

# Transit Oriented Development in the Lower Naugatuck Valley:

Model Zoning & Financial Tools



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A passenger waits to board a northbound train on the Waterbury Branch Line.

## ABOUT THE NVCOG

The Naugatuck Valley Council of Governments (NVCOG) is a planning organization, concerned with transportation, economic development, land use, brownfields redevelopment, environmental, and emergency planning for the Naugatuck Valley Region. NVCOG sets regional priorities for a variety of federal and state funding programs, oversees regional programs for member municipalities, and provides technical assistance to municipalities, state and federal agencies, local organizations, and the general public.

The NVCOG is a forum for the chief elected officials of the nineteen municipalities located in the Naugatuck Valley region: Ansonia, Beacon Falls, Bethlehem, Bristol, Cheshire, Derby, Middlebury, Naugatuck, Oxford, Plymouth, Prospect, Seymour, Shelton, Southbury, Thomaston, Waterbury, Watertown, Wolcott, and Woodbury. Each member municipality has equal representation on the NVCOG board.

## ACKNOWLEDGEMENTS

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This document was reviewed and endorsed by the Naugatuck Valley Regional Planning Commission August 2, 2016.

## PROJECT BACKGROUND: LOWER NAUGATUCK VALLEY TOD PILOT PROGRAM

The Naugatuck Valley Council of Governments (NVCOG) Transit Oriented Development (TOD) Pilot Program seeks to implement the Six Livability Principles, promoted by HUD, Connecticut's Responsible Growth Agenda, and the Connecticut State Plan of Conservation and Development.

As a partner in SustainableNYCT, the NVCOG has a key role in adopting TOD strategies and promoting TOD plans along both the Waterbury Branch Line and the Route 8 Corridor. TOD strategies advance the development of dense, walkable residential and commercial centers within 1/2 mile, or walking distance of bus and rail rapid transit services facilities. These strategies are meant to encourage the use of public transit and facilitate mobility.

The proposed Lower Naugatuck Valley Region TOD project will tie together several of the municipalities' redevelopment areas and employment centers to thoroughly examine ways in which the region can foster redevelopment near the existing transit centers. This project will be done in such a way as to utilize the existing transit infrastructure as well as identify strategies to better coordinate land use and transportation. The region is geographically constrained, limiting opportunities for highway expansion and increased capacity. The Route 8 Corridor, which serves as the major commuter option, is severely over capacity and congested at peak travel times. Additionally, the Route 34 Corridor, which is the second largest commuter corridor in the region, is also congested and experiences a high frequency of accidents. Both are part of the New York, New Jersey, and Connecticut Air Quality Non-Attainment Area. These two corridors are tightly confined between residential developments making lane expansion unlikely due to the number of affected properties.

In phase two of this study NVCOG will Develop model TOD district land use guidelines that can be incorporated into each municipality's zoning regulations. These guidelines promote mixed-use development near transit centers and encourage multi-modal transportation options. As part of this planning activity the NVCOG will conduct community outreach and public information sessions regarding TOD proposals, with formal presentations and discussions with each municipal Planning & Zoning Commission.

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Crosswalk on Main Street in Ansonia, a CT Transit bus having just passed.

# INTRODUCTION

The freedom and movement associated with individual automobile ownership have always come with trade offs. As suburban development chases low real estate prices further and further from our downtowns, problems like congestion, deteriorated air quality, national dependence on foreign oil, and the high costs associated with automobile ownership are only worsened. In the early and mid-1990s many residents and several municipalities began to seek out alternatives to promote increased use of public transportation. This movement has continued to grow and expand over the years. New principles have emerged aimed at reducing dependency on the automobile by encouraging land uses that are supportive of public transit.

Residents and local governments are prioritizing new development that provides more choices for reliable transportation, more socially mixed and affordable housing, and expanded business and economic opportunities. These groups want development that reinforces existing communities and historical downtowns and enhances the opportunities for healthy, walkable and safe neighborhoods to flourish. These are the Livability Principles of the Partnership for Sustainable Communities; principles that many municipalities want to see succeed locally.

Transit oriented development (TOD) has become a prominent strategy for building communities that meet these goals. Peter Calthorpe, a pioneer of the contemporary renaissance of TOD, describes TOD as:

“a mixed-use community within an average 2,000-foot walking distance of a transit stop and core commercial area. TODs mix residential, retail, office, open space, and public uses in a walkable environment, making it convenient for residents and employees to travel by transit, bicycle, foot, or car” (Calthorpe 1993: 56).

Many of the traits Calthorpe identifies in the above definition seem common place in the typical New England town center. Access to good, reliable and convenient transportation was a key factor that allowed the towns of the lower Naugatuck Valley to grow and prosper. The downtowns are all located along rivers, canals, or rail lines. They currently comprise mixed, commercial, office, residential and some industrial uses. And while historically these towns may have been laid out with a centrally located town green, each of the towns has continued to add parks and other open spaces in recent years.

Finally, because these towns were laid out before the automobile, they are easily walkable.

For the purposes of public policy, Section 13b-79o of the Connecticut General Statutes defines TOD as:

“the development of residential, commercial and employment centers within one-half mile or walking distance of public transportation facilities, including rail and bus rapid transit and services, that meet transit supportive standards for land uses, built environment densities and walkable environments, in order to facilitate and encourage the use of those services.”

This statutory definition covers much of what has already been discussed above. However, its entire emphasis is on supporting transportation facilities, such as BRT and train infrastructure. It is with this definition in mind that the Commissioner of Transportation will decide to participate or not in the improvement of public transportation facilities<sup>1</sup>.

The State definition also brings to light the importance of density standards. Dwelling units per acre (density) contributes to the economic viability of different modes of transit. In a literary review of leading studies on TOD Reid Ewing, Ph.D., created the following table of threshold densities for different modes of public transit.

Mode	Density (dwelling units/acre)
Basic bus	7
Premium bus	15
Train	20 to 30

Permitting land uses and levels of density that are high enough to support transit facilities is needed to incentivize public and private investment in the public transportation network. But in a state where most new residential development is single family detached housing, many commuters do not live

<sup>1</sup> Title 13b – Transportation: Chapter 243 - Infrastructure Program

within walking distance of their local train station. Most must drive to their local station and park their car in a commuter lot. This has two implications for TOD in Connecticut, (1) station design must incorporate the space and the costs of a parking lot for commuters, and (2) because a hybrid of pedestrians and motorists compose a transit ridership shed, density in the district directly adjacent to a transit facility is not sufficient to evaluate ridership demand.

As the concept of a TOD has evolved, many towns are including design standards in their regulations. These communities generally prefer traditional building patterns and aesthetics. TOD supportive design standards can ensure buildings be oriented toward the street, allow three-to-four story building heights, lower parking requirements, place parking behind buildings, and promote smaller street setbacks. By integrating traditional design standards, municipalities are leveraging existing architectural assets to create a coherent character and attract design conscious businesses.

Governmental entities play a big role in creating an environment fertile for the implantation of TOD and the Livability Principles. How they chose to do so can vary greatly from municipality to municipality and from project to project. Due to the diversity of tools a municipality will have to choose from, it is important that the community have a widely shared vision for promoting TOD projects, and that there is a wide range of support from local government, transit operators, redevelopment authorities, economic development corporations, private developers, and neighborhood organizations. Following careful collaborative visioning, a municipality will ultimately adopt a local plan and a set of supporting zoning regulations.

Because TOD regulations often represent a departure from the development patterns of the last seventy-five years, many experts who advocate this kind of development recommend writing supporting regulations to include community goals, visions, a clearly defined TOD message and a strong preamble. Taking these extra steps will make the application process more transparent and convey to developers how their proposals will be received and the context in which they will be reviewed.

From past experience and national review, researchers Justin Jacobson and Ann Forsyth have outlined TOD best practices. The list they created (see inset on following page) expands on the definition of TOD by adding a time-frame, public engagement, use of public space, maintenance, and safety. Addressing goals on different time-lines and engaging the public can both be accomplished in the POCD process. Attributes three, four and seven are unique because they go beyond the completion of a project to consider how the district will survive and prosper once the building phase is complete. These practices reinforce the idea that TOD requires additional resources in the long-term that go beyond zoning changes and highlights that municipalities need to think about what entities, public or private, will be responsible for programming, maintenance, and safety.



The view north along the Waterbury Branch Line from the Seymour Train Station



The view south along the Waterbury Branch Line from the Derby/Shelton Train Station

## Jacobson and Forsyth's Twelve Attributes of successful TOD:

1. Appreciate the fact that planning and developing great places takes place on both short and long-term timelines.
2. Engage the public and experts as collaborators and work with activist energy
3. Ensure public spaces are programmed for public events and uses
4. Invest in maintaining spaces
5. Design at a human scale
6. Provide public spaces that accommodate a variety of uses and users
7. Use design and programming strategies to increase safety
8. Allow for variety and complexity
9. Create connections between spaces
10. Design sidewalks and crosswalks for appropriate pedestrian use
11. Integrate transit and transit facilities into the urban pattern
12. Don't forget (but don't overemphasize) car movement and parking

TOD has many definitions. It is a traditional mode of urban design; it can drive economic development; it is built on a foundation of regulations that prescribe broad and intensive land uses; and, finally, it is a process that will need additional guidance and support after all the infrastructure and development has been completed.

This report will first identify those neighborhoods along the Waterbury Branch Line that are viable for transit supportive development, then it will provide details on the regulatory tools available to municipalities to modify or revise their zoning regulations in a fashion that will help them achieve the goals set out by the to the Livability Principles, Peter Calthorpe, the State of Connecticut and Jacobson and Forsyth. Where possible examples will be provided of existing transit supportive regulatory language from across the Naugatuck Valley, Connecticut or beyond in support of the review of existing regulation or the creation of new regulations, suggested permitted, conditional, and prohibited use benchmarks and a model TOD overlay zone are provided. Finally the report reviews some of the financial tools available to municipalities for new development and transit system expansion.



Canal Street in Shelton with the Shelton-Derby Bridge overpass.



Looking towards Shelton across the Shelton-Derby bridge.

