

SECTION 35 – TRANSIT ORIENTED DESIGN (TOD) DISTRICT

35.1 STATEMENT OF PURPOSE.

The purpose of the Transit Oriented Design (TOD) zone is to capitalize upon the locational attributes of the West Haven train station area, the access and personal mobility provided by high volume transit service that connects residential areas and employment centers by encouraging adaptive reuse of existing structures, entrepreneurship and homeownership by allowing alternative forms of physical development that enhance the existing development fabric and infill underdeveloped areas.

35.2 DESCRIPTION AND INTENT

This provision exists to encourage adaptive reuse of existing structures and new mixed use development in the form of self-contained, tightly-gridded, walkable areas identified design features such as front porches, bay windows to create a seamless mix of commercial, office, civic and residential uses. The intent is to:

- Encourage retention and/or adaptive reuse of existing buildings and new infill construction that accommodates the demands of the automobile while designing less auto dependent pedestrian oriented communities.
- Promote and encourage adaptive reuse and infill structures that respect, maintain or extend the visual character and architectural scale of existing area development.
- Encourage office and commercial uses that do not attract large volumes of traffic and continuous customer turnover.
- Limit and discourage strip commercial development that generates higher traffic volumes and encourage consolidated curb cuts.
- Minimize visual and functional conflicts between residential and non-residential uses within and adjacent to TOD development.
- Provide shops for neighborhood needs and more specialized products for a wider market.

35.3 USES PERMITTED IN THE TRANSIT ORIENTED DESIGN DISTRICT (TOD)

In the Transit Oriented Design District (hereafter TOD) uses listed in Table 39.2 Summary of Permitted Use in the Commercial, Industrial and Other Districts, subject to all the applicable Section 35.3.2 General Standards, Table 36.1 Area and Bulk Regulations and the requirements below, are permitted.

35.3.1 General Standards.

1. **Disturbing Aspects.** Noise, odors, lights, **signs** and all other possible disturbing aspects connected with operation of such **uses** shall be enclosed, screened or otherwise controlled to the extent that the operation of any such **use** shall not unduly interfere with the area use and enjoyment of properties or streets.
2. **Utility Services** shall be underground.
3. **Signs.** All **uses** permitted by this section shall comply with Section 65-Sign requirements.
4. **Parking** shall be subject to Section 60-Parking, Loading and Access requirements.

35.3.2 **As-of-Right.** In each district certain uses are permitted **as-of-right** that do not require approval of either the Commission or the Board except where a Site Plan is required, but require a **CZC (Certificate of Zoning Compliance)** be issued when the

application conforms to all applicable requirements. In **Table 39.2 Summary Uses** the letter **R** indicates a use permitted As-of-Right.

35.3.3 Special Permit and Special Use Exception.

It is hereby recognized that certain uses are a necessary part of the community and if properly controlled are compatible with surrounding uses. In making its decision on any application for a Special Use Exception or Special Permit the Commission must weigh community and landowner interests in having the use.

Applications for Special Permits and Special Use Exceptions in TOD Districts shall be reviewed using the procedures and criteria of Article 10 including a Public Hearing and Article 8 Site Plan Review.

35.4 ADAPTIVE REUSE

Adaptive reuse of existing older loft style multi-level commercial and industrial structures to limited work, office, and residence use is encouraged.

35.4.1 Conversion Standards. Upper levels of multi-floor loft structures may be converted to retail, office, live-work lofts and conventional dwelling units provided they meet §35.3.2 General Standards and the specific standards below, as follows:

1. **Ground Floors** of structures shall remain in commercial use.
2. **Live-Work Loft.** A Minimum Floor Area **gross floor area** per unit of not less than 900 square feet and an Average Floor Area per unit of not less than 1200 square feet in the residential portion of the structure is required.
3. 1 **dwelling unit** per 2,000 square feet gross floor area in the residential portion of the converted structure is the maximum residential density permitted.

35.4.2 Review Standards for Live-Work Lofts. In addition to meeting Special Permit requirements the Commission shall determine whether the specific proposal meets the following additional standards:

1. The proposed physical configuration will be compatible with existing surrounding industrial and commercial uses.
2. The proposal will not preclude development of permitted industrial and commercial uses on adjacent parcels.
3. The site can reasonably accommodate work-live lofts with minimum conflict with existing commercial and industrial tenants.
4. The structure size and configuration makes future commercial or industrial use unlikely.
5. The site can reasonably accommodate parking and loading needs for work-live lofts and commercial and industrial use.

35.5 NEW CONSTRUCTION

35.5.1 Land Area: Not less than two (2) acres or more than ten (10) acres.

35.5.2 Area and Bulk Regulations. Development shall be subject to Table 36.1 Area and Bulk Requirements.

35.6 MINIMUM PARKING

Parking shall be located to the rear of the structures and screened from the view shed of the street and shall conform to §60 Parking, Loading and Access standards.

35.7 COMMON OPEN SPACE.

Not less than 10% of gross area of the TOD (excluding accepted city streets) shall be allocated to and shall remain in common open space in perpetuity. Common open space shall be used for social, recreational, and/or natural environment preservation purposes. The uses authorized must be appropriate to the character of the

common open space, including its topography, size and vegetation, as well as the character of the development including its size and density.

