

## **SECTION 26 PLANNED VILLAGE DISTRICT (PVD)**

### **26. PLANNED VILLAGE DISTRICT (PVD) OVERLAY ZONE**

The Planned Village District (PVD) Overlay Zone is intended to allow for an alternative mixed use development of large tracts of vacant Business Park /industrially zoned land that contain topographic and environmental restraints that may restrict development of the property for office/light industrial use. The PVD Overlay Zone allows for a development mix that provides employment and fiscal benefits to the City consistent with the underlying Business/industrial zone, while also allowing residential uses particularly where topographical and site constraints limit the feasibility of nonresidential development. The zone shall function as an overlay zone, such that the underlying Business/Industrial zone shall continue to govern development of the land, provided that, if the PVD Overlay zone is mapped on the site and the PVD Master Plan is approved in accordance with the procedures set forth herein, the site may also be developed in accordance with the PVD Master Plan and the PVD standards set forth herein.

A development pursuant to the PVD Overlay requires both legislative and administrative approvals from the Planning & Zoning Commission. The legislative approvals are the adoption of the PVD Overlay on a site, which renders the site eligible for treatment as a PVD, and the adoption of the PVD Master Plan, which sets forth the mixture of buildings and uses within the development. The administrative approvals are the Site Plan and/or Special Permit, which must conform to the PVD Master Plan and other standards set forth herein. In order to provide flexibility to the developer, an applicant shall be allowed to submit applications either simultaneously or sequentially, provided that no special permit or site plan application may be filed until after the adoption of the PVD Overlay Zone and PVD Master Plan for the Site.

Notwithstanding the requirements of this Section 26, any property located within a PVD Overlay zone may be developed and used in any manner permitted in the underlying industrial zone without the requirement of a PVD Master Plan.

#### **26.1 PURPOSE**

- To provide an alternate form of development for remaining larger industrially-zoned land tracts of West Haven that generally have topographic and/or environmental constraints such as ledge, the presence of significant streams and/or wetlands, flood plain, or contain forests.

- To retain large portions of a site in a natural undisturbed or minimally disturbed state by use of smart growth design techniques and to provide alternative development forms that encourage business growth, entrepreneurship and business ownership.
- To allow for high quality age-restricted and other appropriate housing types with a variety of sizes and floor areas that will meet the housing needs of West Haven citizens in a manner that will stimulate other economically beneficial uses of the site and surrounding areas.
- To allow for development mixture that will provide a positive economic impact to the City consistent with the underlying business/industrial zone.

## **26.2 PROCEDURES FOR ADOPTION OF PVD OVERLAY ZONE**

**26.2.1 Application Review.** Pursuant to General Statutes Section 7-159b, an applicant for a PVD Overlay Zone or a PVD Master Plan may request a preapplication review with the Planning & Zoning Commission, or its authorized agents prior to the submission of an application. Although this process may enable a prospective applicant to obtain meaningful preliminary feedback, this informal review is not intended to include evaluation of application specifics. Any statements by members of the Commission are not binding and are not intended to indicate prejudgment in any way of an actual application, should one later be submitted. Similarly, silence by Commission members during an informal review should not be construed as assent or acceptance of what is presented. The Commission's official decision-making process only commences upon the submission of a formal application.

**26.2.2 Establishment of PVD Overlay Zone.** Establishing a PVD Overlay Zone requires approval by the Planning and Zoning Commission of a zoning map change application, in accordance with the procedures set forth in the General Statutes of the State of Connecticut and Section 86 of these Regulations for a zone change and public hearing.

**26.2.3 PVD Master Plan.** The PVD Master Plan is a condition precedent to a specific development in a PVD Overlay Zone. The PVD Master Plan shall establish the development criteria applicable to the project, e.g., without limitation, the proposed layout of the structures, the infrastructure and roadways within the zone, the mix of uses within the zone, density of residential development and design standards. The Master Plan shall be consistent with the building and development standards set forth below. The Master Plan will establish the dimensional characteristics of the PVD Overlay Zone and its uses, and shall encompass the development of the entire PVD tract.