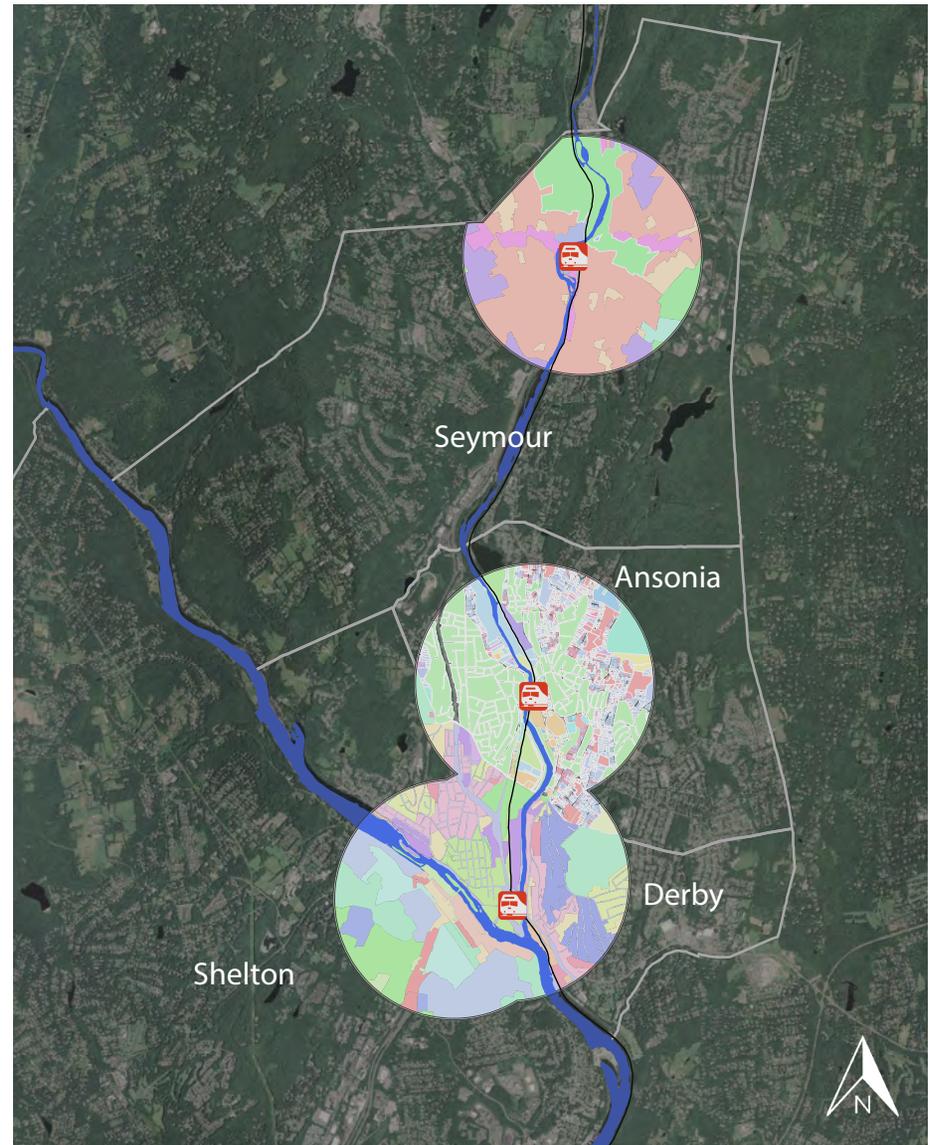
## POTENTIAL TOD NEIGHBORHOODS IN THE LOWER VALLEY

This section identifies those neighborhoods along the Waterbury Branch Line (WBL) that are viable candidates for transit supportive development. In addition to stopping in Derby, Ansonia and Seymour, Metro-North also services Beacon Falls, Naugatuck, and Waterbury. From the WBL, riders have direct access to Bridgeport and Stamford where they can transfer to main line trains to continue west to Grand Central Terminal in New York City, or head east towards New Haven. (Note: At the time of the study, all WBL trains terminate at the Devon wye and passengers must transfer to a main line train due to on-going construction related to the replacement of the Devon rail bridge over the Housatonic River).

A summary of WBL service is shown in the table below. Weekday service is limited to eight southbound (inbound towards New York) and seven northbound (outbound from New York) trains. Of this service only two inbound trains and two outbound trains operate during the peak service hours.

The expansion of service along the WBL has been hindered by the technical capacity of the tracks. Specifically, only one train can run on the tracks at a time. This is because of the lack of communication and signal systems. Plans are in place and construction has begun on several important projects that will improve the infrastructure and allow for more trains to run along the corridor. These plans include adding passing sidings, installing Positive Train Control and implementing full Central Traffic Control signal system. When completed, these improvements will allow multiple trains to be able to run both north and south simultaneously. Promoting new development and the redevelopment of the neighborhoods surrounding the WBL stations is one method by which municipalities can take advantage of and benefit from this new investment.

The neighborhoods included in this study are located in Derby, Shelton, Ansonia, and Seymour. Along with a description of each town, the maps show in detail the potential TOD districts. These maps highlight a half-mile radius drawn around the local train station, a visualization of areas that are accessible within a twenty-minute walk<sup>2</sup>, the underlying zoning districts and local land marks.



<sup>2</sup> The distance walked in twenty minutes was calculated at walkscore.com

## Train Schedule for the WBL

<i>Northbound Times</i>	<i>GCT</i>	<i>Stamford</i>	<i>Bridgeport</i>	<i>Derby/Shelton</i>	<i>Ansonia</i>	<i>Seymour</i>	<i>Waterbury</i>
<i>PEAK</i>	6:20	7:11	7:56	8:23	8:27	8:34	8:57
<i>OFF-PEAK</i>	9:04	9:51	10:36	11:02	11:06	11:13	11:36
	11:34	12:21	12:56	1:22	1:26	1:33	1:57
	2:04	2:51	3:36	4:02	4:06	4:13	4:36
<i>PM PEAK</i>	4:42	5:29	5:57	6:25	6:29	6:36	6:59
	6:53	7:40	8:25	8:52	8:56	9:03	9:26
<i>OFF-PEAK</i>	9:39	10:26	11:12	11:39	11:43	11:50	12:13

<i>Southbound Times</i>	<i>Waterbury</i>	<i>Seymour</i>	<i>Ansonia</i>	<i>Derby/Shelton</i>	<i>Bridgeport</i>	<i>Stamford</i>	<i>GCT</i>
<i>AM PEAK</i>	5:44	6:04	6:10	6:15	6:46	7:26	8:24
	6:42	7:03	7:09	7:14	7:47	8:24	9:23
<i>OFF-PEAK</i>	9:12	9:32	9:38	9:43	10:12	10:55	11:45
	11:51	12:11	12:17	12:22	12:51	1:25	2:15
	2:10	2:30	2:36	2:41	3:12	3:55	4:45
	4:51	5:11	5:17	5:22	5:57	6:30	7:21
	7:17	7:37	7:43	7:48	8:17	9:00	9:50
	10:05	10:25	10:31	10:36	11:10	11:56	12:46

(Note: At the time of the study, all WBL trains terminate at the Devon wye and passengers must transfer to a main line train due to on-going construction related to the replacement of the Devon rail bridge over the Housatonic River)

# Derby

## Downtown Context

The Derby-Shelton Train Station makes Derby an obvious candidate for future TOD. The City has space for future growth and the current downtown layout and land uses are inviting to pedestrians. Downtown Derby has short block lengths, a trait that is considered beneficial to pedestrian movement. Buildings in the downtown are on average two-to-three stories high. And, unique to the lower valley is Derby's centrally located town green. It is bordered by churches and historical buildings, making it a well-used public space for community events.

A 1/2 mile radius drawn around the train station encompasses the entire downtown area and provides access to Route 34 (Main Street), the Derby Greenway, and the Derby-Shelton Bridge. The Derby-Shelton Train Station is also the first station heading north along the WBL and is the transfer point for several local bus routes operated by the Greater Bridgeport Transit and CT Transit. It is also the site of the Valley Transit District. Route 34 will be reconstructed and widened through the downtown area within the next two years. A bike path along the southern edge of Main Street and creation of a landscaped pedestrian space are included in the construction plans. These proposals will provide bicyclists and walkers with a safe and direct route between the downtown areas of Derby and Shelton and the train station. Future plans envision the redevelopment of vacant lots, many under the control of the City, south of the downtown and replacement of the commercial buildings removed to accommodate the road widening. In addition, the Connecticut bond commission has approved spending \$2 million on renovations to the Derby-Shelton Bridge; plans for which include bike lanes, pedestrian plaza and viewing areas along the bridge.

## Zoning

Most of downtown Derby is zoned Center Design Development District. The purpose of the CDD is to encourage the redevelopment of the downtown. Within this zone the following uses are permitted: retail, personal, business and financial services; professional and general offices; restaurants (excluding fast-food); public and semipublic institutions; hotels, motels, conference centers, residential uses and clubs. CDD regulations that are complementary to TOD include a permitted residential density of twelve dwelling units per acre and the ability of the zoning commission to reduce parking requirements by up to 20 percent. Beyond this, the zoning commission is given a great deal of leeway to determine which uses are harmonious to current uses in the District. The city is currently considering revising the CDD zoning regulations to allow special exception for other harmonious uses that are neither auto-dependent nor disruptive to the downtown pedestrian orientation. And while currently the bulk requirements have been waved in the CDD, TOD supportive alterations are being considered. Potential changes to the parking requirements include locating off street parking behind buildings.

The area to the west of the rail line and north of the Home Depot is zoned industrial. To the east of the Naugatuck River, within the 1/2 radius of the train station, the zoning changes to residential and commercial.

Current land uses in the downtown include: single family residential, multi-family residential, first floor commercial, dining, community services, and municipal governance, including the Derby City Hall. The predominate land use north of the town green is residential.