35.8 RESIDENTIAL DEVELOPMENT WITHIN THE TOD.

A range of residential dwelling types shall be provided and no more than 60% shall be the same dwelling unit type. Buildings design shall conform with the selected design vocabulary and shall vary in terms of footprint, architectural elevations, fenestration, roof type, height, front entrance, and porch or balcony location.

35.8.1 **Color, materials, and architectural details** should be limited in number, compatibility and repetition throughout the development.

35.8.2 **First Floor to be Raised.** All residential units shall be raised above the level of the adjacent sidewalk, and the residential units shall be raised above ground level at the front of the building by a minimum of two feet.

35.8.3 **Usable Front Yards Required.** A minimum of 50% of all dwelling units, excluding accessory buildings and apartments on upper floors, shall have a clearly defined front yard using landscaping, hedging, fencing, or a brick or stone wall, none of which shall exceed three (3) feet in height. Front yards of attached duplexes or townhouses may be unified into one common yard treated as a single yard for the entire building.

35.8.4 **Usable Open Space per Dwelling Unit Required.** A minimum **usable open space** per **dwelling unit** of 250 square feet is required.

35.9 COMMERCIAL DEVELOPMENT WITHIN THE TOD.

35.9.1 **Commercial Density.** TOD commercial density ratio shall range from a minimum of 100 square feet to a maximum of 300 square feet of commercial floor area per dwelling unit. This shall include the provision of jobs for retail and office/job generating uses.

35.9.1.1 **Commercial to Residential Ratio Limit.** At no time during development shall the commercial density in the developed section exceed the ratio permitted above.

35.9.1.2 **TOD Service Requirement.** The commercial component shall consist of a minimum of 25% commercial use primarily oriented to serve the TOD and the immediately surrounding area within 1500 feet of the TOD. Remaining commercial uses may consist of any permitted commercial uses, including other types of retail and service use.

35.9.2 **Orientation.** Commercial components shall front on arterial and collector streets. Commercial uses can be mixed and integrated with dwelling units and public and semi-public uses, community clubs, and community facilities.

35.9.3 **Location.** Commercial uses shall be contained in multi-story, mixed-use structures with commercial/retail uses on the ground level and apartment dwellings or offices on the upper levels. Such buildings shall vary in terms of footprint and architectural elevations. The maximum ground level footprint of a commercial building shall be 20,000 square feet. In a multi-story building, the second floor may contain either apartments or commercial uses.

35.9.4 **Eating and drinking places shall be allowed and outdoor seating** is encouraged. Outdoor seating on sidewalks, including within courtyards and public rights-of-way, provided pedestrian circulation and access to store entrances shall not be impaired, shall be allowed subject to the following standards and guidelines:

1. **Sidewalks.** Sidewalk of a minimum of 5 feet width along the curb and leading to the entrance to an establishment shall be maintained free of tables and other encumbrances to allow for pedestrian circulation.
2. **Planters, posts, ropes, or other removable enclosures** are encouraged and shall be used as a way of defining the area occupied by the eating and/or drinking place.
3. **Awnings, canopies, or large umbrellas** shall be permitted and located to provide shade. Colors shall complement building colors.
4. **Outdoor Trash Receptacles** shall be provided at establishments with outdoor seating.
5. **Architectural Compatibility.** Tables, chairs, planters, trash receptacles and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located.
6. **No additional Signage.** Outdoor seating shall not be entitled to additional signage over and beyond what is permitted for the establishment.
7. **Maintenance.** Outdoor seating operators shall maintain a clean, litter-free, and well-kept appearance within and immediately adjacent to the area of their activities.

35.10 SIDEWALKS, WALKWAYS AND BIKEWAYS.

- 35.10.1 A **sidewalk network** shall be provided throughout the development to interconnect residential, commercial and open spaces to promote pedestrian activity within each site and through the development; they shall be separate and distinct from motor vehicle circulation to the greatest extent possible, provide a pleasant route for uses, promote enjoyment of the development, and encourage incidental social interaction among pedestrians.
- 35.10.2 **Sidewalks Network Standards.**
- a. **Barrier free design** sidewalks shall be used to the greatest extent possible.
 - b. The **pedestrian circulation** system shall include gathering/sitting areas and provide, landscaping, benches and other street furniture where appropriate.
 - c. **Sidewalks** shall have a minimum width of 4 feet, along major pedestrian routes 5 to 6 feet, and in commercial areas 8 to 12 feet.
 - d. **Material.** Sidewalks shall be constructed of brick, slate, textured concrete pavers, concrete with accent materials such as brick borders, or some combination thereof compatible with the style, materials, colors, and details of surrounding buildings. Functional, visual and tactile properties of paving material shall be appropriate to the proposed functions of pedestrian circulation.
- 35.10.3 **Walkways** shall be raised and curbed along buildings and within parking lots where suitable. Pedestrian street crossings shall be clearly delineated by a change in pavement and/or texture. All sidewalks and other pedestrian walkways shall have appropriate lighting, using poles and fixtures consistent with the overall design theme for the development.
- 35.10.4 **Bikeways** shall be provided, where possible, to link open space areas, and to link to surrounding development. Bikeways shall be a minimum of six feet wide and may use asphalt paving. Bike racks shall be provided in internal open space areas where feasible.