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The PVD Master Plan application shall be prepared by appropriate certified professionals and shall consist of all of the materials as required by West Haven Zoning Regulations and the West Haven Land Use Application - Zoning Map Change (as the same may be amended from time to time) including:

1. existing land uses and zoning within 500 feet of the area to be rezoned
2. names of all property owners located within 500 feet of the boundary of the property to be rezoned as listed on the Town Assessor's records as of a date no more than 15 days before the application is filed

The PVD Master Plan application shall also be accompanied by the following information:

1. A boundary survey of the land included within the proposed PVD Overlay Zone conforming to a Class A2 Survey showing the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features, and limits of inland wetlands, watercourses and floodplains as mapped in the field by a qualified Soils Scientist and plotted by a Connecticut Licensed Land Surveyor;
2. A Preliminary Drainage Assessment prepared by a Professional Engineer registered by the State of Connecticut to the level necessary to show the general effect of the proposal on the physical environment of the site and surrounding adjacent lots within 500 feet, including but not necessarily limited to:
  - a. storm water run-off before and after development and how it is to be controlled.
  - b. the impact on existing or proposed improved drainage systems.

The watershed assessment shall be based on a 100-year storm event.

3. A Preliminary Traffic Impact Analysis showing the estimated impact of proposed traffic together with a capacity analysis of existing streets directly affected by the proposal and the improvements that will be constructed to alleviate any adverse impacts of the proposed traffic.
4. A Market Analysis of the local economy with an emphasis on commercial and residential housing structure and trends, an examination of the supply of real estate in appropriate sub-market categories, and an evaluation of the economic gaps to which the proposed development would apply.
5. A Municipal Fiscal Impact Statement. A professional real estate economic analyst with experience in municipal fiscal analyses, shall prepare and submit a statement covering, at a minimum, the following factors:

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- a. The property and other municipal tax and fee revenue that may be generated.
- b. The municipal expenses and burdens that may be generated, both immediate and long term.
- c. If there are residential components, the anticipated number of school-aged children and the impact on existing and planned schools.
- d. The impact of ancillary business to be generated in existing business centers by the population of and visitors to the project, and the demand for ancillary development to be generated.
- e. A comparison of the fiscal impact if developed under the proposed PVD with a feasible development, if any, if developed in accordance with the underlying zone.

The Commission may require that this report also be provided to the Tax Assessor, Economic Development Commission, and/or such other entity as the Commission deems appropriate for review and comment.

6. **Project Team Credentials.** A list and brief description of all principal project team members (legal, design, development, etc.) shall be provided. Where team members have taken a primary role in similar projects, the description shall include an overview of any such projects.
7. **A Master Plan containing the following information:** For these purposes, the Master Plan shall not be construed as a Site Plan.
  - a. a plan showing general location of all existing and proposed public roadways, access points to such existing and proposed roadways, limits of development areas, and open space areas, including recreational trails.
  - b. a preliminary plan showing the proposed general system of utilities and their connection points to existing systems.
  - c. a preliminary plan showing a schematic design of the proposed drainage system.
  - d. a preliminary plan showing the general locations of the designated land use areas.
  - e. a general statement from a registered professional engineer with a preliminary assessment of the projected impact on the water supply and distribution system, drainage system and sanitary sewer system based on the illustrative plan referenced below.
  - f. a land use table ("Table") indicating the area of proposed land use areas in acres, the uses permitted in each land use area, the maximum

amount of building development and density for each land use area (which shall be presented in square feet, rooms, units or other appropriate measure of development), the maximum impervious coverage for each land use area, the parking ratios for each proposed land use, the maximum building height for each land use area, the sign requirements/criteria for each land use area, the proposed yard requirements for each land use area, and the required open space, landscaping and/or buffers for each land use area.

- g. General Plans showing the improvements to be erected, the open space provided, the location of the proposed uses and preliminary renderings of proposed buildings. The Plans shall be diagrammatic in nature, indicating development areas with general building layouts, parking areas, active and passive open space areas and access systems, both vehicular and pedestrian. Representative floor plans for each type of unit shall be provided. The General Plans shall be presented in a schematic format and shall not constitute the site plan or site plan approval required herein below.
  - h. a proposed development sequencing if the project is to be phased.
9. A preliminary Shared Parking Study prepared by an appropriate professional. The study shall demonstrate that the proposed parking supply will be adequate to serve the needs of the development. Such study may be based upon accepted industry standards or based on actual experience with similar developments and studies of or known to the professional preparing the report. The study should consider parking demand variations due to factors such as time of day, weekday versus weekend demand, monthly variations in parking demand, noncaptive and modal split which would affect when the peak accumulated parking demand would occur.
  10. Analysis of the location, availability, and capacity of public utilities capable of serving the proposed project.
  11. Such other information requested by the Commission that will assist it in evaluating whether the development of the site will be consistent with the purpose of these Regulations.