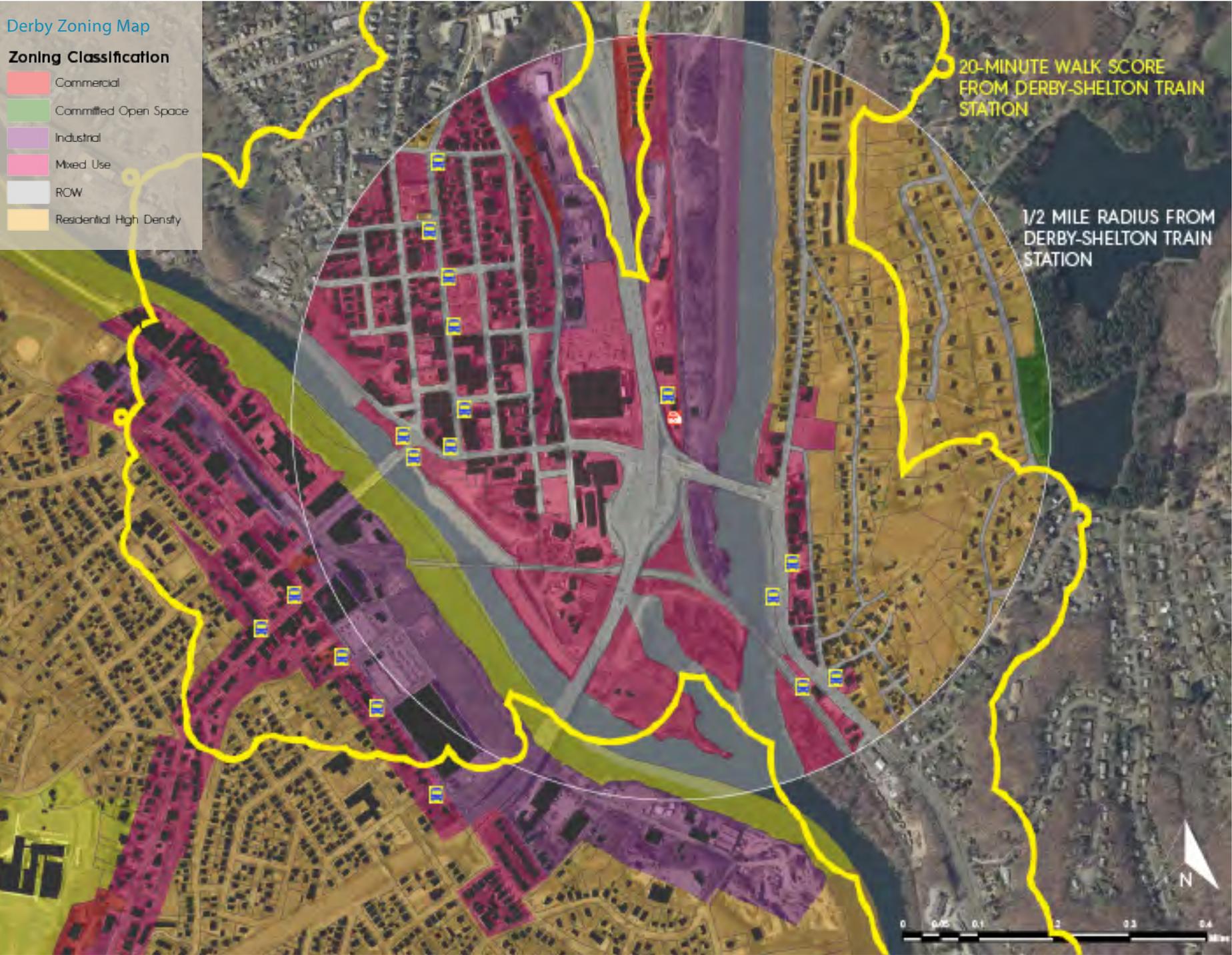
## Transportation Assets

In addition to commuter rail service, downtown Derby is served by local fixed-route bus services operated by the CT Transit-New Haven Division and The Greater Bridgeport Transit Authority (GBT). CT Transit-New Haven offers service south to New Hav-

Derby Zoning Map

Zoning Classification

- Commercial
- Committed Open Space
- Industrial
- Mixed Use
- ROW
- Residential High Density



20-MINUTE WALK SCORE FROM DERBY-SHELTON TRAIN STATION

1/2 MILE RADIUS FROM DERBY-SHELTON TRAIN STATION



en and north to the neighboring towns of Ansonia and Seymour (Route F). The GBT offers local bus service between the train station (Routes 15 and 23) and downtown Bridgeport with intermediate stops in downtown Shelton and along the Bridgeport Avenue business corridor. Meanwhile, the Valley Transit District (VTD) provides dial-a-ride service for all residents of the lower Naugatuck Valley and specialize paratransit service for persons with disabilities and the elderly. The VTD's offices and maintenance garage are on the same site as the Derby-Shelton rail station.

Downtown Derby is connected to the entire Naugatuck Valley region, as well as the rest of the state, via the Route 8 Expressway. Automotive access to Route 8 is located across from the train station on Route 34. Designs are currently being finalized to expand Route 34 through downtown Derby to ease traffic congestion by adding turn lanes, designating on-street parking, widening sidewalks, and building a bi-directional cycle-track adjacent to the eastbound lane.

## Potential Sites

As part of a study conducted in 2009 by CTDOT to prepare a Needs and Feasibility Study for improvement to transit service along the Waterbury Branch Line corridor of the New Haven rail line, several sites within a 1/4 mile radius from the Derby-Shelton Train Station were identified as potential locations for TOD sites. To add to these sites, this study has identified three more locations, sites four through six, in the town of Derby. These sites are shown on the map on the following page.

Site One: "Site one, located between the railroad tracks and the Naugatuck River, is approximately 3.8 acres. Currently, the site has no vehicular access, but the existing North Division Street could be extended to the site to provide vehicular access from the north. The site has good pedestrian access from the sidewalk on the Route 34 Bridge and from the existing bicycle and pedestrian path along the river. The site is currently vacant and is owned by the City of Derby. It is zoned under the B-1 zoning district, which allows the development of public utility buildings, retail business, hospitals, and other residential related uses. As per the City's zoning regulations, development on this site can have a maximum lot coverage of 35 percent and the maximum allowable height of structures is thirty-five feet, or approximately three stories. Alternatively, by rezoning the site, it could be developed as a mixed-use development. In this case, the first floor of the development could be used for retail, while the top floors could be developed as residential development. The site is immediately adjacent to the existing Derby-Shelton Station and could be designed to provide direct pedestrian access to the station area via a pedestrian bridge over the railroad tracks. In addition, a parking facility could also be integrated into the site plan, providing parking for both commuters and residents. Because the site is entirely within the 100-

### Map Key - Land Use Classifications

#### NV Region TOD Infrastructure

-  Derby/Shelton Train Station
-  Derby/Shelton Sidewalks

#### Land Use Classification

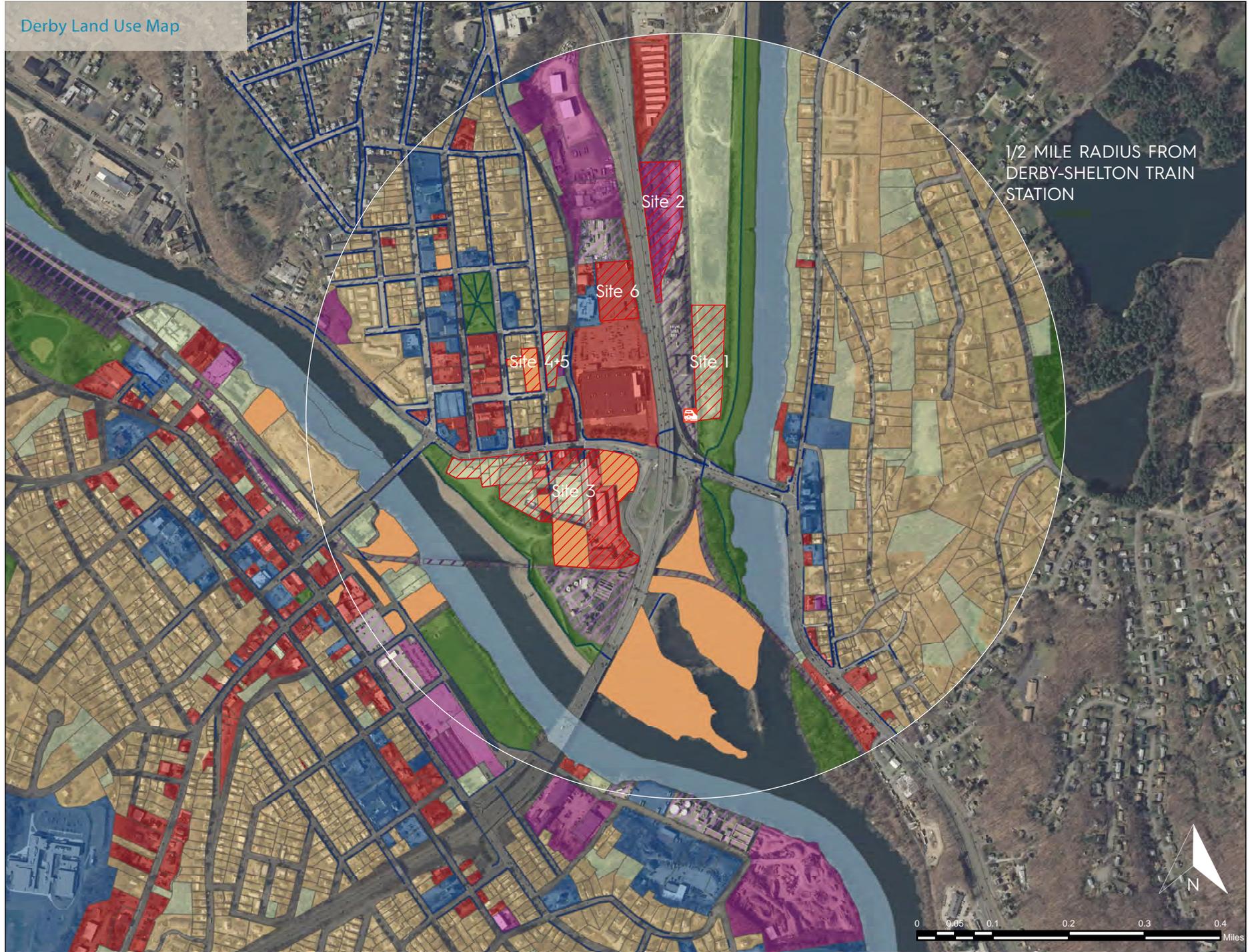
- |   |  |
|---|--|
|  Agriculture                       |  Recreational or Open Space |
|  Community Facility                |  Resource Extraction        |
|  Commercial                        |  Right Of Way               |
|  Industrial                        |  Transportation             |
|  Residential                       |  Utilities                  |
|  Mobile Home                       |  Undeveloped Land           |
|  Res-Urban High (>8 DU/Acre)       |  Water                      |
|  Res-Urban Med. (2-8 DU/Acre)      |  Brownfield Parcel          |
|  Res-Suburban Med. (1-199 DU/Acre) |  |
|  Res-Suburban Low (0.5-99 DU/Acre) |  |
|  Res-Estate (<0.5 DU/Acre)         |  |

year floodplain, flood protection measures may need to be implemented as part of the site development process."

Site Two: "Site two is a large, 5.6-acre site located north of the station. The site is currently used as a concrete factory operated by Beard Concrete, Sand & Gravel. The site is accessible from the Derby-Shelton Station via an access road paralleling Route 8. The vehicular track parallel to Route 8 leads to the site. The site is zoned B-1, which allows the development of public utility buildings, retail business, hospitals, and other residential related uses. As with Site 1, the maximum lot coverage allowed is 35 percent and the maximum allowable height of structures is thirty-five feet, or three stories. The site is large and in close proximity to the station; however, redevelopment of the site would require relocation of Beard Concrete Factory."

Site Three: "The Town of Derby owns a large parcel south of Route 34 between the Housatonic River and Factory Street, adjacent to a smaller vacant property previously occupied by a lumber yard. Together, these two properties provide 19.8 acres for mixed use TOD stretching from Route 8 to the Housatonic, just south of the Derby-Shelton station area. The site is zoned CDD, which allows a mix of uses. In addition, the large area of the site and its close proximity to the station makes it an ideal location for transit oriented development near the Derby-Shelton Station."

Site Four: Site four is located along Carolina Street but is accessible from Miner-



1/2 MILE RADIUS FROM  
DERBY-SHELTON TRAIN  
STATION



va Street. This 0.73-acre location is very close to the Derby green and is only a few blocks away from the train station. The lot has one existing vacant building which is owned by Broadbridge Hill Development LLC. As the site is located within the Center Design Development (CDD) zoning district, the design standards are very flexible to allow for developments that will improve the downtown area. This site is also a brownfield.

Site Five: Site five is located directly across from site four along Carolina Street. It is 0.92 acres and is owned by the City of Derby. The site is also accessible from Water Street, which runs parallel to Carolina Street. If appropriately designed, pedestrians could cut from one street to the other, minimizing the distances from this site to other downtown landmarks, like the train station. Similar to site four, site five is located within the CDD zoning district. The site is currently being partially used as a parking lot but, given the size of the site, has the potential for the development of street-level commercial space with residential space above.

