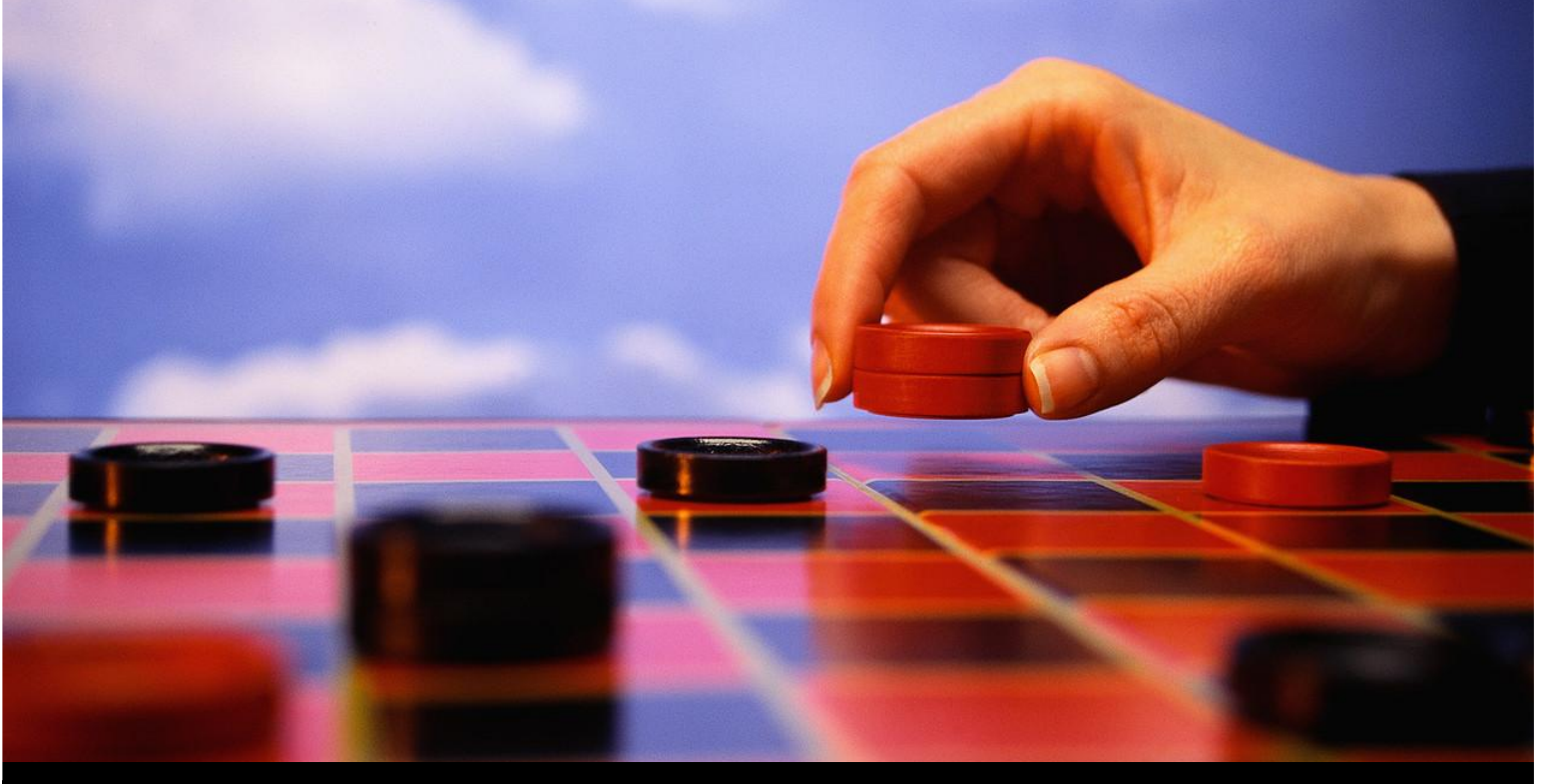


2008 09

# PLAINVILLE



## PHASE III REGULATIONS

CENTRAL CONNECTICUT  
REGIONAL PLANNING  
AGENCY

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## PREAMBLE

### *Overview*

This draft regulation is intended for review by the Plainville Planning and Zoning Commission and all other interested parties. The intent of the regulation is two-fold. First, it takes advantage of development incentives provided by the State that encourages the creation of workforce housing in areas with existing infrastructure and public transit. By doing so, the regulation promotes sustainable development and the conservation of open space. Second, it supports good design and development practices by providing a set of requirements that can be approved “by right” for growth in these areas.

Incentive Housing Zones (IHZs) are authorized by Section 8-13m through 8-13x of the Connecticut General Statutes. Adoption of this text amendment complies with the 2009 Plainville Plan of Conservation and Development. If adopted, the amendment should become effective on the date that the zoning map is subsequently changed to indicate the areas in which this text will apply.

Based upon the suitability analysis conducted in *Phase II* of this study, as well as aerial and ground reconnaissance, maps and zoning amendments for two IHZs were developed, the Downtown and Downtown Periphery IHZs. Figure I (p. 7) depicts the location and boundaries of these zones; corresponding regulations for follow in *Regulations* (p. 8.)

The minimum density for Incentive Housing Developments as defined and governed by the *Regulations* (p. 8) in the Downtown IHZ is twenty dwelling units per acre; for the Downtown Periphery, the minimum is ten. As *Phase I* of the Incentive Housing Study (*Community Profile*) demonstrates, these densities represent at least a 25% increase over the maximum densities permissible under the zoning currently in force in the IHZ areas.

Together, both IHZs account for approximately twenty-eight (28) acres. This represents less than .5% of Plainville's total acreage. This figure lies far below the 10% and 25% caps set by the State for the size of individual IHZs and all IHZs collectively within a town. IHZ boundaries conform to parcel lines, save some rear parcels located west of the north-south rail line on the north of West Main Street (Route 372). For these parcels, the northern boundary of the IHZ is not the lot line, but rather the edge of the floodway, as delineated by FEMA. For description of the locations chosen and an analysis of suitability of the IHZ to the existing built and natural environment, including infrastructure, please consult Phase I and Phase II of this study.

