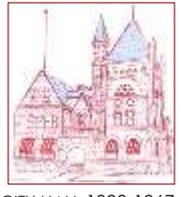




# CITY OF WEST HAVEN, CONNECTICUT Planning and Development Department

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CITY HALL 1898-1967

## APPLICATION FOR CHANGE TO **ZONING REGULATIONS**

### 1. Article and Section of Zoning Regulations

Article 2, Section 21, Village District Regulations

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### 2. What special condition or reason makes passage of this amendment necessary?

State statutes enable municipalities to establish Village Districts to help preserve the character of existing communities. The Planning and Zoning Commission proposes the attached regulations to allow for the creation of future Village Districts in the City, with an initial focus on the Central Business District area. As proposed, the Village District would function as an Overlay District.

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### 3. What other circumstances (i.e., public health, safety or general welfare) would justify the amendment?

Applying this regulation will help the City approve new development in a way that will make it more compatible with existing neighborhoods.

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### 4. Applicant Information

Name Planning and Zoning Commission  
Firm City of West Haven  
Street Address: 355 Main Street  
City: West Haven State: CT ZIP: 06516

#### Daytime Phone:

Business  Home (203) 937-3580

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Dated: August 14, 2019

\_\_\_\_\_  
Signature of APPLICANT

### 5. Counsel Information

Name: Lee Tiernan, Corporation Counsel  
Firm: City of West Haven  
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### 6. Provide Text of Proposed Change

Proposed Text is attached.

*(Please additional sheets as necessary to provide the Planning and Zoning Commission with a complete set of amendments and a thorough understanding of the proposed changes.)*

## **SECTION 21. Village District**

### **21.1 Purpose**

The Village Districts act, passed by the Connecticut General Assembly in 1998, is an aggressive tool to help municipalities protect and preserve their community character and historic development patterns. The enabling statute allows cities and towns to designate “village districts” as a way of preserving neighborhoods, village centers, and business districts that have distinctive community character, notable landscape features, and historic structures.

The purpose of this Village District Overlay (VDO) is to protect the distinctive character, landscape, and historic structures and development pattern within this overlay area while encouraging a mixed use, walkable district that is attractive to residents, employees, and visitors. New construction or substantial rehabilitation in the VDO should be compatible with the existing character of the district and reinforce both the existing development patterns and the connections to the area.

An overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing additional standards or criteria for properties in addition to those of the underlying zoning district.

### **21.2 Authority**

These regulations are enacted pursuant to C.G.S. §§ 8-2 and 8-2j, as amended, to protect the distinctive character, landscape, and historic structures within the West Haven Village District (WHVD) assuring that new construction, demolition, renovations, substantial reconstruction, and rehabilitation of property or properties within the WHVD will be in keeping with the established architectural features, scale and character of the district. The WHVD shall be an overlay district, the regulations of which shall be in addition to the regulations of the underlying zone districts.

### **21.3 Scope and Applicability**

#### **1. Village District Boundaries**

The Village District Overlay (VDO) is an overlay zone which is established by a Change of Zone approved by the Planning and Zoning Commission (under Section 86 of the Zoning Regulations currently). Once established, the Village District Overlay (VDO) zone may be extended or modified by approval of subsequent Change(s) of Zone by the Planning and Zoning Commission.

#### **2. Applicability**

These regulations and appropriate reviews apply to the following activities: new construction, renovations, changes in façades (alterations to existing building facades such that the appearance of the building changes), substantial reconstruction, or rehabilitation of any structure, property or properties in public view within the VDO. The scope of the application of these regulations includes:

- I. The design and placement of buildings;
- II. The maintenance of public views, which includes the size and placement of signs;
- III. Parking and vehicular circulation;
- IV. Pedestrian circulation and safety;
- V. The design, paving materials, and placement of public roadways
- VI. The uses of buildings and structures, as well as any other element or aspects that the Planning and Zoning Commission deems appropriate in order to protect the distinctive character of the VDO.