The Commission will act upon the PVD Master Plan application in accordance with the discretion afforded and the procedures established for the adoption of a zoning amendment. In reviewing the application, the Commission shall consider the purpose of this Section 26 and these Regulations, the goals, recommendations and objectives of the Plan of Conservation and Development, and any other relevant criteria authorized by law for the adoption of zoning amendments. The Commission may, in its reasonable discretion, approve, disapprove or approve with conditions or modifications the Master Plan application.

**26.2.4 Special Permit/Site Plan Approval.**

1. Prior to implementing all or any portion of the approved PVD Master Plan, the applicant shall obtain site plan approval for the development or for a specific phase or portion thereof, except that, if any part of the development contains a use or uses designated as Special Permit Uses in table 26.2, such uses shall require special permit and site plan approval. The applicant may submit its site plan and/or special permit application(s) in phases or for specific portions of the development constituting less than the whole of the development or may submit a site plan for the entire development. Any application so submitted shall be consistent with the approved PVD Master Plan. The information to be submitted with such site plan application(s) shall be as provided in these Regulations, provided that the application shall include existing and proposed Covenants and Restrictions governing, among other things, ownership, management and operations of the development, including, but not necessarily limited to, measures to assure sufficient long-term maintenance of any areas required within the project for public use.

**26.2.5 MODIFICATION OF AN APPROVED PVD MASTER PLAN**

1. An amendment to the approved PVD Master Plan shall be considered minor or major. The Planning & Zoning Commission shall in its sole discretion determine whether proposed amendments are minor or major, using the general factors set forth below; Minor amendments are changes which do not alter the concept of the PVD Master Plan in terms of density, floor area ratio, land use, height, and provision of open space, the reduction of amenities or the physical relationship of the elements of the development. Minor amendments shall include but not be limited to small changes in the location of buildings, open space, number and location of parking spaces or realignment of minor streets or site circulation; and may be reviewed and approved by the Planning & Zoning Commission as an amendment to a Site Plan application.

Major amendments represent substantial deviations from the Master Plan approved by the Planning & Zoning Commission. Major amendments shall include, but not be limited to, large changes in floor space, the mix of uses, density, lot coverage, height, setbacks, lot sizes, open space; changes in the location of buildings, open space, or parking; or changes in the circulation system which would have a significant effect on the traffic impact. A major amendment shall require an amendment of the PVD Master Plan and shall be considered in the same manner as the adoption of the original PVD Master Plan.

- 26.3 PERMITTED USES.** Subject to the standards, criteria and requirements of this and other applicable provisions of the regulations, a PVD district may include

uses set forth in table 26.2. All uses not specifically enumerated in table 26.2 are prohibited, including, but not limited to public or private elementary or secondary schools, universities or colleges including related facilities such as dorms or sports complex, places of worship, parish houses or similar uses, religious services, and fraternal organizations.

#### **26.4 DEVELOPMENT STANDARDS**

**26.4.1 Location/Minimum Acreage.** The minimum PVD Overlay Zone tract shall include not less than 80 acres located in the IPD District.

**26.4.2 PVD Overlay Zone Lot Area.** The PVD Overlay Zone Lot Area shall be the gross land area minus one half (1/2) of the sum of (a) the Tidal Wetland or Inland Wetland waterbodies area plus (b) the land area with a slope equal to or in excess of twenty per cent (20%). The area of private streets may be included in the PVD Overlay Zone Lot Area.

**26.4.3 Utilities.** There shall be sufficient capacity in sanitary sewer, water supply or other utility systems over the life of the development, as certified by the City Engineer.

**26.4.4 Access.** There shall be direct access to a major street or highway.

**26.4.5 Recreational Facilities.** Exceptional recreational facilities and other amenities shall be provided by the developer.

#### **26.4.6 Community Open Space Requirements**

**26.4.6.1** There shall be COMMUNITY OPEN SPACE provided in each PVD. Community Open Space is defined as a portion of the development that is permanently dedicated as land for common use and appurtenant and accessible to all lots within the development, whose use shall be perpetually restricted to one or more of the purposes described in Section 26.4.6.5 by instrument recorded in the land records of the City of West Haven. At least 20% of the total Community Open Space must be land that is not wetland, watercourses, or land with slopes of 15% or greater.

**26.4.6.2 Ownership Alternatives.** Ownership or Control of Community Open space must be proposed to be in one of three forms, in order of preference:

- (1) A unit owners' association, as defined in C.G.S. § 47-202(3), the unit owners of a common interest community, as defined by C.G.S. § 47-202(7), or a trust owned by the occupants of the development, or
- (2) A non-profit organization (such as the West Haven Land Trust), or
- (3) The City of West Haven.

**26.4.6.3 Declaration Required.** Community Open Space form must be applicant declared and verified and dedicated as permanent land upon which no structure can be built.