### *Development potential*

Figure I indicates the proposed location of incentive housing zones. As demarcated above and regulated below, the Incentive Housing Zones proposed will allow the erection of 377 dwelling units at the prescribed minimums of 20 and 10 units per acre, accounting for a 25% reduction in buildable area due to development constraints. This figure is based on the assumption that undeveloped, underdeveloped, and parcels with redevelopment potential will be developed at the minimum required densities. Parcels in public and quasi-public use are not included within the areas proposed for this text and map amendment.

At \$2,000 per unit zoned, this equates to an initial financial incentive of \$754,000. Of these potential new units, at least 20%, or 76 units, would be subject to an Incentive Housing Restriction that imposes ceilings on the annual per capita income and chargeable sale prices or lease rates. The maximum units buildable at minimum density in parcels in the proposed IHZs are indicated in Figure I. These levels of development would represent an improvement over current patterns in Plainville. Assuming that all housing units lost to construction are replaced, maximum build-out at minimum density would yield the development of 377 additional housing units, a 725.0% increase in the IHZ areas over their current tally of 52 units.

Note that this figure may exaggerate the probable, true level of development. It is not anticipated that every eligible parcel in the IHZ will be developed/redeveloped as an IHZ project. On the other hand, it is also improbable that every IHZ project will build at the statutory minimum den-

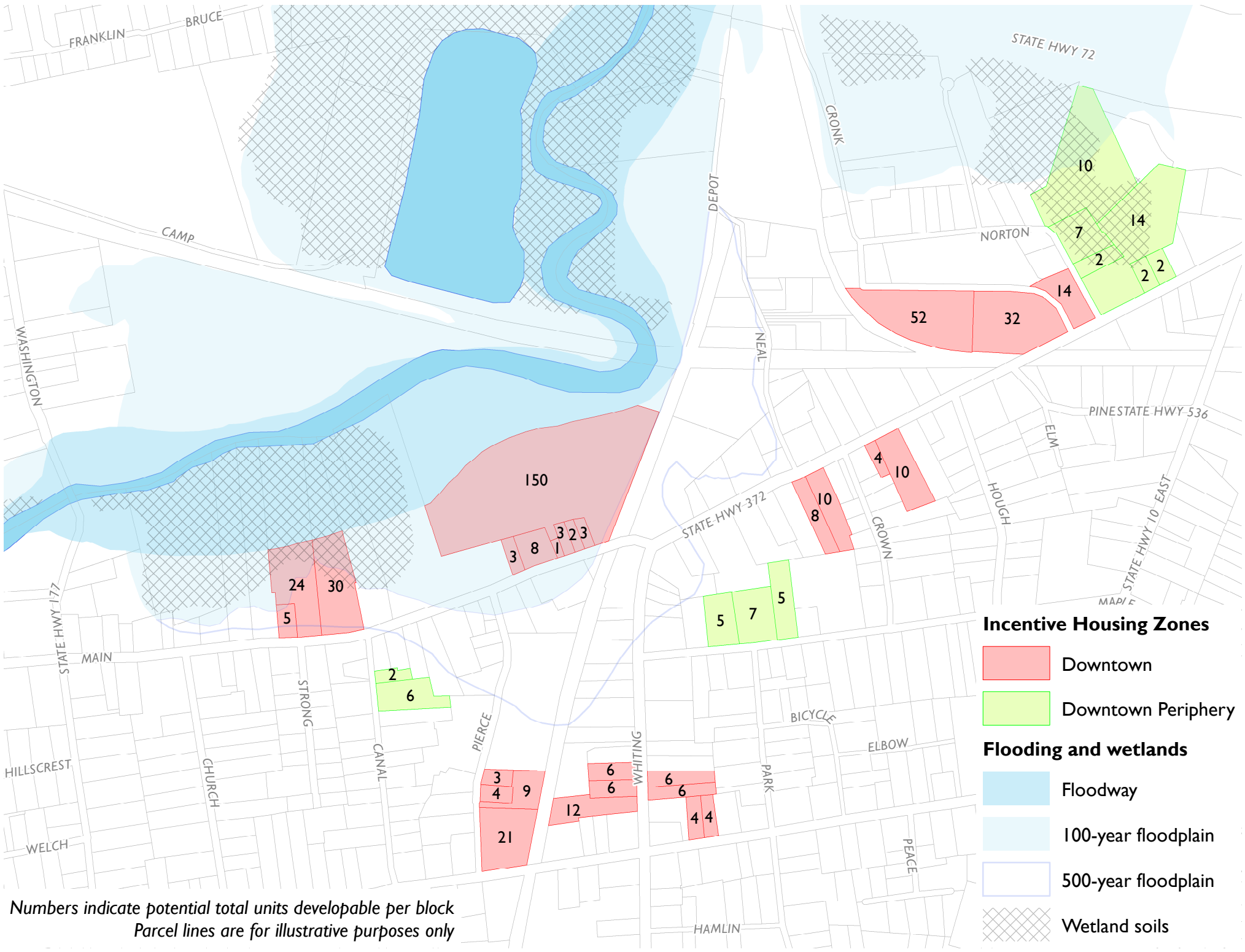
sity. IHZ projects may also pursue densities above and beyond what the zone requires. What form and speed development will take depends on a host of factors such as economic climate, the housing market, demographic changes, and the physical characteristics of each development project.

### *Process details*

The Incentive Housing Zone delineations and regulations proposed in the preceding pages were developed as follows. First, areas determined in Phase II to be undevelopable (shaded black) or marked as no development or development inadvisable (gray) were excluded. Areas marked as development and development advisable (red and pink) as well as neutral (white) were surveyed through aerial imagery and site visits to ascertain the viability of existing uses and (re)development potential. The survey revealed many vacant/underutilized parcels and marginal uses in the areas determined to be neutral or above. Parcels with the highest (re)development potential cluster in and around the downtown, as well as near the New Britain town line on New Britain Avenue (the Connecticut Commons area.) The latter areas were eventually excluded from consideration due their potential for commercial development.