Site Six: This site is part of the parcel owned by Home Depot and is used as paved parking, yet is typically left vacant. The site has access from the existing Home Depot entrance off of Main Street and from Water Street by automobile or by foot. The site is situated within the CDD zoning district and its location across from the train station makes it an excellent location for a transit oriented development.



Site Three looking from across the street at the corner of Main Street and Water Street.

# Shelton

## Downtown Context

In recent years Shelton has attracted several new developments to its downtown, including the Birmingham on the River, a 103-unit condominium building adjacent to Bridge Street and rehabilitated in 2007, and the Avalon Shelton Apartments, which neighbors the Birmingham and was completed in 2013. Additional residential and commercial development is being planned on Canal Street and to the south of Bridge Street, across from the Birmingham.

Despite being located at the limits of what is generally considered a walkable distance from the Derby-Shelton Train Station, vacant lots along Howe Avenue offer the potential for further development and many historical buildings along Canal Street could be preserved or repurposed for TOD. The generous width of Howe Avenue offers the potential to widen sidewalks and add bike lanes without having to take traffic lanes or parking spaces. Buildings in the downtown commercial zones have an average height of three stories. And, like neighboring towns, downtown Shelton is home to a variety of commercial, residential, industrial and civic uses.

## Zoning

Zoning in downtown Shelton consists of mostly commercial districts along Howe Avenue and Center Street. Within this commercial district some mixed use is permitted. Although the land fronting the Housatonic River is zoned industrial, this use has generally been abandoned and only one large factory (Inline Plastic Corp) continues to operate in the area. Adjacent land uses include a public park and a farmer's market. Unique to downtown Shelton's zoning practices is the extensive use of planned development districts (PDD). Within the Special Development Area overlay located along Howe Avenue and Canal Street any project larger than a certain threshold may pursue

PDD designation. Broadly, development within the SDA is meant to be unique, desirable and consistent with the POCD. An established PDD becomes an independent zoning district with specific purpose, uses and requirements. As such, there are potentially very few limitations to what uses will be permitted within the downtown.

A mix of different residential and commercial zoning districts abut downtown Shelton and are within a twenty-minute walk from the Derby-Shelton Train Station.

## Transportation Assets

While lacking a train station in the downtown area, Shelton is considered viable for TOD for several reasons: (1) its proximity to the train station in Derby, (2) its recent and continued development of residential properties in the downtown, and (3) its connection to other convenient lines of transportation. Downtown Shelton is located within a twenty-minute walk from the Derby-Shelton Train Station making it easily accessible. Additionally, several fixed-route bus lines also service downtown Shelton: CT Transit-New Haven (Route F) and GBT (Routes 15 and 23). These routes pass through the downtown area either on route to or from the Derby-Shelton Train Station.

## Potential Sites

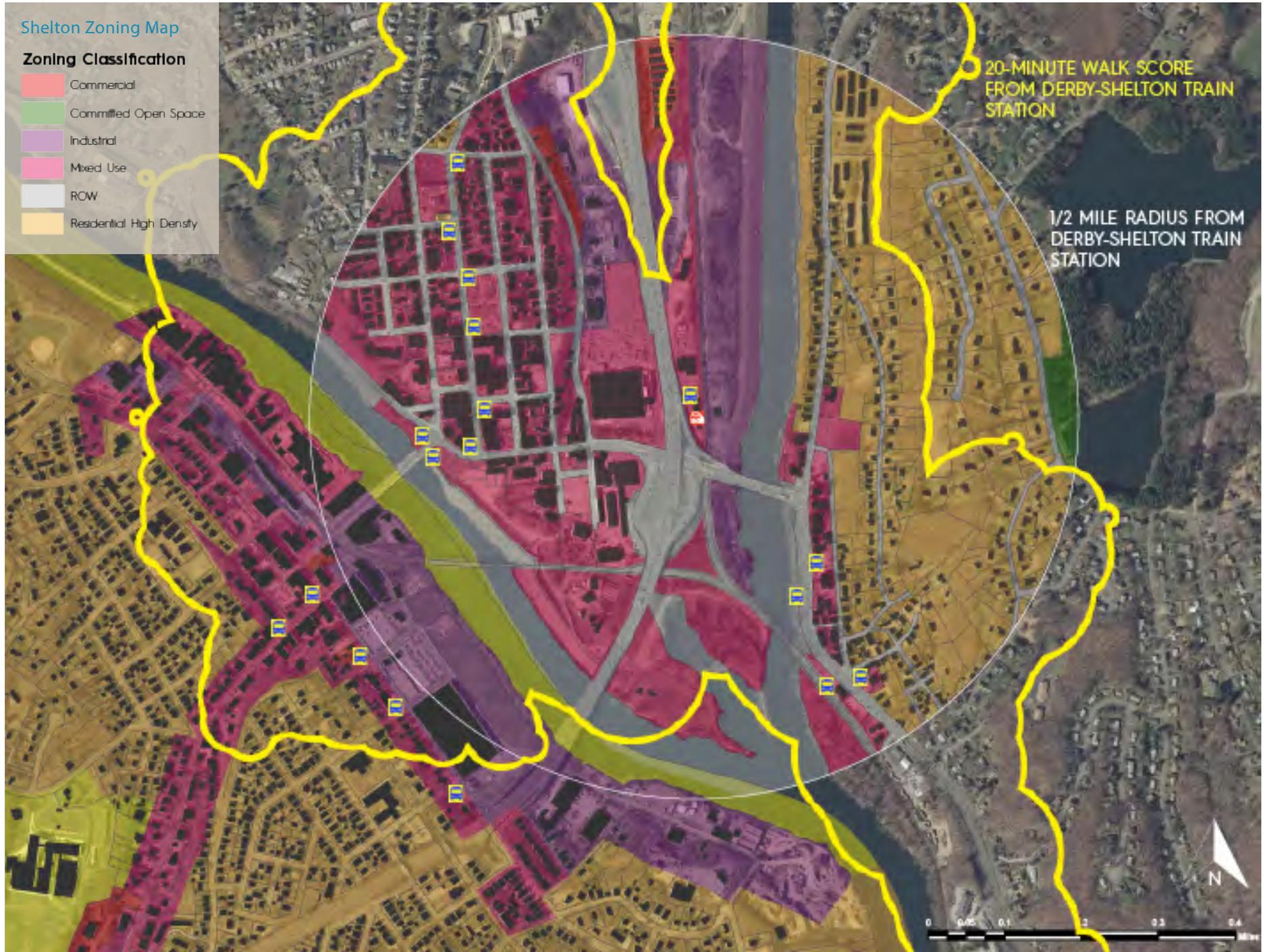
While the majority of downtown Shelton is located outside of a 1/2 mile radius from the Derby/Shelton train station, there are many opportunities for potential TOD in downtown Shelton. Several brownfield sites, as well as vacant and historical buildings along the river front provide prime locations for transit oriented development. Shelton's PDD practices also make the downtown area accommodating to new TOD. Of the three sites, site three is the only site to remain within the 1/2 mile radius. These sites are shown on the map on page sixteen.

Site One: This first site in Shelton is located along Canal Street, just past the recent

### Shelton Zoning Map

#### Zoning Classification

- Commercial
- Committed Open Space
- Industrial
- Mixed Use
- ROW
- Residential High Density



20-MINUTE WALK SCORE FROM DERBY-SHELTON TRAIN STATION

1/2 MILE RADIUS FROM DERBY-SHELTON TRAIN STATION

development of two apartment complexes. While the site is made up of six different parcels with five different owners, a potential TOD could consider different development strategies on each of the separate parcels, allowing for the restoration of the historical buildings that currently occupy the site. The site is located within an IB-2 zoning district, which allows for a maximum building lot coverage of 75 percent of the lot area and a maximum height of sixty feet. Three of the six lots are currently vacant, although all six have existing buildings, one of which is a brownfield site. The combined 6.83-acre site is located along the river and is within short walking distance from the Derby-Shelton Bridge, which is within a 1/2 mile from the train station.

Site Two: Site two also is made up of five different sites with five different owners. The portion of the site along Howe Avenue recently had a fire, which destroyed a majority of the buildings on the site. The site has been considered for a new development with concept plans showing a new connection between Howe and Coram avenues and some street-level commercial space along a newly developed section of Bridge Street. This plan still maintains access to the Post Office on Bridge Street and includes a new structure farther back from Howe Avenue, allowing for a wider sidewalk. The 1.41-acre site is located within a CB-2 zoning district, which allows for a maximum building lot coverage of 25 percent of the lot area and a maximum height of three stories (forty feet).

Site Three: Site three is the only site that is within the 1/2 mile radius from the train station, and located along Canal Street to the East of the Derby-Shelton Bridge. The site is about 1.63 acres made up of five parcels that are all owned by the City of Shelton. They are within an IB-2 zoning district, which allows for a maximum building lot coverage of 75 percent of the lot area and a maximum height of sixty feet. Two of the parcels are brown fields, one of which Shelton has received a Brownfields Cleanup Grant from EPA.