**c. Applicable projects**

- I. Construction of buildings, structures, and accessory structures, including additions and alterations to existing buildings and structures, resulting in an increase in gross building floor area of more than one-thousand (1,000) square feet or an increase in building area coverage of more than five hundred (500) square feet.
- II. Construction, reconstruction or alteration of a building façade, including signage, that exceeds thirty percent (30%) of the vertical plane area of any façade or portion of façade visible from within the Village District from any public street roadway, public pedestrian walkway or park.
- III. Construction of new or modification of existing driveways, parking areas, outside storage, signage, lighting, landscaping, fences, walls, pedestrian walks and terraces, and related site features, that exceeds two thousand (2,000) square feet or thirty percent (30%) of site area.

**d. Exemptions**

The following projects and activities shall be exempt from review under the VDO section of the zoning regulations. This is maintenance of existing structures and not replacement/renovation.

- i. Repairs, minor alterations, and maintenance of an existing residential structure, as well as exterior steps, walkways and driveways. These minor repairs, alterations and maintenance include replacing roof shingles or other forms of roofing, adding windows, shutters, siding, stonework, brickwork, utility services, fencing, or other changes in structure's features that do not result in a significant impact on the design, function, architectural character or visual appearance of the structure;
- ii. Exterior architectural modifications that do not substantially alter the existing height, bulk, or façade of an existing building or structure (with the exception of non-enclosed decks);
- iii. Interior modifications that do not result in the change in use of the building.
- iv. Changes in use of a building or structure to a permitted use in the VDO Zone, requiring no change in the building exterior or site not otherwise exempt.

**21.4 Design Principles**

The following Design Principles shall apply to new construction and substantial reconstruction and rehabilitation of properties within the Village District. These Design Principles are consistent with the legislative requirements of CGS § 8-2j.

- a. Proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, and the terrain in the district and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification.
- b. All spaces, structures and related site improvements visible from public roadways, public spaces, walkways, and bikeways shall be designed to be compatible with the elements of the area of the Village District in and around the proposed building or modification.
- c. The color, size, height, location, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping.
- d. The removal or disruption of historic traditional or significant structures or architectural elements shall be minimized.
- e. The building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district.

- f. Proposed streets shall be connected to the existing district road network, wherever possible.
- g. Open spaces within the proposed development shall reinforce open space patterns of the district, in form and siting.
- h. Locally significant features of the site such as distinctive buildings or sight lines of vistas from within the district shall be integrated into the site design.
- i. The landscape design shall complement the district’s landscape patterns.
- j. The exterior signs, site lighting and accessory structures shall support a uniform architectural theme if such a theme exists and be compatible with their surroundings.
- k. The scale, proportions, massing, and detailing of any proposed building shall be in proportion to the scale, proportion, massing, and detailing in the district.

**21.5 Design Standards**

The following design standards shall apply to new construction, substantial reconstruction and rehabilitation of properties, and changes that alter the exterior appearance of buildings within the Village District and in view from public streets, public spaces, walkways, or bikeways. Where applicable, these standards are designed to supplement existing regulations in the Zoning Regulations.

**a. Building Placement and Orientation**

- i. **Building Placement** - Building placement shall respect existing patterns of building placement for the street on which they are located and define the edges of streets and public spaces. The individuality of the building shall be subordinated to the overall continuity of the streets and public spaces. Buildings shall be placed to conceal parking at the interior or rear of building lots.
- ii. **Building Setbacks** - Infill buildings shall match the setback from the front lot line of the immediately adjacent buildings. If the setbacks do not match, the infill building may match one or the other, or may be an average of the two setbacks. *See Figure A.*

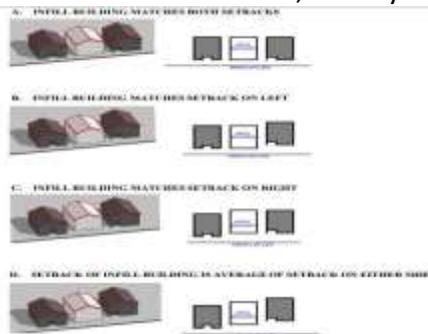


Figure A - Building Setbacks

- iii. **Building Orientation** - Buildings shall be oriented with the primary building façade(s) facing the primary street frontage(s) of the site. Building massing and façades shall be designed to frame streets and public spaces to provide a sense of spatial enclosure and to define street edges. Building entrances, storefronts and windows shall be oriented to the primary street(s) with transparency to streets and public spaces.
- iv. **Design Treatment of Edges** - Buildings that are not physically adjoined to abutters shall treat side yards and the spaces between buildings in a manner consistent with existing patterns of use, in terms of setbacks and use. Landscaping shall be used to define street edges and to buffer and screen edges that may have a negative visual impact, such as

parking or loading areas. Access driveways and curb cuts using side yards may be combined between adjoining properties to access parking for multiple buildings at the interior of the block.