Based on existing development patterns, as well as the desire to provide a transition between a traditional downtown and the suburbs that surround it, the area thus identified was divided into two zones, the Downtown and the Downtown Periphery. With the locations and boundaries of the Incentive Housing Zones set, extensive consultation was undertaken with town staff to develop a vision for IHZ-based development in Plainville.

As part of the process, all parcels in the Downtown and Downtown Periphery zones were evaluated to determine their potential for and the probability of development or redevelopment. Parcels with low residential densities relative to the surrounding neighborhood were selected for inclusion in the final zones, as were undeveloped, underdeveloped, and prime redevelopment parcels. The latter include several key downtown properties that are underutilized, partly vacant, or in poor condition. Drawing on this analysis, as well as the existing zoning code, similar projects in other towns, and the results of Phases I and II, zoning regulations were drafted. Finally, the regulations were reviewed for conformity with the state's requirements for an IHZ and consistency with the project's goals as well as Plainville's 2009 Plan of Conservation and Development.



Numbers indicate potential total units developable per block  
Parcel lines are for illustrative purposes only

## REGULATIONS

### *Miscellaneous changes*

1. Amend § 300 by adding to the list of zones: IHZ— Incentive Housing Zone Overlay District

2. **Definitions**

Amend Article 2 by adding the following definitions, alphabetically:

- a. Dwelling, Multifamily — A residential building or portion thereof used for occupancy by two or more households in separate living quarters and containing two or more dwelling units, but not including townhouse dwellings.
- b. Dwelling, 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.
- c. Income Eligible Household — A household whose annual income is at or below eighty percent (80%) of the median income for a household of the same size in the Town of Plainville, as determined and reported by the United States Department of Housing and Urban Development (HUD).
- d. Incentive Housing Development — A residential or mixed use development that is located within the Town of Plainville Incentive Housing Zone and that complies with the statutory requirements set forth in Connecticut General Statutes § 8-13m et seq., as amended, and these Zoning Regulations.
- e. 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 these Zoning Regulations.

- f. Incentive Housing Unit — A dwelling unit within an Incentive Housing Development that is subject to an Incentive Housing Restriction.
- g. Mixed Use Development — A development that combines residential use with retail, service, restaurant, and/or office uses.
- h. 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.

*Add new section 516 Incentive Housing Zones*

**1. Purposes**

The Plainville Incentive Housing Zone (IHZ) is an overlay district whose purposes are:

- a. To increase choice and variety in housing in the Town of Plainville.
- b. To revitalize downtown Plainville with mixed-use development that will provide for a variety of housing and business opportunities.
- c. To transform the downtown into a distinctive retail environment.
- d. To encourage smart growth and low-impact development.
- e. To promote the development of human-scale neighborhoods in walking distance of public transit.
- f. To assist the Town of Plainville to comply 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.
- g. To ensure high quality site planning, architecture, and landscape design that is consistent with the surrounding neighborhoods and the distinct visual character of the historic structures in Plainville.
- h. To establish development standards that ensure context-sensitive design and creative site planning in the reuse of existing buildings and construction of new buildings.
- i. To benefit from the financial incentives provided by Connecticut General Statutes § 8-13 et seq.

**2. Applicability**

The regulations and design requirements in this section apply to Incentive Housing Developments in the IHZ Overlay District. All conditions of the underlying district remain in force for areas overlaid by an

IHZ, with the modifications listed below, except in cases of conflict between the stipulations of the underlying zone and those of the Incentive Housing Zone, where the latter has precedence.

- a. Residential use is permitted by right in an IHZ.
- b. Site plan approval is required.
- c. For determining allowable commercial uses, the underlying district for Incentive Housing Developments in the General Industrial Zone is the Central Commercial Zone.

### 3. Principles

Development and review of Incentive Housing Development proposals in districts should embrace the following precepts, except as noted:

- a. Promote a mix of retail, office, and residential uses within blocks and buildings. This does not apply to proposed development where commercial use is otherwise not permitted.
- b. Coordinate development with and encourage use of public transit services in the district.
- c. Place buildings at or close to the edge of sidewalks and provide appropriately-scaled, appealing facades at street level to encourage walking.
- d. Coordinate infrastructure and streetscape enhancements to improve safety and walkability.
- e. Promote creativity, quality, and variety in architecture.
- f. Promote environmentally-sustainable design and construction.
- g. Protect and preserve the character of historic buildings.
- h. Promote the use of outdoor and indoor space for community integration.

### 4. Description of districts

Based upon the suitability analysis conducted in Phase II of this study, as well as aerial and ground reconnaissance, maps and zoning regulations for two Incentive Housing Zones in the Town of Plainville were developed. The proposed boundaries of the two IHZ Overlay Districts are shown on the approved supplement to the Plainville Zoning Map. The IHZ Overlay District is divided into two districts as shown on the map: Downtown and Downtown Periphery.

- a. **Downtown:** This area, which centers at the intersection of Main Street and Whiting Street, has suffered disinvestment in recent years. Redevelopment of this area is a priority. New development should build on the district's qualities, making efficient use of space and integrating multifamily housing with offices and ground-level

retail, service, and/or restaurant uses. This zone is suitable for development at higher-densities, with mixed-use preferred. The minimum density for Incentive Housing Developments in the Downtown IHZ is twenty (20) dwelling units per acre.

- b. **Downtown Periphery:** This area serves as a transition zone between the Downtown and the residential neighborhoods that make up most of Plainville. The Downtown Periphery can provide new housing as the Downtown redevelops. Development should take a compact form (duplex and townhouse dwelling units) in this district and may integrate other commercial uses permitted by the underlying zoning. This zone serves as a transition with limited mixed use between the downtown and lower-density, residential zones. The minimum density for Incentive Housing Developments in the Downtown Periphery IHZ is ten (10) units per acre.

