidential uses specified in §535.3 (CBD-2) shall be permitted by special permit.
 - (3) Townhouse and multi-family residential uses shall be permitted by right.
 - (b) The density of residential units shall be a maximum of 20 dwelling units per acre (du/a).

- 4) The following dimensional requirements shall apply to all subdistricts within the IHZ:
 - (a) The minimum lot size shall be 5,000 square feet unless the lot is less than 5,000 square feet and was in existence on the effective date of this amendment.
 - (b) The minimum building setback distance is zero, and the maximum setback distance from the street right-of-way line shall be 20 feet, but such distance is only permitted when the space between the building and the sidewalk is used for public space (e.g. outdoor seating, pocket park, or entry courtyard). However, for corner lots where new construction is proposed, the provisions of §606 shall apply.
 - (c) The minimum parking facility setback shall be 3 feet, except for lots that are less than 5,000 square feet in size, which shall provide decorative screening (fence, wall) between the sidewalk or street and the parking facility, with no setback requirement.
 - (d) The maximum height of new buildings or additions to existing buildings shall be four stories, except for the east side of Bank Street where the maximum height shall be three stories, provided the third story is constructed with a "penthouse" setback of 15 feet from the side walls of the building; said 15 feet can be entirely on one side or split between the two sides of the building.
 - (e) There shall be no minimum or maximum requirements for lot frontage, lot coverage, or building coverage.
 - (f) The provision of on-site parking spaces shall not be required with the exception that projects involving new construction, including projects where existing buildings are demolished, shall provide on-site parking for

residential units at a ratio of 1 space per residential unit, and for non-residential uses at 50% of that required in §614.B.

537.6. Application Process.

- 1) Pre-Application Review. Applicants are required to participate in a pre-application meeting with the City staff. The purpose of this pre-application meeting is to obtain the advice and direction of the staff prior to filing the application.
- 2) Application Requirements. As part of any application for an Incentive Housing Development, the Applicant must submit the following:
 - (a) Sixteen copies and the original of the site plan in compliance with §800 of the New London Zoning Regulations, with the exception that §800 H.12 shall not be required for any Incentive Housing Development application. In addition, architectural drawings shall be submitted for each application, and shall show sufficient detail for all sides of the building(s) to determine compliance with the Incentive Housing Zone Design Standards.
 - (b) Site plan application fees, as specified in the Planning & Zoning Commission's fee schedule.
 - (c) Submission shall be made to the Planning & Zoning Commission 22 days prior to a regular meeting.
- 3) Professional Consultant Review Fees. When the Commission determines that a peer-review of the technical aspects of an application for an Incentive Housing Development is required to enable the Commission to render a reasonable decision, the Commission may require, after notice of estimated amount, the Applicant to pay the fees for professional consultants. Such fees shall be accounted for separately by the City from other moneys and maintained in an interest-bearing account and used only for expenses associated with the technical review of the application by consultants who are not otherwise salaried employees of the City or the Planning & Zoning Commission. Any amount in the account remaining after payment of all expenses for technical review, including any interest accrued, shall be returned to the Applicant no later than forty-five (45) days after the completion of technical review.
- 4) Referrals to City Agencies. The Commission may refer copies of an Incentive Housing Development Application to other City agencies as necessary to determine compliance with municipal ordinances.
- 5) Public Hearing. A public hearing shall be conducted for any site plan application seeking approval for an Incentive Housing Development. The public hearing shall be conducted in accordance with the requirements of Chapters 124 or 126 and §§ 8-13a et seq., as applicable, of the Connecticut General Statutes, as applicable.

- 6) The time limits for rendering a decision on a site plan for an Incentive Housing Development shall be governed by the Connecticut General Statutes, as applicable.
- 7) An application for an Incentive Housing Development shall be approved by the Planning & Zoning Commission provided it is consistent with the New London Zoning Regulations.
- 8) Conditions shall be imposed on an Incentive Housing Development approval by the Commission only as necessary:
 - (a) to ensure substantial compliance of the proposed development with the requirements of the incentive housing zone regulations including the design standards, or
 - (b) to mitigate any extraordinary adverse impacts of the development on nearby properties.
- 9) An application for an Incentive Housing Development may be denied only if:
 - (a) the development does not meet the requirements set forth in the New London Incentive Housing Zone regulations (§537 of these Zoning Regulations), or
 - (b) the Applicant failed to submit information and fees required by the Regulations and necessary for an adequate and timely review of the design of the Incentive Housing Development or potential development impacts, or
 - (c) it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of conditions acceptable to the Applicant.

537.7 Incentive Housing Unit Requirements

- 1) The following regulations shall govern the residential units in an Incentive Housing Development:
 - (a) Twenty percent (20%) of all dwelling units constructed in an Incentive Housing Development shall be Incentive Housing Units. When a calculation performed under this subsection results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.
 - (b) Incentive Housing Units shall be rented or sold to and occupied only by Eligible Households.
 - (c) Each Incentive Housing Unit shall be subject to an Incentive Housing Restriction, which shall be recorded on the New London Land Records. All Incentive Housing Restrictions must include, at a minimum, the following:
 - (1) A description of the Incentive Housing Development, including whether the Incentive Housing Units, at the time of initial occupancy, will be rented or owner-occupied.
 - (2) An identification of the Incentive Housing Units.

- (3) The name and address of the Incentive Housing Administrator.
- (4) A requirement that only an Eligible Household may reside in an Incentive Housing Unit.
- (5) The formula pursuant to which rent of a rental unit or the maximum sale or resale price of a homeownership unit will be calculated.
- (6) The term of the Incentive Housing Restriction, which shall be a minimum of thirty (30) years, calculated on a per unit basis from the date of the initial residential occupancy of each Incentive Housing Unit.
- (7) Provision for monitoring and enforcement of the terms and provisions of the Incentive Housing Restriction by the Planning & Zoning Commission or their designee.
- (8) Provision that the Incentive Housing Administrator shall file an annual report to the Planning & Zoning Commission, in a form specified by the Commission, certifying compliance with the provisions of this § 537.7.

537.8 Design Standards. All Incentive Housing Developments shall comply with the New London Incentive Housing Zone Design Standards.