**b. Building Massing and Form**

- i. **Relationship to Existing Context** -Building massing, form, and scale shall be complementary to and respectful of the patterns of existing buildings in the immediate vicinity. *See Figure B.*



Figure B – Relationship to Existing Context

- ii. **Building Form** - The shape and massing of new and renovated buildings shall provide a balance among building height, story-height, building width and block width. The shape and massing of the building shall complement the abutting structures and define the edges of streets and open spaces. *See Figure B.*
- iii. **Scale** - The scale of proposed new or substantially rehabilitated buildings shall be compatible with the surrounding architecture and landscape context. Elements that may help to relate building massing proportionally shall include: articulated building bases through a change in material or color; placement of windows in a regular pattern; articulation of building entries with canopies, porches or awnings, and façade and roof projections (such as bay windows or dormers).
- iv. **Proportion** - The proportions of building elements shall be generally compatible with existing structures and the features and components of the façade.
- v. **Height** - Infill buildings visible from public streets, public spaces, walkways, or bikeways shall continue the patterns of height of adjacent existing properties. Where the discrepancy between the proposed height and existing height patterns is greater than ten feet, the Joint Committee shall review design proposals with the Applicant for context sensitivity based upon the following: articulation of façade; building mass, scale, bulk and proportion; or other building massing considerations.
- vi. **Building Roofs** - Roofing materials visible from public streets, public spaces, walkways, or bikeways shall be of high quality and durable, including, but not limited to: slate, copper, ceramic slate tile, clay tile, concrete tile, or ribbed metal or architectural asphalt shingle. Flat horizontal roofs are exempted from this standard. Roofing materials shall

not call undue attention to the roof itself with bright or contrasting colors, unless historically documented. Building mechanical equipment and solar panels located on building roofs, sites, or other locations shall be not be visible from the street.

**c. Building Façades**

**i. Façade Design and Relationship to Existing Context** - The façade, or primary building elevation, of new construction or substantial rehabilitation shall be compatible with the façade design of neighboring buildings so as to create continuity across projects and the street edge. Primary building façades with frontage along the street shall be sensitive to the existing context of building façades along that street. At least two of the following design elements should be repeated in adjacent buildings, excluding parking structures: design treatment at the ground level, relative location and size of doors, window style and proportions, location of signs, dominant façade material, dominant color, bay window style, and roof form. There shall be a direct vertical correspondence between the design of the façade of the upper floors and the ground level retail façades. New construction and substantial rehabilitation of properties adjacent to public open spaces shall be oriented to define the edges of those open spaces and provide a transparent ground floor to activate the public space. *See Figure C.*



Figure C - Façade Design and Relationship to Existing Context

**ii. Placement and Treatment of Entries** - Entrances shall be oriented to the primary street frontage and address the street with an active and welcoming entry composition that is integrated into the overall massing and configuration of the building form. Building and shop entrances shall be recessed to a minimum depth equal to the width of the door to prevent doors from swinging into the sidewalk. Building entries may add components to the building façade such as storefronts, canopies, porches, and stoops and shall provide a high level of visibility and transparency into ground floor uses. *See Figure D.*



Figure D – Placement of Treatment of Entries

**iii. Façade Materials** - Materials shall be selected to be compatible with or complementary to the Village District. Materials on the façade that are subject to deterioration (plywood or plastic) shall be avoided or removed and replaced. Building façade exterior materials,

including architectural trim and cladding, shall be of high quality and durable, including but not limited to: stone, brick, wood, metal, glass, sustainable cement masonry board products and integrated or textured masonry. Uninterrupted, multi-level glazing may not be used as a primary façade design treatment. Repairs and alterations must not damage or destroy materials, features or finishes that are important in defining the building's historic character. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- iv. **Roof Parapet and Cornice Lines** - Building cornice lines shall be maintained, preserved or recreated to define building façades and create façade components consistent with historic parapet or cornice lines as originally designed and built in Village District. See *Figure E*