## 5. Permitted uses and dimensional requirements

The following uses are permitted subject to Site Plan Approval in accordance with these regulations, provided the dimensional and design requirements below are met. In all cases, fractional numbers are rounded up.

### a. Permitted Uses

#### i. Downtown

Mixed use development at a minimum density of twenty (20) dwelling units per acre, provided that residential uses are not located at street level along a public street open to automobile traffic (they may be partly or wholly located on the ground floor if they face other uses, such as a lawn, field, wood, courtyard, or private drive). At least 50% by area of the first floor(s) in street-facing building(s) in such a development must be provided as commercial space.

This zone is suitable for multifamily dwellings with retail, service, office, and/or restaurant uses on the first floors facing public streets. Any use allowed in the underlying district is permitted in accordance with the regulations governing such use with the exception of the General Industrial zone. For Incentive Housing Developments in the General Industrial zone, any use allowed in the Central Commercial zone is permitted. No more than 10% of the units in any Incentive Housing Development in this district may consist of efficiency dwelling units, and efficiency

dwelling units cannot be applied to the minimum required work force housing component.

**ii. Downtown Periphery**

Duplex and Townhouse residential development at a minimum density of ten (10) dwelling units per acre. Limited mixed use is permitted so long as minimum residential density is achieved. This zone is suitable for two and three bedroom duplex and townhouse dwelling units. Any use allowed in the underlying district is permitted in accordance with the regulations governing such use.

**b. Dimensional requirements**

All Incentive Housing Developments shall conform to the requirements set forth below. These requirements supersede § 400 in its entirety.

	Downtown	Downtown Periphery
Permitted uses	Multi-Family with Mixed Use	Duplex and Townhouse - Limited Mixed-Use
Minimum residential units per Incentive Housing Development	4	4
Lot frontage(does not apply to interior lots)	50'	50'
Min. Setback — Front a	0'	20'
Min. Setback — Side a, b	5'	10'
Min. Setback — Rear a, b	10'	20'
Height	65' <sup>c</sup>	30'/40' <sup>d</sup>

a - Minimum setbacks must allow for appropriate pedestrian circulation, landscaping and streetscape design in accordance with these regulations.

b - A 10' setback shall apply to the side and/or rear yard where the side and/or rear of an Incentive Housing Development abuts or overlaps an existing, developed residential (R-R40) zone.

c - Due consideration must be given to the requirements of the Airport Approach Zone.

d - 30' if located in a residential zone/40' if located in a General or Central Commercial Zone.

## 6. Permitted accessory uses and design criteria

Off-street loading and parking, including surface and garages, and waste collection points are permitted in all districts, subject to the following standards:

### a. Surface Parking

- i. Parking shall not be located in front yards unless there is no alternative and only for renovation of existing buildings. In such cases the Commission may require a greater amount of landscaping to reduce the impact of the parking on the streetscape.
- ii. Parking that is visible from streets or public sidewalks shall be screened with a combination of landscaping and wrought-iron fencing, brick walls, stone walls, earthen berms, or esthetically and functionally equivalent materials, such that the screening is a minimum of three(3)feet higher than the level of the parking lot and forms a substantially opaque screen.
- iii. Surface parking lots and surrounding landscaping shall be designed and built with low-impact development techniques that, among other objectives, reduce storm drain load and runoff by promoting the infiltration of precipitation into the soil.

### b. Parking garages

- i. Whenever feasible, garages shall be located underground or within the interior of the block to minimize visibility from public streets, and design shall match proportions of neighboring buildings.
- ii. When a garage must be located adjacent to the street, setbacks may be increased by the Commission to allow for trees to be planted, providing visual softening of the upper levels of the structure.
- iii. The ground level of parking structures shall be separated from the public sidewalks with retail building space, unless a suitable alternative is proposed. Landscaping in combination with architectural details on otherwise blank walls of a garage may be a suitable alternative where there is insufficient space for a building.
- iv. Garage access points should be clearly identified with architectural elements and signage.

- v. Garage access points shall be located to minimize the impact of motor vehicle access on the safe and efficient movement of pedestrians, cyclists, and other vehicles, and shall not be located within fifty (50) feet of any street intersection.
- vi. Signage and light fixtures within the parking structure shall not illuminate or produce glare on adjacent properties.
- c. **Solid waste receptacles** shall be located and designed to permit easy access by removal services and be located within a garage or in a free-standing “trash house.” Trash houses shall be designed with architectural details to incorporate it into the overall development and to minimize esthetic impacts. Gates shall be self-closing.

## 7. Parking requirements

Parking requirements for an Incentive Housing Development supersede those of the underlying zone. The following requirements hold for projects constructed within an IHZ. For exclusively residential (non-mixed use) projects, a minimum of one space per unit plus 20% visitor parking shall be provided. Parking shall never exceed two spaces and 20% visitor parking per unit. It is incumbent upon projects to furnish onsite parking in accordance with demand.

To prevent conflicts with nearby uses, IHZ projects must:

- a) Separate (unbundle) housing and parking, either by:
  - i. Leasing, selling, and reselling parking as a separate item from housing.
  - ii. Specifying in lease agreements and/or deeds how many parking spaces are or will be supplied with each unit, where the project developer thereby obligates himself or herself to provide said spaces.
- b) Provide effective parking control or enforcement for the duration of the use of the project as residences, either by:
  - i. Access control, permitting ingress for residents only (e.g. automatic gates).
  - ii. Reserved spaces (e.g., numbered spaces) with ticketing, towing, and/or other mechanisms to ensure compliance.
  - iii. Placards or decals for residents with ticketing, towing, and/or other mechanisms to ensure compliance.
  - iv. Other means demonstrated to achieve the same results and accepted by the Planning and Zoning Commission.