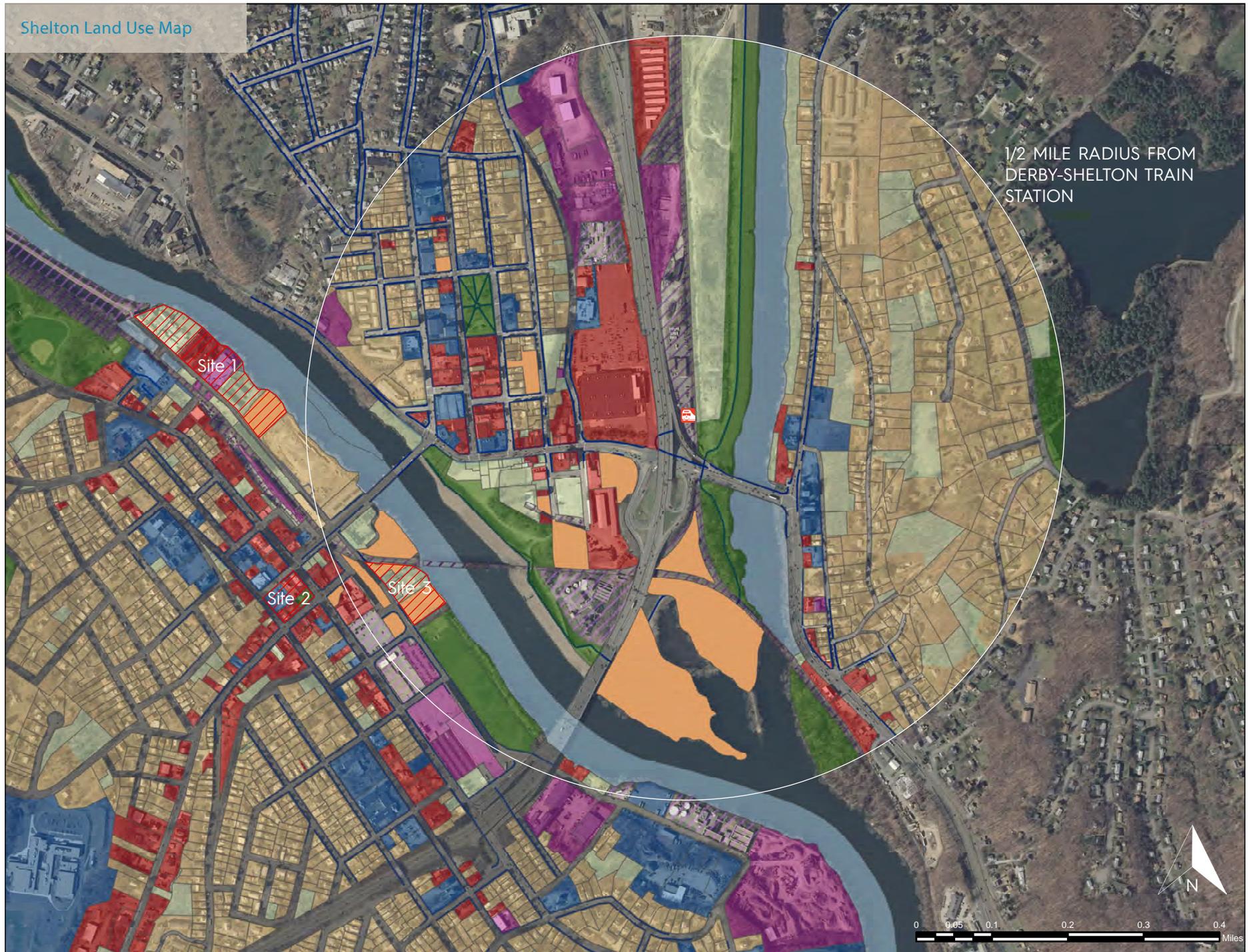
## Map Key - Land Use Classifications

### NV Region TOD Infrastructure

-  Derby/Shelton Train Station
-  Derby/Shelton Sidewalks

### Land Use Classification

- |   |  |
|---|--|
|  Agriculture                       |  Recreational or Open Space |
|  Community Facility                |  Resource Extraction        |
|  Commercial                        |  Right Of Way               |
|  Industrial                        |  Transportation             |
|  Residential                       |  Utilities                  |
|  Mobile Home                       |  Undeveloped Land           |
|  Res-Urban High (>8 DU/Acre)       |  Water                      |
|  Res-Urban Med. (2-8 DU/Acre)      |  Brownfield Parcel          |
|  Res-Suburban Med. (1-199 DU/Acre) |  |
|  Res-Suburban Low (0.5-99 DU/Acre) |  |
|  Res-Estate (<0.5 DU/Acre)         |  |



1/2 MILE RADIUS FROM  
DERBY-SHELTON TRAIN  
STATION

Site 1

Site 2

Site 3

0 0.05 0.1 0.2 0.3 0.4 Miles

# Ansonia

## Downtown Context

The next stop headed north along the WBL is located in downtown Ansonia, just removed from Main Street. The half-mile zone surrounding the train station is bifurcated by the Naugatuck River. On both sides of the river there are a mix of permitted uses. This density and diversity of uses contribute to the town's high walk-score and help make Ansonia an easy and advantageous location for additional TOD.

Unique to Ansonia is the dispersion of pocket parks throughout the downtown. These parks offer rest and shade to pedestrians, and also add visual appeal to the community. The Main Street corridor has a wide range of services, including the city hall. There is a large shopping center in the downtown with a stand-alone Target department store across the street - a major contributor to the community's high walk-score. The average height of buildings in the downtown is two stories. There are plans for several new multi-family sites in the downtown and potential for further development. Several of the downtown historical buildings that are currently vacant could be redeveloped and preserved adding to the downtown's existing architectural style.

## Zoning

The southern portion of Main Street is primarily zoned commercial; moving north, zoning transitions to heavy industrial. Beyond this first ring of commercial and industrial and in the neighborhoods on the far side of the Naugatuck River, connected by the bridge on Maple Street, multi-family and single family residential is the dominant use. To the north, the downtown district is constrained by the Ferrell Steel parcel, zoned as heavy industrial. In addition to these base zoning codes, downtown Ansonia is covered by the Center City Overlay Zone (CCOZ). The CCOZ is meant to help with the redevelopment of the downtown by encouraging businesses to locate there. The Center City

regulations prohibit much heavy industry and land intensive uses, such as truck terminals. Important to TOD, the CCOZ permits mixed use development, so long as commercial uses are on the ground floor and residential uses are restricted to the upper floors.

## Transportation Assets

Ansonia is served by Metro-North rail service. In addition, fixed-route bus service through the downtown area is operated by the CT Transit – New Haven Division. Unlike the other towns of the lower valley, Route 8 does not pass through or directly connect to downtown Ansonia. Instead connections to the expressway are via non-limited access state routes. Route 115 serves as the City's "main street" and also connects Ansonia with Derby to the south and Seymour to the north.

## Potential Sites

The 2009 Needs and Feasibility Study identified five potential locations for TOD sites in Ansonia. In addition to these sites, this study has identified one more location, site six; a site that only became vacant after the 2009 study. These sites are shown on the map on page twenty.

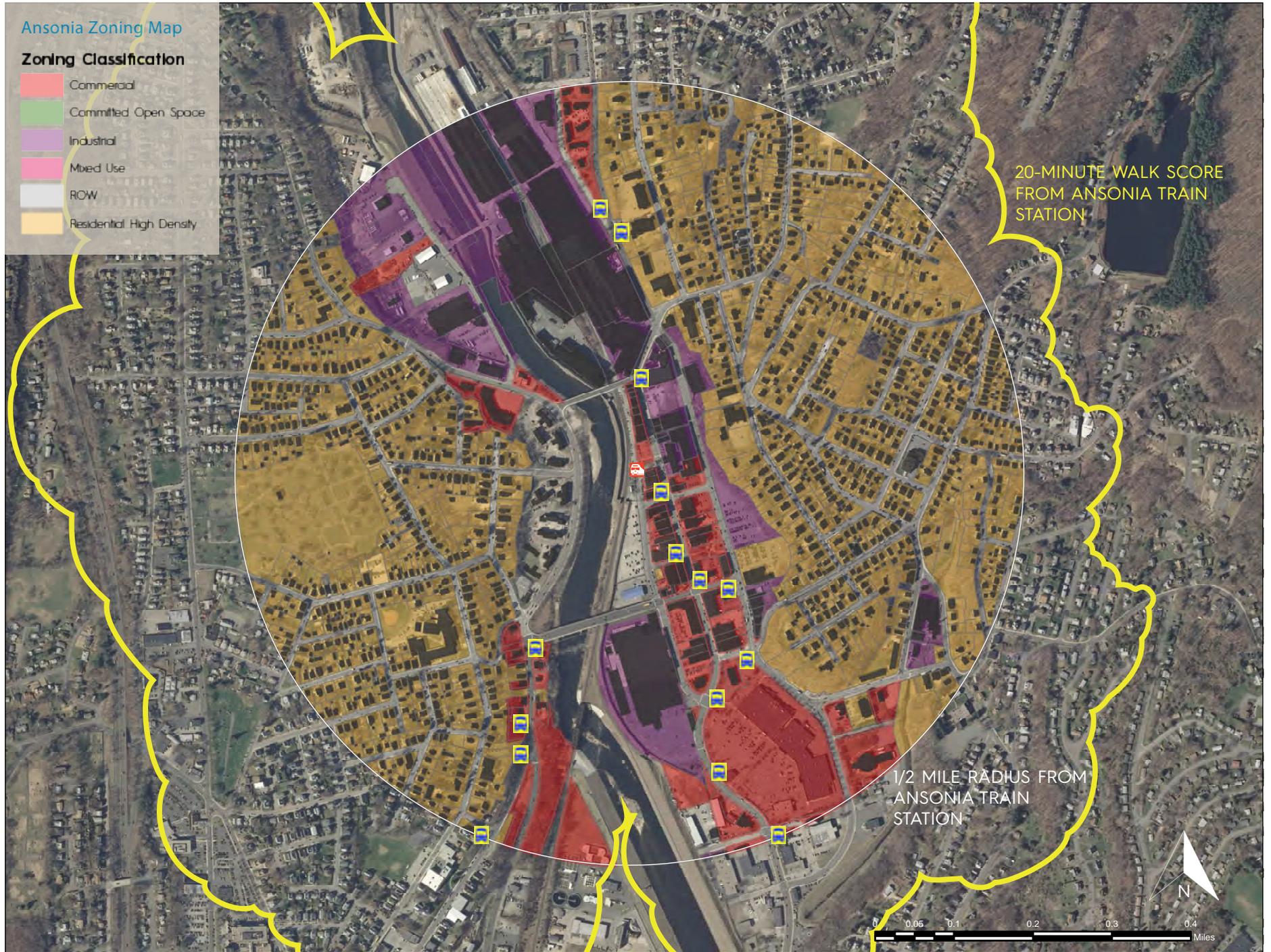
Site One: "Site 1, located on West Main Street, is approximately 0.9 acres. It is a paved public parking lot providing surface parking for the Ansonia Station. Site 1 is zoned commercial but is identified as a managed growth area land use. As the site is currently a part of the Ansonia Station parking, any new development should incorporate parking. This could be achieved by designing retail on the first floor and providing parking on the top floors."

Site Two: "Site 2, located between Main Street and West Main Street is a small site of approximately 0.2 acres. The site is located opposite Ansonia Station and is zoned commercial."

Ansonia Zoning Map

Zoning Classification

- Commercial
- Committed Open Space
- Industrial
- Mixed Use
- ROW
- Residential High Density



Site Three: "The site is located at the corner of Main Street and West. Main Street and is approximately 0.35 acres. Currently, the site serves as a public parking lot for downtown Ansonia with approximately fifty parking spaces. The site is zoned as commercial and classified as a managed growth area. As the site is currently used as a parking facility for downtown Ansonia, any new development should incorporate parking. This site is also part of a Historic District, creating additional requirements for redevelopment."

Site Four: "Site four, located on East Main Street one block from the station, is approximately three acres. The site is currently used as a public parking lot for downtown Ansonia, with about 168 parking spaces. The site is zoned Heavy Industrial, and the neighboring zoning districts are Commercial, and Residential. In addition, the site is identified as a managed growth area. As the site is currently used as a parking facility for downtown Ansonia, any new development should incorporate the parking. This could be done by designing the first floor as retail and providing the parking on the top floors. Although this site is not as close to Ansonia Station as the other identified sites, its large area makes it a good location for redevelopment. In addition, the site sits between downtown Ansonia on the west and the residential development on the east, making it well-suited for mixed-use development."

Site Five: "Site five is located between Main Street and East Main Street and has a total area of approximately 1.5 acres. The site is comprised of three parcels: one used as a parking lot for downtown Ansonia, and two housing vacant industrial buildings. The site is zoned industrial and is part of the Ansonia Historic District. Therefore, any new development will have to abide by the rules of the Historic District. As the site is currently used for parking and the Ansonia Downtown Parking Study identifies Main Street as the hot-spot for parking, any new development should incorporate parking in its designs. This could be achieved by designing the retail or industrial uses on the first floor and providing parking on the top floors."