Figure E – Roof Parapet and Cornice Lines

- v. **Proportion and Pattern of Windows** - Original window patterns and openings shall be preserved or restored, including conservation and repair to preserve historical details, in the redevelopment of existing structures. New construction shall acknowledge and respond to existing adjacent window patterns in proportion, scale, rhythm and number of openings. See *Figure F*



Figure F – Proportion and Pattern of Windows

A: Decorative Window  
B: Typical Pattern for Second Story  
C: Ground Floor Display Windows  
D: Inset Glazed Doors

- vi. **Transparency** - Building façades facing the principal street or public open space shall have at least 25% of the overall façade in transparent windows and at least 40% of the ground floor façade in transparent windows. Along the secondary façades that face pedestrian alleys or connections, façades must achieve at least 15% transparency. Windows on the ground floor of the primary façade shall not be mirrored or use tinted glass or be obstructed by curtains, shades, or blinds. See *Figure G*.

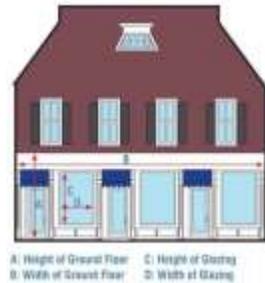


Figure G

Figure G - Transparency

- vii. **Awnings and Signage** - Awnings and signs may not obscure important architectural details by crossing over pilasters or covering windows. Multiple awnings or signs on a single building shall be consistent in size, profile, location, material, color and design. On multi-tenant buildings the awnings and signs shall be allowed to vary in color and details, but shall be located at the same height on the building façade. *See Figure H.*

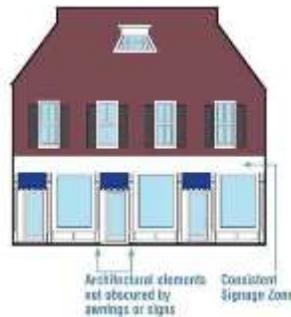


Figure H – Awnings and Signage

#### d. Landscape

- i. **Landscape Use and Orientation** - Landscape features shall shield negative views and define edges, and frame streets and public spaces. Plantings shall not obscure site entrances and exit drives, access ways, or road intersections or impair visibility of commercial storefronts. Tree species shall be selected to maintain relatively clear views of the ground floor and adequate height clearances for sidewalk circulation. Site and landscape features shall be integrated with the design of new construction and reflect a coordinated site and building design.
- ii. **Open Spaces** - Landscape features shall shield negative views and define edges, and frame streets and public spaces. Plantings shall not obscure site entrances and exit drives, access ways, or road intersections or impair visibility of commercial storefronts. Tree species shall be selected to maintain relatively clear views of the ground floor and adequate height clearances for sidewalk circulation. Site and landscape features shall be integrated with the design of new construction and reflect a coordinated site and building design.
- iii. **Site and Street Edges** - Landscape features shall shield negative views and define edges, and frame streets and public spaces. Plantings shall not obscure site entrances and exit drives, access ways, or road intersections or impair visibility of commercial storefronts. Tree species shall be selected to maintain relatively clear views of the ground floor and adequate height clearances for sidewalk circulation. Site and landscape features shall be

integrated with the design of new construction and reflect a coordinated site and building design.

- iv. **Rain Gardens** - Rain gardens may be provided as a contributing element of the site drainage, and integrated into the overall site. The plantings should be well adapted to wetland edge environments, including grasses, hedges, shrubs, or trees that tolerate intermittent wet conditions and extended dry periods. The design should prevent long-term standing water that would damage the plantings.

**e. Parking**

- i. **Parking Placement** - Parking shall be located at the interior of blocks, behind buildings, or at the rear of sites, away from prominent site edges, public spaces, and streets. See *Figure I*.