- v. For mixed-use projects incorporating a residential component, projects may follow the preceding rule for the residential component, provided that parking facilities are designed to prohibit the use of residential parking by commercial customers and vice-versa. If segregated, parking for commercial uses must comply with the underlying zone, or be provided in an amount demonstrated to be sufficient and approved by the Commission as such. If projects do not segregate but opt to share parking between residential and commercial uses, parking must be supplied in accordance with the underlying zone for the commercial use and be adequate to satisfy 90% of the simultaneous maximum demand generated by the project's residential and commercial uses, where the residential use requirements are based on this section.
- c) The Commission may waive minimum parking requirements by majority vote where the applicant can demonstrate that less than the minimum required parking will be sufficient.

#### 8. **Application process**

- a) **Pre-application review:** Applicants are encouraged to participate in a pre-application meeting with Town staff to obtain the advice and direction of the staff prior to filing the application.
- b) **Application requirements:** In addition to the requirements detailed in Article 6 of the Plainville Zoning Regulations, applications for an Incentive Housing Development must also include architectural drawings that show sufficient detail for all sides of the building(s), and if necessary, limited renderings of adjacent buildings to determine compliance with the Design Requirements set forth in this section.
- c) **Referrals to other agencies:** The Commission may refer copies of an Incentive Housing Application to other Town, Regional or State agencies as necessary to determine compliance with municipal ordinances and regulations.
- d) **Public Hearing:** A public hearing shall be conducted for any site plan or subdivision application seeking approval for an Incentive Housing Development. The public hearing shall be conducted in accordance with the requirements of Section 8.7d of the Connecticut General Statutes, as applicable.

- i. 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.
- ii. An application for an Incentive Housing Development shall be approved by the Commission provided it is consistent with the Plainville Zoning Regulations.

#### **9. Conditions**

Conditions shall be imposed on an Incentive Housing Development approval by the Commission as necessary to:

- a) Ensure substantial compliance of the proposed development with the requirements of the Incentive Housing Zone regulations including the design requirements.
- b) Mitigate any extraordinary adverse impacts of the development on nearby properties.

#### **10. Denial**

An application for an Incentive Housing Development may be denied if:

- a) Development does not meet the requirements set forth in these 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 adverse development impacts, or it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of conditions acceptable to the Applicant.

#### **11. Workforce housing requirements**

The following regulations shall govern the residential units in an Incentive Housing Development:

- a) At least 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 Income Eligible Households.
- c) Each Incentive Housing Unit shall be subject to an Incentive Housing Restriction, which shall be recorded on the Plainville Land Records.
- d) All Incentive Housing Restrictions must include, at a minimum, the following:

- i. An identification of the Incentive Housing Units.
- ii. The name and address of the Incentive Housing Administrator.
- iii. A requirement that only an Income Eligible Household may reside in an Incentive Housing Unit.
- iv. The formula pursuant to which rent of a rental unit or the maximum sale or resale price of a homeownership unit will be calculated.
- v. 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.
- vi. Provision for monitoring and enforcement of the terms and provisions of the Incentive Housing Restriction by the Commission.
- vii. Provision that the Incentive Housing Administrator shall file an annual report to the Commission, in a form specified by the Commission, certifying compliance with the provisions of this section

## 12. Building design requirements

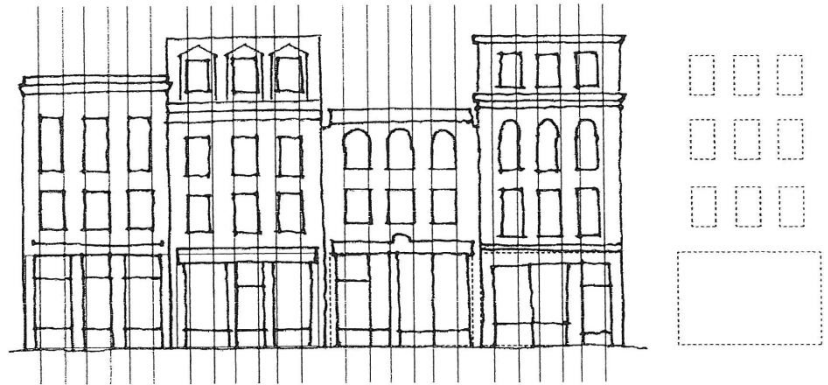
Proposed development projects must complement the scale and architecture of adjacent buildings. For early projects, new construction will set the stage for future redevelopment, and shall be constructed to meet the goals of the IHZ to the greatest extent practicable (i.e. maximum height, minimum setbacks, greatest density, etc.).

- a) **Downtown District**, buildings shall be placed within two (2) feet of the edge of the sidewalk, or at the property line if it is greater than two (2) feet from the edge of the sidewalk or public right-of-way. Waivers may be granted to this requirement for buildings with restaurants designed with café-type outdoor seating areas or where architectural renderings or models of the existing and proposed streetscape for the project and surrounding properties are presented which clearly show a public benefit to the alternative building placement being proposed. In all cases, adequate area shall be maintained for safe pedestrian access and circulation.
- b) **Downtown Periphery District**, buildings shall be designed with a distinct residential character regardless of any commercial component. Building size, character and massing shall complement adjacent land uses and serve to strengthen the district's role as a

transition between high-density residential/commercial development, and low to moderate density traditional neighborhood.