Site Six: Located across the river from the train station, site six is still within a 1/2 mile radius of the train station. It is within the Multi-Family Zoning District, which allows a maximum building lot coverage of 15 percent of the lot area and a maximum building height of three stories (thirty-five feet). The 33.2-acre parcel is owned by the City of Ansonia and can be accessed by Olson Drive and High Street. While this site is across the river from the train station and between two bridges, the size of this site would make it excellent for a larger transit oriented development.

## Map Key - Land Use Classifications

### NV Region TOD Infrastructure



Ansonia Train Station



Ansonia Sidewalks

### Land Use Classification



Agriculture



Community Facility



Commercial



Industrial



Residential



Mobile Home



Res-Urban High (>8 DU/Acre)



Res-Urban Med. (2-8 DU/Acre)



Res-Suburban Med. (1-99 DU/Acre)



Res-Suburban Low (0.5-99 DU/Acre)



Res-Estate (<0.5 DU/Acre)



Recreational or Open Space



Resource Extraction



Right Of Way



Transportation



Utilities



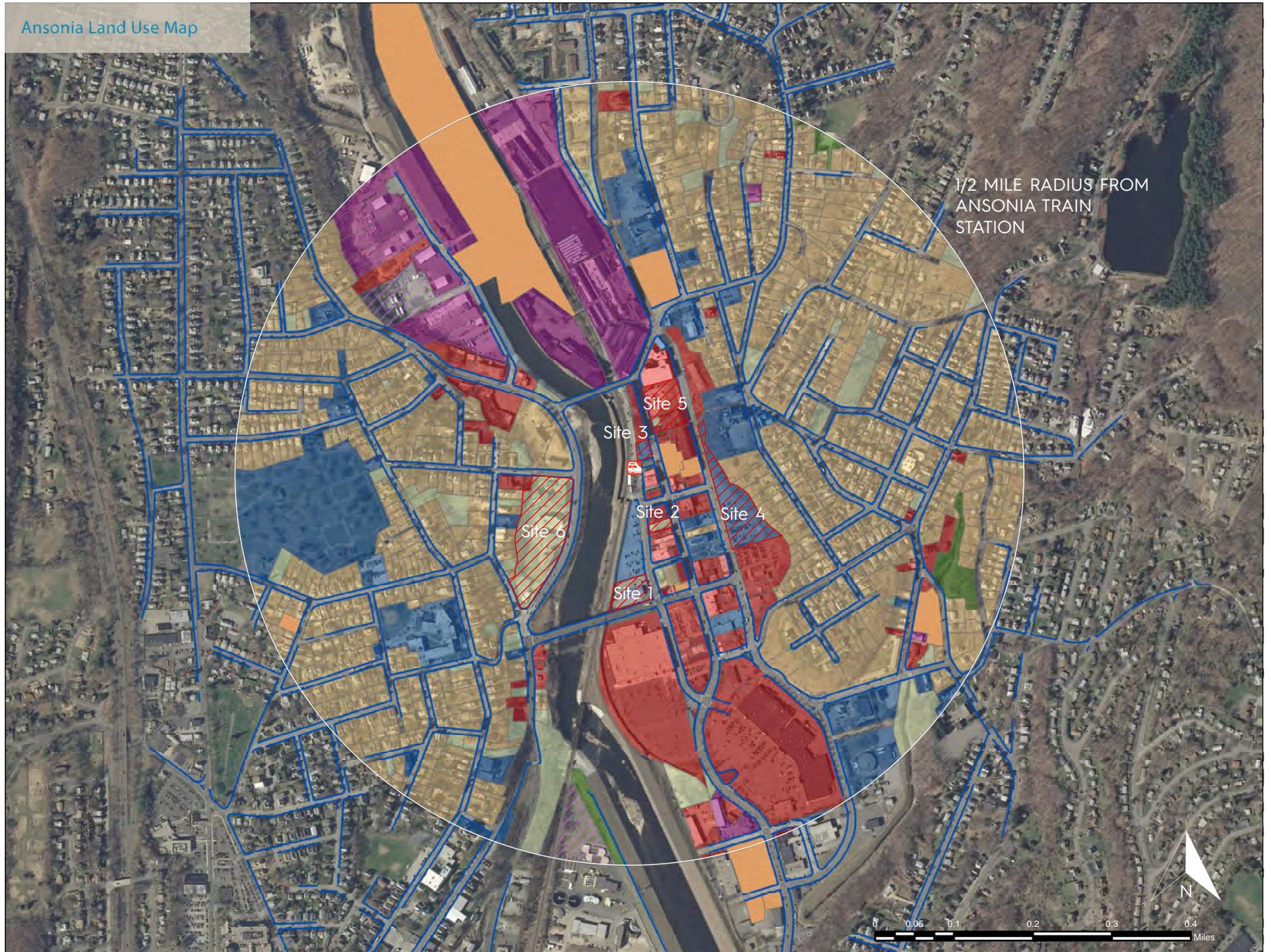
Undeveloped Land



Water



Brownfield Parcel



1/2 MILE RADIUS FROM ANSONIA TRAIN STATION

Site 5  
Site 3  
Site 2  
Site 4  
Site 1  
Site 6



# Seymour

## Downtown Context

The growth of Seymour's downtown has been constrained by its location, tucked between the railroad, Route 8 and the Naugatuck River. The Seymour train station sits along Main Street in what amounts to a very central location, sandwiched between residential properties on the east side of the tracks, connected by a pedestrian overpass, and the downtown commercial area that has become a cluster for antique shopping. The dense development patterns in the downtown make Seymour eminently walkable, however, it also restricts new development and limits parking, particularly around the station area, where demand is high. The average height of buildings in the downtown area is two stories along Bank Street and first floor store fronts line the primary streets.

Within a twenty-minute walk of the station and downtown Seymour, there are two major shopping centers to the west and east. Directly across the Naugatuck River, on River Street, the former Housatonic Wire Company and Seymour Lumber parcels have been cleared and development is planned. The location of these sites makes them viable for TOD but pedestrian access and safety need to be carefully considered because access to downtown is complicated by traffic congestion along Route 67 and the Route 8 access ramp. The newly constructed Tingue Dam Fish By-pass Park, located at the edge of downtown and on the Naugatuck River, is a key feature and has been positively received by the public.

## Zoning

A mix of commercial, office and civic uses compose the downtown area.

A floating Mixed Use District overlays downtown Seymour. The purpose of this overlay is to provide greater flexibility to desirable projects that may not be permitted in the base zones. Within the overlay detached housing is

prohibited and parking requirements for commercial uses are similar to those found in TOD supportive regulations. As with other floating overlays, establishing a new project requires a zoning change and all the procedural steps that go with it, including but not limited to preliminary project development plans, application for a change to the zoning map, and a public hearing. Despite the floating mixed use overlay zone there is very little mixed residential development in the downtown. To the east, land fronting Route 67 is zoned for light industrial and commercial. Multi- and single family residential is primarily located to the hillside to the east of the WBL.

## Transportation Assets

Route 8 passes through the downtown area as an elevated viaduct. The highway forms a physical barrier and creates an impediment to walking to the downtown from areas to the north and west. Access between the downtown area and Route 8 is provided by a split interchange, with the south ramps located on the west side of the downtown and the north ramps on the east side. The town is planning to construct a section of the Naugatuck River Greenway trail system between Route 67 and the Tingue Dam Park. This trail will provide a direct, convenient and safe connection from the Route 67 commercial corridor and downtown Seymour. There are also plans to improve pedestrian connections throughout the downtown; however, the project is unfunded at this time. CT Transit makes eight stops connecting Seymour with Ansonia and Derby before continuing to New Haven.

## Potential Sites

The 2009 Needs and Feasibility Study identified two potential locations for TOD sites in Seymour. To add to these sites, this study has identified five more locations, sites three through seven. These sites are shown on the map on page twenty-four.

Site One: "Site one is located on Main Street near Seymour Station and is approxi-

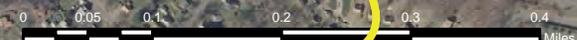
Seymour Zoning Map

Zoning Classification

- Commercial
- Committed Open Space
- Industrial
- Mixed Use
- ROW
- Residential High Density

20-MINUTE WALK SCORE FROM SEYMOUR TRAIN STATION

1/2 MILE RADIUS FROM SEYMOUR TRAIN STATION



mately 0.25 acres. Currently, the site is used as a parking lot, although the identified land use for the site is business. The site is zoned commercial with the zoning code CBD. Because of its close proximity to the station and downtown Seymour, the site could be developed as retail catering to commuters.”

Site Two: “Site two, located between Columbus Street and Wakeley Street Extension, is approximately 0.45 acres and is currently used as a surface parking lot. The site is zoned business and would also be well-suited for mixed-use development with ground floor retail and residences on the top floors.”

Site Three: This site, located at the intersection of Broad Street and Main Street, is currently being under-utilized as a parking lot. The 0.66-acre site is owned by the State of Connecticut and is situated within a commercial (C-2) zoning district, which allows for a maximum building lot coverage of 25 percent of the lot area and a maximum height of forty feet. While not very close to the train station, this site is located close to city hall as well as several of the restaurants and shops located along Main Street.

Site Four: Situated along the rail road, this site is 1.41 acres and is owned by The Kerite Company. The land is currently vacant but is zoned for high-density residential (R-18) district, which allows for a maximum lot coverage of 15 percent of the lot area and a maximum height of thirty-five feet. As the station is across the tracks from the site, a pedestrian overpass would be needed to allow commuters to park on the site and walk over to the train station. Additional raised parking could be created for the train station above street level commercial space to accommodate commuters.

Site Five: Site five is located across the river from downtown Seymour and is accessed via River street. The 4.56-acre site is owned by the Housatonic Wire Company but has been left vacant after a fire destroyed the existing building. The Little River fronts the site’s northeast boundary. The site is in the commercial (C-2) zoning district, which allows for a maximum building lot coverage of 25 percent of the lot area and a maximum height of forty feet. While the current lack of side walks and crossings make it difficult to walk to this site from the train station, the location across from multiple shops makes it a good location for potential apartments supported by other transit infrastructure such as bus routes and an improved sidewalk network.