**26.4.6.4 Review Required.** The Community Open Space instrument shall be reviewed and approved by the City Attorney before it is recorded on the West Haven Land Records.  
(a) Any amendment to the development restrictions in said instrument shall be approved by the Commission.

**26.4.6.5 Plan Requirements.** The Open Space Development plan must show direct access to the community open space or public rights-of-way to the community open space, and:

1. All corners of the community open space shall be marked with monuments.
2. A restriction running to (or enforceable by) the City shall be recorded and provide in perpetuity for one or more of the following uses:
  - (a) Conservation.
  - (b) Protection of natural drainage systems.
  - (c) Recreational or park purposes.
  - (d) Preservation of natural resources, scenic sites or historic areas.
  - (e) Agriculture.

**26.4.6.6 Additional Restrictions Permitted.** The Commission may impose additional restrictions upon community open space and such restriction must be recorded on the West Haven Land Records.

**26.4.7 Variances Not Permitted.** The standards, conditions and requirements of Section 26 shall not be subject to variance or exception by any other city agency.

**26.4.8 Slope Development Restrictions.** No structure may be constructed on slopes of 15% or greater unless specifically allowed by the Commission following a written finding that upon site plan review such structure is:

1. Contextually harmonious with the overall development.
2. Respectful of the natural landforms of the area.

**26.4.9 Fee Simple Parcels Allowed.** The Commission may, at its discretion, allow separate and multiple fee simple parcels within the overall Planned Village Development tract if it finds that the design allows adequate circulation and parking for the several uses. In such case, or in the case of any other form(s) of ownership of portions of the overall Planned Village Development, the gross land area of the entire development tract of the PVD as a whole shall be considered in determining compliance with the requirements of these regulations. Any division of a PVD tract shall be subject to the requirements of the West Haven Subdivision Regulations, and any lots created pursuant to any

division or subdivision shall comply with the IPD District standards for minimum lot size, frontage and yards.

- 26.4.10 Parking and Loading Standards.** Notwithstanding the requirements of Article 5, Section 60 and of this Section 26, the Commission may, at its discretion, modify the parking, loading and access requirements applicable to a development in the PVD Overlay Zone, including, without limitation, reducing the number of parking and loading spaces to be required for the development, provided that the Commission finds that such modified standards will be adequate and in accordance with the PVD Master Plan.
- 26.4.11 Residential Density.** The maximum residential density in any PVD Overlay Zone shall not exceed five dwelling units per acre of the PVD Overlay Zone Lot Area, as that term is defined in 26.4.2.
- 26.4.12 Residential/Nonresidential Mix of Uses.** Any PVD Tract Area shall have at least 25% of the gross floor area devoted to nonresidential uses. For purposes of determining this percentage, hotels and motels shall be considered nonresidential uses; assisted living facilities and continuing care retirement communities shall be considered residential uses, except that any for-profit nursing or convalescent home component of a continuing care retirement community shall be considered a nonresidential use provided that this nursing or convalescent home component does not exceed more than 20% of the entire gross floor area of the nonresidential uses within the PVD Tract.
- 26.4.13 Size/Components of Residential Units.** In order to ensure that the stand-alone residential units in a PVD include a variety of housing sizes to meet the housing needs of West Haven residents, the Commission recommends that 20% of the dwelling units in the PVD tract area (not including dwelling units in mixed use buildings) contain a livable floor area of 1,200 square feet or less. All dwelling units that are not part of a mixed use building shall contain garages designed to accommodate at least two vehicles. The Commission shall be authorized to modify these guidelines if the applicant can demonstrate to the Commission that such modifications are consistent with the purpose set forth in Section 26.1 of providing a variety of sizes and floor areas that will meet the housing needs of West Haven citizens. For purposes of this subsection, "Livable floor area refers to the interior area of a dwelling unit designed for human occupancy and includes rooms for living, sleeping, cooking, study, toilet and bathing areas, laundry, household closets, hallways and similar circulation spaces, but shall not include garages, utility/mechanical rooms, storage rooms, crawl space, cellars, attics or basements which are not designed for human occupancy".
- 26.4.14 Maximum Floor Area Ratio.** The Maximum Floor Area ratio for a project within the PVD tract area shall be 1.0. In calculating floor area ratio, the required percentage of open space (30%) shall be excluded from the calculation of the tract area.

**26.4.15 Phasing.** Unless waived or modified by the Commission, the nonresidential phases of development shall be constructed prior to or simultaneously with the residential phases of development.