**c) Façades**

- i. Buildings more than sixty (60) feet in length shall be broken down into a series of smaller elements or “bays” to evoke the rhythm of historic shop fronts and mixed use town centers and to add to the visual character and maintain the pedestrian scale of the streetscape. To accomplish this, façades on such buildings shall incorporate wall plane projections or recesses having a depth of at least two (2) feet which extend at least twenty percent (20%) of the length of the façade.
- ii. Ground-floor façades that face public streets shall have display windows, entry doors with awnings, fanlights, or other such features that emphasize a pedestrian scale.
- iii. No uninterrupted length of any façade, whether at ground level or on upper stories, shall be permitted to exceed the lesser of thirty percent (30%) of the total length of the façade or thirty (30) feet without incorporating a change in color, material, or texture and a projection, recess, window, balcony, trellis, or similar architectural feature.
- iv. Façade design shall incorporate a distinction between the ground level floor and the upper stories, using banding, smaller windows on upper stories, balconies, and other architectural elements that are appropriate to the scale and design of the building.
- v. Placement of windows and other major architectural features on upper stories of a building façade should align with those of adjacent buildings, and should be arranged with a balanced spacing and evident rhythm. Windows should also align vertically with those of stories above and/or below. To modulate their scale, multi-story buildings shall articulate the base, middle, and top by separating with cornices, string cornices, step-backs, or other articulating features. Building facades should embody the rhythms and proportions shown as in illustrated in the figure below.



- vi. Blank wall surfaces greater than twenty (20) feet along the horizontal plane of the building are prohibited at the street level on any building façade adjacent to a sidewalk or public way, with the exception of façades facing the railroad right-of-way.
- vii. Where blank wall surfaces are permitted, wall panels, pilasters, building bays or other architectural elements shall be carried across the blank surface to relieve uninteresting façades. A waiver may be granted by the Commission to this requirement for façades that are within, or will be within, ten (10) feet of an adjacent building and therefore not visible from the public ways.
- viii. Side and rear façades which are visible from the public ways should be articulated in a manner compatible with the design of the front façade.

**d) Materials and Colors**

- i. Building materials should be selected to convey a sense of quality, durability, and permanence; be economically maintained; and retain an attractive appearance over time. A material list shall be provided to the Commission.
- ii. Building façade materials permitted within the district include brick, wood, stone, glass, cementitious fiber board, manufactured limestone, cast stone, masonry, terra cotta, cellular PVC trim, and sustainable materials. Brick or stone is the preferred material in the Historic Downtown District. Clapboards made of wood or cementitious fiber board are the preferred material in the Downtown Periphery District.

- iii. Full size brick veneer is preferable to brick tile veneer, and all brick veneers shall be mortared to give the appearance of structural brick. If used, brick tile veneer shall use wrap-around corner and bullnose pieces to minimize the appearance of the thin brick veneer.
- iv. Stone and stone veneers are appropriate as a basic building material or as a secondary material for architectural elements such as window sills or lintels in combination with other materials such as brick or concrete.
- v. Poured-in-place concrete or pre-cast concrete are appropriate as a basic building material provided special consideration is given to formwork, pigments, and aggregates to create a rich surface. If such material is used as a primary surface material, then brick, stone, or tile must be used as a secondary material to add visual interest.
- vi. A combination of materials is encouraged to create visual interest, especially on larger buildings. Where used, the heavier material (stone, brick, concrete) should be located below lighter materials (wood, cementitious fiber board), and the change in material should occur along a horizontal line, preferably at floor level with articulating features.
- vii. Façade colors shall be low reflectance, neutral, muted, pastel, or traditional colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- viii. Building trim and accent areas may feature brighter colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- ix. The use of vinyl siding, smooth faced concrete block, tilt-up concrete panels, or prefabricated steel panels as an exterior surface is prohibited.

e) **Windows and doorways**

- i. Windows shall be inset a minimum of four (4) inches from the exterior wall surface to add visual relief to the wall.
- ii. Windows should be taller than they are wide, regardless of whether they are on the ground level or upper stories.
- iii. Windows on the upper stories should generally be smaller than those on the ground floor.
- iv. All windows on upper stories shall have visually prominent sills, lintels, or other such forms of architectural framing.

- v. Recessed doorways are preferred to break up the building façade, provide a welcoming space, and provide shelter from the weather. Where a recessed doorway is not used, an awning or similar overhang shall be used. Adequate lighting for the doorway shall be incorporated into the design of the doorway.

**f) Roofs**

- i. Roof forms shall complement the principal building in terms of style, detailing, and materials.
- ii. Roof forms should vary in a block, and may vary in a building, and shall include sloped roofs, parapets, decorative cornice treatments, decorative soffits, overhangs, dormers, cupolas, or other architectural elements to complement the building without creating a cluttered visual appearance.
- iii. Flat roofs shall be screened from public view using parapets or other architectural elements. Outdoor living space may be constructed on roofs, provided the floor and lower three (3) feet of such space will not be visible from public view on abutting streets. Railings may be built into the exterior roof treatment (parapet, etc.) at other sides of the building.
- iv. Mechanical equipment, metal chimneys, and elevator shafts on a roof shall be screened from public view using parapets or other architectural elements.
- v. In the Downtown District, four story buildings shall incorporate mansard roofs with dormers for the fourth story, or a strong cornice at the floor level of the fourth story, or for a large building, a combination of the two in different sections of the building, to reduce the imposing appearance of the building.
- vi. Within the Downtown Periphery District, all roofs shall be sloped at a pitch of at least thirty (30) degrees and have a distinctly residential character.
- vii. Green roofs are encouraged. In cases where the provisions above render a green roof infeasible, the Commission may modify or waive the obstructing provisions, provided that the green roof complements the esthetic character of the building and surrounding neighborhood.

**g) Flood control**

Construction will be permitted only in compliance with the Town of Plainville Flood Damage Prevention Ordinance and these regulations in their totality.

- i. In the case of conflict between Federal, State or Local ordinances or regulations, the most restrictive shall apply.
- ii. There shall be no increase in stormwater runoff or volume to adjacent properties as a result of the proposed development.
- iii. The use of low impact development techniques shall be incorporated with adherence to best management practices or as directed otherwise by these regulations.
- iv. Rain gardens and other preferred natural detention designs shall be incorporated where feasible.
- v. Direct discharge through depressed landscaping, infiltration galleys, and/or other green infrastructure techniques may be required where conditions are deemed appropriate.