## Map Key - Land Use Classifications

### NV Region TOD Infrastructure

 Seymour Train Station

 Seymour Sidewalks

### Land Use Classification

 Agriculture

 Community Facility

 Commercial

 Industrial

 Residential

 Mobile Home

 Res-Urban High (>8 DU/Acre)

 Res-Urban Med. (2-8 DU/Acre)

 Res-Suburban Med. (1-199 DU/Acre)

 Res-Suburban Low (0.5-99 DU/Acre)

 Res-Estate (<0.5 DU/Acre)

 Recreational or Open Space

 Resource Extraction

 Right Of Way

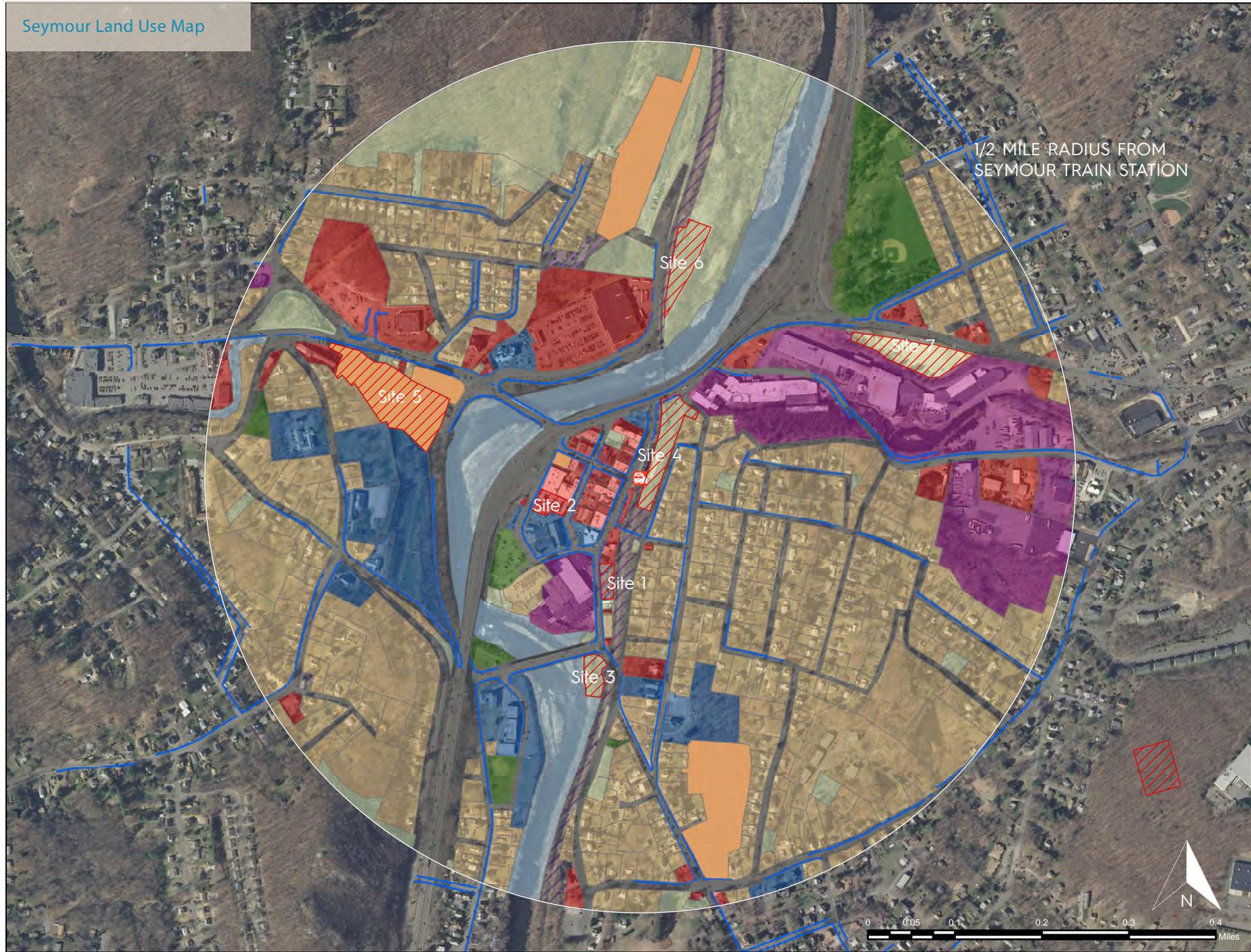
 Transportation

 Utilities

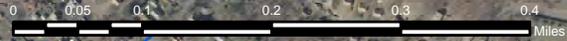
 Undeveloped Land

 Water

 Brownfield Parcel



1/2 MILE RADIUS FROM SEYMOUR TRAIN STATION



# LAND USE TOOLS AND POLICIES

There are many ways that land use policy can be used to encourage development that will both compliment and be complimented by transit infrastructure. The following section looks at both tools that have been used widely across the country and others that are more experimental. While not all of these ideas have been applied within the region, most have been used within the state and where possible example regulatory language has been provided. Additional, this document contains a model TOD district overlay zone.

## Single-Use & Euclidean Zoning

Under the enabling legislation of Chapter 124 of the Connecticut General Statutes, through the establishment of a zoning commission, municipalities may:

“regulate the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses, as defined in section 22a-93, and the height, size and location of advertising signs and billboards.”

The tool most used by zoning commissions to achieve these ends is single-use or Euclidean zoning. Under a Euclidean zoning regime, land uses are segregated into mutually exclusive areas. For example, residential uses are kept separate from industrial uses. These regulations arose out of a need to protect property owners and residents from potentially harmful or conflicting uses on adjacent properties. It makes sense to most people that a paper mill does not belong in a residential neighborhood. Over time uses have become more specialized and fractured. Now it is common to have two neighboring residential zones differentiated by lot size or street setback. This has led some to question the need for this level of interference where public health is no longer the sole motivation for the restrictions.

While in most cases Euclidean zones are limited to a single use, there is nothing stopping a community from permitting multiple complimentary uses within a single zone or even within a single building. In a downtown, commercial uses may be permitted on the first floor and residential apartments or office space permitted in the upper floors. The code need only articulated where each use is permitted. In this way municipalities can apply Euclidean zoning to promote development that supports transit and many of the other principles outlined in the introduction of this report.

Because of its potential for flexibility, municipalities who currently use a Euclidean zoning code need not start from scratch when it comes to promoting TOD. The first step is a close review of the current zoning and subdivision ordinances. Much of the work that has gone into adopting and amending the existing zoning regulations can be preserved. It has taken years and much debate to reach the status quo and, as such, a community should be careful to avoid throwing out good regulations tailored to their local situation. Only those ordinances that are counter to the intent of the proposed TOD district need to be selectively removed or altered. This process should be considered preferable to the wholesale replacement of existing code with generic model regulations for TOD.

Residents, zoning commission members and planning staff can review the existing code for transit oriented adaptability with the following questions in mind:

- What is the local historical precedent for density in the downtown?
- What is the historical precedent for mixed use in the downtown?
- Does current zoning allow the necessary density to support transit?
- Does current zoning promote active first floor uses?
- Does current zoning allow for mixed uses within one building?
- Does current zoning promote socially mixed development? Density bonuses?
- Can parking requirements be relaxed for the various uses?

Because most traditional New England village development patterns overlap with the principles of TOD, most municipalities have a head start in adapting existing regulations to support transit.

The following examples from several Connecticut municipalities illustrate how Euclidean zoning can support TOD goals.

#### Derby: Section 195-20

The City of Derby has zoned its downtown, an area that falls within a reasonable walking distance from the Derby-Shelton Train Station, as Center Design Development District (CDD). This base zone is notable for its flexibility. Within the CDD zone, permitted uses, exceptions and bulk requirements are replaced with a thorough description of the zone's intent and a broad and inclusive list of residential, commercial and public uses, typical of a traditional New England town. In short the intent provides a vision for maintaining the character of the downtown while promoting continued economic development. It is with this in mind that applications are evaluated. The bulk requirements and use restrictions are waived provided the "spirit and intent" of the district is preserved. Parking requirements can be reduced up to 20 percent if the intended use is supported by pedestrian or bicycle traffic. New residential use is capped at twelve dwelling units per acre but this density can be increased where existing buildings are being rehabilitated. This is a healthy density that both respects the traditional form of the downtown, while helping to support transit.

Derby is currently in the process of amending the CDD regulations, which will include the introduction of a Mill Design District (MDD) and a Downtown Floating Zone (DFZ) to the CDD.

#### Meriden: Section 213-27

The City of Meriden has taken a slightly different approach than Derby. While a "mix of uses is encouraged" within the TOD districts, the municipality has maintained a table of permitted, limited, special permitted and prohibited uses. These newly adopted regulations both make it clear which uses are permitted by right and provide enough leeway to accommodate a diversity of uses. The regulations address development standards, form, and street hierarchy, which will be discussed below.

#### Others

Similarly several other Valley towns support mixed-use, often considered beyond the scope of traditional zoning, within their regulations.

#### Shelton: Section 33.12

The Shelton Planning and Zoning Commission accepts "applications for high-density, mixed-use developments consisting primarily of elderly one bedroom and efficiency dwelling units above ground floor retail and office uses." While residential use is limited to elderly housing and efficiency units, this section illustrates how easily language permitting mixed-use development can be integrated in traditional zoning code.

#### Seymour: Section 23.I Mixed Use District MD

"The intent of this section is to provide flexibility to traditional zoning practice. Experience has shown that some development proposals have much merit, but may not be able to conform to the letter of the zoning requirements of any zoning district. The purpose of this section is to permit such development with proper conditions and safeguards provided such proposal conforms to the Plan of Conservation and Development."

Within the River Front District, the City of Shelton is also promoting socially mixed development by providing a density bonus for developments that set aside units for affordable housing.

#### Shelton River Front District (33.19.1.B)

##### "Affordable Housing Component (Voluntary):

At the request of an Applicant to set aside "affordable housing" units meeting the requirements of the Connecticut General Statutes, the total allowable residential density may be increased by up to ten percent (10%) provided that for each unit in excess of the allowable density at least two (2) units must be earmarked as "affordable housing" units. The Applicant shall be responsible for periodic reporting to the appropriate municipal authority attesting to occupancy in compliance with the General Statutes."

While Euclidean zoning is able to accommodate transit supportive densities and mixed-use development, it is not always the preferred method. In the following section overlay districts, planned unit development (PUD), form-based codes, street hierarchies, floating zones, and design standards will be described and examples from across Connecticut will be provided. Many of these tools can be integrated into existing Euclidean regulations, others can replace existing codes completely, but all can be used to better leverage the benefits of transit for local development.

## Form-Based Codes

Form-based zoning differs from traditional Euclidean zoning by defining the space and not the use. That is, it defines what can be built but leaves broad discretion to the developer as to what uses can fill the space. This has made form-based codes particularly adaptable and effective in urban spaces where the municipality aims to enable mixed-use.

Like most of the tools in this list, the application of form-based zoning varies from one location to another. Form-based code can address some or all of the following design standards:

- Building type – A specific building type as opposed to an amorphous block
- Frontage type – This can be design drawings that include how the building relates to the street including the role of setbacks, entrance orientation, stoops, lawns etc...
- Public Space – includes drawings with significant detail of how sidewalks, streets and open space will relate to the building. For example, a building over a certain square footage must include some sort of park or sitting area.
- Block and subdivision standards – When applied in form-based zoning, especially in a TOD district, these standards promote walking by capping the block lengths and perimeters.
- Regulating plans – These are very specific plans, similar to a master plan, that dictate building and street layout.
- By-right development – Design standards that are able to proceed by right and without public hearing or discretionary approval. By-right development can be used to streamline the approval process for specific types of development.

### Simsbury Center Form Based Code

In 2011 the town of Simsbury adopted form-based codes for their town center.