Figure I – Parking Placement

- ii. **Screening and Landscaping** - Parking areas shall be separated from the street with landscaped buffers of between five feet and eight feet in width. Parking areas on secondary streets may also be screened by other site components, including fences, gates, walls, permanent planters, or hedges. Landscaped medians shall be provided between parking spaces to break up the impervious surfaces and mitigate the visual impact of parking. No landscape island shall be less than 6' wide with a minimum width of 10' is required for planting strips with trees. See *Figure J*.



Figure J – Screening and Landscaping

Figure J

- iii. **Structured Parking** - Structured parking, where provided, shall be at the interior of a block, surrounded on visible edges by active uses to avoid inactive street edges created by the parking structure. Alternatively, the structured parking could be arranged such that the ground floor area facing the main street is available for commercial space.
- iv. **Curbs and Curb Cuts** - Granite curbs shall be used to protect planting areas and to define sidewalks, walkways, and parking area edges. Curb cuts shall be minimized and combined whenever possible. Every curb cut shall provide a continuous and uninterrupted pedestrian walkway.

**f. Streetscape and Sidewalks**

- i. **Pedestrian Access** - New construction and public infrastructure improvements shall reinforce a network of continuous, convenient and safe pedestrian connections along sidewalks to and from all pedestrian entrances of all garages, parking lots and parking structures and all public, resident, and employee entrances to every building. Sidewalks and pedestrian paths should incorporate appropriate lighting, street furniture, landscaping, and signage consistent with the Village District. The network should not include streets or spaces that are primarily used for vehicular connections, deliveries and services.
- ii. **Sidewalk Configuration** - Sidewalks shall have a minimum unobstructed width of 4'-0". Sidewalks shall be widened to accommodate street trees, landscaping, and outdoor furnishing and amenities. Sidewalks shall be continuous and uninterrupted at driveways and curb cuts to reinforce priority for pedestrians. *See Figure K.*

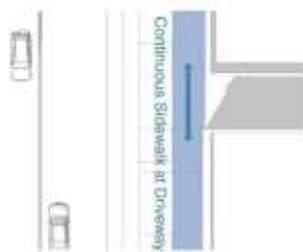


Figure K – Sidewalk Configurations

- iii. **Special Paving** - Unit pavers may be used to enhance the character of sidewalks, pathways, and plazas. Existing brick or pavers shall be maintained or replaced and shall be introduced if adjacent sidewalks are brick. When employed, unit pavers should be selected and set in a manner that limits uneven surfaces or joints that would become an impediment to accessibility. An acceptable method includes providing a sub-base of wire-mesh reinforced concrete below the setting bed, and mortared joints. *See Figure L.*



Figure L – Special Paving

- iv. **Passageways** - Passageways through buildings that connect the principal streets to parking shall include displays relevant to adjacent businesses, public art, and/or wayfinding signage related to the Village District and lighting that provides a safe environment for pedestrians.
- v. **Street Furniture** - Permanent street furniture including light fixtures, benches, bike racks, trash and recycling receptacles, and newspaper stands shall be integrated with street and sidewalk circulation to ensure adequate clearances, access and convenience of the location of these amenities. Street furniture shall be clustered at convenient locations that are plainly visible and accessible and must be located such that the minimum 4'-0" sidewalk clearances are maintained.

- vi. Public Art** - Public art may be used to define and punctuate public spaces. Art installations shall maintain clearances in public spaces, and be constructed of materials that are durable, easily maintained and that do not present safety hazards.

### **21.6 Design Review Process**

An architect or architectural firm, contracted by the Commissioner of Planning and Development and/or designate as its consultant for the application, must conduct the reviews and submit its recommendations to the Planning and Zoning Commission within 35 days after the commission receives the application. The consultant's report must be entered into the public hearing record and the commission must consider it in making its decision.

The Planning & Zoning Commission is the governing body with regards to approval/denial of applications. In addition to the report of the architectural review noted above the commission may seek recommendations of any city agency or regional council or outside specialist. Any and all reports or recommendations shall be entered into the public hearing records.

If the commission grants or denies an application, it shall state upon the record the reasons for its decisions. If the commission denies an application, the reason for the denial shall cite the specific regulations under which the application was denied. Notice of the decision shall be published in the newspaper as do all other decisions by the commission.