### **13. Signs**

- a) Only wall signs, hanging signs, or signs permanently painted on windows are permitted.
- b) Lettering of signs shall be carved or incised into the surface of the wall or plaque, or, in the case of permanent window signs, painted on the interior surface of the glass.
- c) One wall sign for each business is permitted on the front façade, as well as on the rear façade of a mixed use building. The aggregate size of all wall signs on a façade may not exceed one (1) square foot per lineal foot of the building façade. When a building is located on a corner, both the front and side façades may be considered front façades provided there are business entrances located at the street level on each side of the building. When a building has a side which is visible from the street, one additional wall sign is permitted which identifies the building but not the individual businesses located within the building, and such sign shall not exceed one-half ( $\frac{1}{2}$ ) square foot per lineal foot of the building side.
- d) Wall signs shall not project more than ten (10) inches from the surface of the wall to which they are attached, and shall be located a minimum of eighteen (18) inches from the corner of the building, a minimum of thirty-six (36) inches from any other wall sign, and the top of the sign shall not extend to within two feet above the ground level floor.

- e) One (1) hanging sign is permitted for each business on the ground level. Such hanging sign shall be a maximum of six (6) square feet in area (per face), shall project no more than three (3) feet from the building, and must provide a minimum of eight (8) feet and maximum of twelve (12) feet of clearance from the bottom of the sign to the sidewalk directly below. Such hanging signs shall not be located so as to interfere with any service or emergency vehicles. The size of hanging signs shall be deducted from the total sign area allotment as detailed above.
- f) Signs shall be illuminated by an external steady stationary light source, shielded and directed solely at the sign. Internally lit signs and any sign with blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, are prohibited, including electronic message centers. Illuminated signs shall not be permitted within ten (10) feet of any residential window or exclusive entrance.
- g) The provisions of Article 11, regarding signs not requiring a permit, shall apply within this overlay district.

#### **14. Streetscapes**

- a) Where a proposed Incentive Housing Development abuts a street that lacks a sidewalk, or where existing sidewalks are not in compliance with applicable standards, the application shall include a proposal to construct or improve the sidewalks abutting the project site. The applicant for any Incentive Housing Development shall be responsible for construction of “Town Standard Streetscape Enhancements” as depicted in the figure below. The Commission may include a condition on the site plan approval specifying which, if any, of these enhancements will be required. Requests for waivers will be accepted only when it can be clearly demonstrated that environmental characteristics of the location or its surroundings exist that preclude the construction and/or provision of any items under this section.



- b) These enhancements may include new concrete or granite curbs; brick, stone, or concrete sidewalks; driveways constructed to Town standards; brick, stone, or stamped paver bands; concrete handicap pedestrian ramps with detectable warning strips; grass utility strips; ornamental street lights; street trees; benches; trash receptacles; and/or associated landscaping. Such ornamental street amenities shall be matched as closely as possible to the nearest existing ornamental amenities.
- c) These enhancements shall be constructed in general conformance with the Town's standards for like work and be approved by the Town Engineer or his designee.
- d) In the Downtown District, landscape features that enhance the pedestrian environment should be included to the greatest extent feasible, such as plazas, sitting areas, and outdoor seating for cafés.

#### **15. Landscaping**

Landscaping shall be provided in accordance with the provisions of these regulations in their totality. In addition:

- a) All areas between the front of a building and the front property line that are not occupied by driveways, sidewalks, or other approved hardscape, shall be landscaped with grass or other living ground cover, trees, and shrubs. Landscape stone shall not be permitted in front yards with the exception of small areas within planting beds and as accent pieces within a vegetated landscape. All landscaping shall incorporate low impact design techniques to the greatest extent feasible.

- b) All plantings shall be native species. Invasive species are prohibited. Plantings near streets, parking areas, or sidewalks must be salt tolerant.
- c) Street trees shall be planted in accordance with a plan drafted by a certified Landscape Architect.
- d) Landscaping improvements may include amenities such as street furniture, fences, stone walls, fountains, and courtyards.
- e) Preservation of existing trees is strongly recommended.

#### **16. Site lighting**

- a) All outdoor lighting fixtures shall have a full (total) cutoff of all light at angle of declination no less than (90) and no more than one-hundred eighty (180) degrees from the light source with the exception of wall-mounted fixtures at doorways, which shall be shielded from emitting light upwards beyond an entry overhang or awning, or outward to present glare to adjacent properties or public streets.
- b) Lighting fixtures along sidewalks or pathways shall not be positioned more than twelve (12) feet above the ground, although the supporting poles may exceed that height.
- c) Poles supporting light fixtures shall be dark in color to reduce light reflectivity. Fixtures shall be chosen to match closely existing fixtures on nearby or adjacent properties.
- d) All light fixtures shall emit a steady, constant light and shall not emit a flashing or irregular light, unless specifically required by Federal, State, or municipal authorities.
- e) All outdoor light fixtures using metal halide lamps shall be shielded. Filtered, and quartz glass does not meet this filtering requirement.
- f) The following light sources are prohibited: mercury vapor, low pressure sodium, or quartz lamps; lasers; searchlights; and cobra-head fixtures. Moving or colored lights are also prohibited. The Commission may waive these requirements where safety factors warrant. An official written statement from a public safety official in authority (police or fire) shall be required to evoke this waiver provision.
- g) All outdoor lights shall be designed, located, and installed in such a manner as to prevent objectionable light, including glare, from creating a nuisance on abutting properties or the public way.
- h) Light levels shall comply with the luminance recommendations of the Illuminating Engineering Society of North America (IESNA).

## 17. Railroad preservation

In order to preserve the railroad right of way for future use, no IHZs may encroach on the right-of-way or impinge on its current or future operations. All land uses within one-hundred fifty (150) feet of the right-of-way are subject to special review to verify compliance with this clause.

## 18. Deed restriction

The following shall be inserted in each deed for an Incentive Housing Unit and may not be removed until the expiration of the period specified herein.