**26.4.16** Area and Bulk requirements shall be as set forth in table 26.2.

**26.4.17 Age Restricted Housing** As a guideline for the developer, it is expected that dwelling units will consist of age-restricted housing, except for rental units located above the first floor of the buildings with non-residential uses on the first floor.

**TABLE 26.1 AREA AND BULK REQUIREMENTS IN PLANNED VILLAGE DISTRICT**

<b>KEY</b>	<b>REQUIREMENT</b>	<b>PVD</b>
A.	Minimum Acreage	80 ACRES
B.	Minimum <i>Community Open Space</i> as Percentage of Tract (%)	30%
C.	<i>Maximum Building Coverage (%) (gross land area of entire PVD tract)</i>	50
D.	<i>Maximum Impervious Surface Coverage (%) (gross land area of entire PVD tract)</i>	30
E.	<i>Maximum Lot Coverage (%) (gross land area of entire PVD tract)</i>	70
F.	Maximum Height- Non-residential Buildings <sup>1</sup>	4,6 ♣
	In Stories	
	In Feet	45,75 ♣
G.	Maximum Height- Residential Buildings	
	In Stories	2.5
	In Feet	35
H.	Maximum Number of dwelling units per building – Residential Buildings <sup>1</sup>	4

♣ First figure by right, second by special permit.

<sup>1</sup> Nonresidential Buildings include mixed use buildings with non-residential uses on the first floor; Residential Buildings are buildings used exclusively for dwellings, including home occupations.

## SECTION 26 – PLANNED VILLAGE DISTRICT (PVD)

TABLE 26.2 USES PERMITTED IN A PLANNED VILLAGE DISTRICT

USE CATEGORY	SPECIAL PERMIT	SITE PLAN REVIEW
<b>RESIDENTIAL USES</b>		
Single Family Attached		X
Single Family Detached		X
Dwelling above Ground Floor		X
Home Occupation	X	
Two & Three Family Dwelling		X
Multi-Family Dwelling		X
Continuing Care Retirement Community	X	
Accessory Recreational Uses		X
<b>INSTITUTIONAL &amp; SUPPORTIVE USES</b>		
Library, Museum or Cultural Center	X	
Park, Ball Field, Tennis Court, Gold Course		
Other Open Space/Recreational Facility		X
Open Space or Conservation Area		X
Municipal Fire or Police Station	X	
Utility or Drainage Easement		X
Government Office, Building	X	
Private Club, Hall or Similar Facility		X
<b>ACCESSORY USES</b>		
Detached Garage or Shed		X
Off-Street Surface Parking		X
Multi-level Structured Parking	X	
In-ground Swimming Pool	X	
<b>TRANSIENT LODGING</b>		
Hotel, Motel or Inn		X
<b>FOOD, DRINK &amp; ENTERTAINMENT</b>		
Convention Center		X
Liquor, Package Store	X	
Night Club, Tavern or Café	X	
Restaurant		
With Outdoor Seating		X
With Drive-in Service	X	
Grocery Store		X
Delicatessen		X
Banquet Hall	X	
Amusement Center	X	
Commercial Recreation Facility	X	

Outdoor Golf Range		X
<b>PERSONAL SERVICES</b>		
Bank/Credit Union		X
Barber/Beauty Shop		X
Child Care/Day Care Facility	X	
Laundry or Dry Cleaning		X
Craft Shop (Woodworking, Tailor)		X
Pet Shop/Grooming Facility (Non-Boarding)		X
<b>COMMERCIAL USES</b>		
Small Appliance, TV Repair Shop, etc.		X
Neighborhood Shopping Center		X
Regional Shopping Center	X	
Retail Store, Shop, Boutique		X
Business or Professional Office		X
Corporate Office/Headquarters		X
Theater		X
Temporary Vending Stand or Cart		X
<b>HEALTH CARE</b>		
Animal Hospital, Veterinary Office, Other Facility for animal care or treatment	X	
Hospital or Medical Office with In-Patient Care	X	
Fitness and Wellness Center		X
Medical Office (Outpatient)		X
<b>HEAVY COMMERCIAL</b>		
Farm Supply Store	X	
Plant Nursery with Retail Sales	X	
<b>INDUSTRIAL</b>		
Industrial Offices		X
Light Manufacturing		X
Manufacturing, Processing/Assembly	X	
Research and Development Laboratory		X
Interior Storage (Non-Hazardous Materials)	X	
Outside Storage (Accessory Use Only)	X	
Public or Private Utility Facility		X
<b>TRANSPORTATION</b>		
Bus, Train or other Mass Transit Station		X
Public Street or Road		X
Private Street or Right of Way		X