### a) Definitions

- i. Income Eligible Household — A household whose annual income is at or below eighty percent (80%) of the median income for a household of the same size in the Town of Plainville, as determined and reported by the United States Department of Housing and Urban Development (HUD).
- ii. Incentive Housing Development — A residential or mixed use development that is located within the Town of Plainville Incentive Housing Zone and that complies with the statutory requirements set forth in Connecticut General Statutes § 8-13m et seq., as amended, and these Zoning Regulations.
- iii. 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 these Zoning Regulations.
- iv. Incentive Housing Unit — A dwelling unit within an Incentive Housing Development that is subject to an Incentive Housing Restriction.

### b) Preamble

(Identify address and unit numbers)

The property conveyed hereby is an Incentive Housing Unit, subject to an Incentive Housing Restriction, as defined in Connecticut General Statutes § 8-13m (Incentive Housing Unit) and in the Plainville Zoning Regulations. Strict enforcement of the Incentive Housing Restriction is required by law.

### c) Stipulations

- i. For a period of thirty (30) years from the date of initial residential occupancy, the Incentive Housing Unit may only be sold, transferred, leased, or rented to households whose annual income is less than or equal to eighty percent (80%) of the median for a household of the same size in the Town of Plainville (“maximum income”), as calculated by the U.S. Department of Housing and Urban Development, for no more than a price or rate (“maximum sale price” or “maximum lease rate”) that, inclusive of utility and maintenance costs as necessary and applicable, is not reasonably expected to impose gross housing costs that exceed thirty percent (30%) of the maximum income.
- ii. Maximum income and maximum sale price shall be calculated upon property sale or transfer.
- iii. Maximum annual income and maximum lease (henceforth defined to include “rental”) rate shall be calculated upon new lease. For renewals or extensions of existing lease arrangements, recalculation of maximum annual income is not necessary, but recalculation of maximum lease rate may be undertaken at the discretion of the owner or landlord (henceforth “lessor.”) For leased units without a written lease agreement, maximum lease rate may be recalculated on an annual basis.

**d) Sale and transfer**

- i. For the duration of the Incentive Housing Restriction, the owner of said Incentive Housing Unit shall sell or transfer said Incentive Housing Unit only to an Income Eligible Household. Determination of buyer eligibility shall be made by the Incentive Housing Administrator specified below.
- ii. In the event said owner desires to make said property available for sale, said owner shall notify the Incentive Housing Administrator in writing. Said owner shall inform any potential buyer of the Incentive Housing Restriction before any purchase and sale agreement is executed by furnishing the potential buyer with a copy of this Deed Restriction. The purchase and sale agreement shall contain a provision that the sale is contingent upon determination by the Incentive Housing Administrator that the buyer meet the eligibility criteria set forth herein.

- iii. Once the purchase and sale agreement is executed by said owner and the buyer, the latter shall immediately notify the Administrator in writing. The Administrator shall have thirty (30) days from receipt of such notice to determine the eligibility of the buyer. The Administrator shall notify said owner and buyer of its determination of eligibility in writing within said thirty (30) day period. If the Administrator determines that the buyer is not eligible, the purchase and sale agreement shall be void, and said owner may solicit other potential buyers. If the Incentive Housing Administrator determines that the buyer is eligible, the Administrator shall provide the said owner and buyer with a signed certification, executed in recordable form, to the effect that the sale of the particular Incentive Housing Unit has complied with the provisions herein. The owner shall bear the cost of recording said certification.

**e) Lease (including “rental”)**

- i. For the duration of the Incentive Housing Restriction, the lessor of said Incentive Housing Unit may lease said Incentive Housing Unit only to an Income Eligible Household. Determination of lessee (henceforth defined to cover the term “renter”) eligibility shall be made by the Incentive Housing Administrator for the Incentive Housing Development specified below.
- ii. In the event said lessor desires to make said property available for lease, said lessor shall notify the Incentive Housing Administrator in writing. Said lessor shall inform any potential lessee of the Incentive Housing Restriction before any lease agreement is executed by furnishing the potential lessee with a copy of this Deed Restriction. The lease agreement shall contain a provision that the lease is contingent upon determination by the Incentive Housing Administrator that the lessee meet the eligibility criteria set forth herein.
- iii. Once the lease agreement is executed by said lessor and the lessee, the latter shall immediately notify the Administrator in writing. The Administrator shall have thirty (30) days from receipt of such notice to determine the eligibility of the lessee. The Administrator shall notify said lessor and lessee of its determination of eligibility in writing within

said thirty (30) day period. If the Administrator determines that the lessee is not eligible, the lease agreement shall be void, and said lessor may solicit other potential lessees. If the Incentive Housing Administrator determines that the lessee is eligible, the Administrator shall provide the said lessor and lessee with signed certification to the effect that the lease of the particular Incentive Housing Unit has complied with the provisions herein.

f) **Sublease**

Subleases of more than ninety (90) days shall be treated as leases and comply with the conditions applicable to leases in this Deed Restriction, with the exception that maximum annual income and maximum lease rate shall be recalculated upon renewal or extension of an existing sublease. Subleases of ninety days or less are exempt from the requirements of this Deed Restriction. The Town of Plainville may grant temporary, time-limited extensions of the ninety (90) day period where sublease is necessary to prevent or mitigate demonstrable hardship. Nothing in this paragraph shall be construed to affect the lease agreement between the lessor and lessee, including, if specified, the permissibility or prohibition of sublease.

g) **Yearly notification**

The Incentive Housing Administrator shall file a report with the Plainville Planning and Zoning Commission or alternate body of the Commission's designation on an annual basis to certify compliance with the Incentive Housing Restriction. The Commission may require that the Administrator submit said report on a form of its own choosing. The name and address of the Incentive Housing Administrator for this property are as follows. Changes of Administrator shall be recorded on this deed. (Identify name and address of Incentive Housing Administrator)

h) **Monitoring and enforcement**

Violation of the Incentive Housing Restriction shall not result in a forfeiture of title, but the Plainville Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including § 8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect said property and to examine the books and records of the Administrator to determine compliance

of said property with the regulations named above and with this Deed Restriction.