These codes sort the center district by street frontage. Design elements, façade, basic use standards by floor, building setbacks (minimum and maximum), parking setbacks, open space, street landscape standards and many other more detailed site development standards are determined based on this street frontage. Graphic representations are included to

illustrate the building envelope. Height is treated independently. The regulations treat height as an overlay defined by a district wide map. One advantage to these regulations is their highly graphic presentation that is easily read and referenced.

While these regulations do define which uses are permitted on which stories for each frontage area, uses are broad and mixed within zones and by story.

## Street Hierarchy

A street hierarchy is complementary to the use and design standards described above. The municipality designates the roads within the TOD district as main streets, secondary streets and side streets. A building's frontage must correspond to the street classification in a way that compliments its scale and promotes pedestrian and bicyclist use.

Both the City of Meriden and Town of Simsbury have embraced street hierarchy as the principle and guiding trait to determine adjacent land use, building mass and design.

### Meriden: Section 213-28

As described above, in the Simsbury Center regulations street frontage is the only factor that determines use and development standards. Meriden has taken a more layered approach. Within the TOD District there are five sub-zones. While each sub-zone has a different intent and purpose and therefore different uses and design standards, the street hierarchy transcends the sub-zones and applies to the entire TOD district. Setbacks, minimum frontage, curb-cuts and the situation of parking and drive-through facilities are all determined based on street frontage and hierarchy.

## Design Review Board and Design Manuals

Many villages and towns are pursuing very specific architectural characteristics. Two methods to achieve these goals are (1) a design review board and (2) a design manual. A design review board is an advisory board to the planning and zoning commission. The design review board comprises members with architectural, engineering or design backgrounds. The board reviews applications in designated zones and provides the planning and zoning committee with a recommendation. The design review board has no

Simsbury Center Form Based Code - Allowed Use Table

Use Category Specific Use	SC-1		SC-2		SC-3		SC-4		SC-5		CIV	OS
	Ground story	Upper story	All Stories									
<i>Residential</i>												
<i>Household living</i>	■	■		■	■	■	■	■	■	■		
<i>Group living</i>	■	■		■	■	■	■	■	■	■		
<i>Social service</i>												
<i>Public</i>												
<i>Civic</i>	■	■	■	■	■	■	■				■	
<i>Parks and open space</i>	■				■		■		■		■	■
<i>Minor utilities</i>	■		■		■		■		■		■	■
<i>Major utilities</i>												
<i>Commercial</i>												
<i>Day care</i>	■				■	■						
<i>Indoor recreation</i>	■				■	■						
<i>Medical</i>	■	■			■	■	■					
<i>Office</i>	■	■		■	■	■	■					
<i>Outdoor recreation</i>												
<i>Overnight lodging</i>	■	■		■	■	■						
<i>Passenger terminal</i>												
<i>Personal Service</i>	■	■	■		■	■	■					
<i>Restaurant/bar</i>	■	■	■	■	■							
<i>Retail sales</i>	■		■		■							
<i>Vehicle rental/sale</i>												
<i>Industrial</i>												
<i>Agriculture</i>												
<i>Heavy industrial</i>												
<i>Light industrial</i>												
<i>Light manufacturing</i>												
<i>Research &amp; development</i>					■	■						
<i>Self-service storage</i>												
<i>Vehicle service</i>												
<i>Warehouse &amp; distribution</i>												

statutory power but can help guide development. Such a board could also be tasked with implementing and reviewing site plans to ensure TOD goals are also being met.

The second option, which could be implemented independently or in concert with the design review board, is a design manual or guidebook. A design manual defines the elements of the local architectural vernacular that should be used in new development. The manual includes sketches and pictures to further clarify the goals. While a design guidebook is not necessarily regulatory like zoning ordinances, it has the advantage of clearly articulating for developers which design traits will help their project be approved quickly. As such it helps to reduce an application's risk of rejection, particularly in a PUD overlay or other zone where ordinances have been purposely written to be flexible but vague.

#### Town of Simsbury

The Town of Simsbury first adopted design guidelines in 2001. Since that time the town has continued to maintain and update the guidelines. Within the greater design approval process the guidelines follow the general zoning regulations. A project must first meet zoning requirements and then the design guidelines.

The guidelines address qualitative aspects of design such as context-sensitivity and compatible relationships among new and existing buildings. While projects must meet all applicable code standards, the guidelines provide flexibility to meet a more general design intent.

In preparation for an application, applicants are encouraged to informally meet with the design review board and municipal staff to ensure the process is transparent and that there are no surprises regarding final approval.

#### Ansonia: Section 222 and the Design Guidelines

Ansonia published and adopted Design Guidelines for the City Center Overlay Zone. These guidelines are meant to "assist applicants, developers, successors and assign in preparation of development plans and details for new construction and/or for the substantial improvement of existing development."

## Design Standards

A more common method to promote certain design goals without going into the detail of a design manual is to add a clause to the zoning regulations

that leaves discretion up to whichever board or commission will be reviewing the application. Typical examples include:

#### Seymour: Mixed Use District MD § 23.4

"Architectural design shall be of superior quality and aesthetically pleasing. The structures and their location on the site shall blend in with the surrounding neighborhood."

Other municipalities have special language to support historic preservation.

#### Ansonia: Section 222.02

"To provide for the protection and enhancement of significant historic sites, buildings and features within City Center Area by: (a) Encouraging the retention and the restoration of architectural features that prevail within the City; and by (b) Providing graphic and descriptive examples of architectural and landscaping designs and similar elements that are or were present within the area."

#### Derby: Section 195-20-A-2 Center Design Development District Zone

"Provide, whenever possible, for the preservation of meaningful historic buildings; promote appropriate architectural and site design; and provide amenities which will encourage pedestrian use and enjoyment of the city center."

#### Ansonia: City Center Plan

Creating and preserving public space plays an important role in creating pedestrian friendly streets. Main Street in Ansonia has many small parks tucked into relatively small open spaces. The city continues to promote this development by including supportive language in the City Center Plan. The plan lists the goal of "increas(ing) the number and size of open spaces and pocket parks." The Regulations are further supported in the Design Guidelines:

"It is hereby recommended that these setback areas be converted into pocket parks for the use by pedestrians. These pocket parks are a "breathing space" sorely needed in compact, fully developed areas. They may be furnished with benches and kiosks exhibiting notices and advertisements of local events."



Ansonia Pocket Pack located along Main Street, the train station in the background.

## Complete Street Regulations

Developing bicycle and pedestrian opportunities along with providing transit incentives epitomizes a fundamental shift in the way the roadway environment is perceived and used. Instead of dedicating the roadway as the almost exclusive domain of motorized vehicles, the roadway is viewed as a space where the needs of all users are considered, not just drivers. This concept is embodied in the “complete streets” policy. A “complete street” provides access to bicyclists, pedestrians, transit riders and drivers, while also enhancing the sidewalk area to connect it with the roadway.

The intent of a “complete streets” policy is to change how the street environment is planned, designed and built and, as a consequence, change how it is used. In essence, the street environment is altered from one where vehicles dominate to one where all users of all ages are accommodated. It also encompasses not just the area between the curbs but extends beyond the asphalt to include space along the roadway as well.

While a “complete street” embraces many common elements, each application is unique and the features selected reflect the land use, needs and characteristics of the area.

Key elements of a “complete street” include:

- Bicycle facilities – bicycle routes and lanes, cycle-tracks, signage, bicycle racks, appropriate pavement markings and symbols;
- Bus features and amenities – bus pull-outs, shelters, clear and accessible paths;
- Pedestrian enhancements – crosswalks, pedestrian signal enhancements, curb ramps, and sidewalks;
- Traffic calming actions – using textured material, intersection bump-outs, curb extensions, center refuge islands, and raised intersection tables;
- Streetscape environment – appropriate urban trees, landscaping, bio-swales and rain gardens, permeable paving material, storm water planters, lighting, and buffers between the street and sidewalk to dramatically alter the “atmosphere” of the street environment;
- ADA compliant features – curb ramps, detectable tactile cues and warnings, accessible pedestrian signals, and longer walk intervals;
- On-street parking treatments – delineated parking spaces and curb/sidewalk bump-outs; and
- Access management actions – driveway consolidations, modifications and closures.

Finally, “complete streets” are complementary to TOD by promoting transportation inter-modality TOD regulations should ensure that considerations for pedestrians, bicyclists, public transportation patrons and motorists are all woven into every local roads or streetscape project.

Connecticut Public Act 09-154, An Act Improving Bicycle and Pedestrian Access, includes language to promote “complete streets” goals in the planning process on all roads state or local.

“Accommodations for all users shall be a routine part of the planning, design, construction and operating activities of all highways...”

This law however stops short of mandating any specific outcomes. Municipalities can take the initiative to mandate “complete streets” goals in their zoning and subdivision regulations.

New Haven Complete Streets Design Manual

The City of New Haven is a good example for how to promote and encourage the implementation of complete streets. By order of the Board of Aldermen the City will create a policy that:

- A. requires the accommodation of the safety and convenience of all users of the transportation system using a Complete Streets hierarchy of users, which begins with pedestrians, bicyclists, transit users. These users shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that the vulnerable – children, elderly, and persons with disabilities – can travel safely within the public right of way;
- B. mandates the application of this policy, through adherence to principles of the Design Manual, to any new or improvement project affecting the public streets and sidewalks (including resurfacing, restoring, and rehabilitation projects);
- C. prioritizes walkability, inter-modal transit, traffic calming and pedestrian based urban economic development over competing goals; and
- D. references performance standards, with measurable outcomes and benchmarks.

To fulfill this mandate the City has published a design manual that provides “technical guidance on the building, rebuilding, repair and rehabilitation of city streets with the intent of balancing the needs of all users.”

The design manual is available for citizens and other interested parties on the city website.

Zoning regulations from the City of Ansonia include language that extends the scope of street design to include non-automotive users.

Ansonia: Section 222.02

A goal of the zoning regulations is “to promote pedestrian, bicycle and handicapped use of downtown development safe from unwarranted motorized vehicular intrusion and associated hazards.”

## Overlay districts

An overlay district is a tool used to modify underlying zoning districts without replacing them. Overlays are often used to add additional requirements to the base zone. The following examples help introduce the reader to the diverse possibilities afforded by an overlay zone:

- A historic preservation overlay provides design standards that all new development or major reconstruction must follow regardless of use. A historic overlay district may be used where a designated historic base zone is not desired. In its most simple application, within the boundaries of the overlay, the submittal of any application to build a new structure or

### “Complete street” before and after concept plans



Autocentric street design prioritizes the automobile over all other modes of transportation.



“Complete streets” designs treat all modes equally, slowing traffic and making safer and more pleasant environment for pedestrians and cyclists.

expand upon an existing structure<sup>[4]</sup> would trigger a review and require endorsement by a historic building review commission.

- An environmental overlay creates additional standards to protect sensitive elements of the local environment. Environmental or natural overlays have been widely used to protect residents and resources. Flood hazard zones are a common overlay applied along rivers and coastlines to prevent certain human activities within the flood zone. In rural areas, overlays designed to prohibit subdivision of large blocks of forestland are used to inhibit forest fragmentation and preserve wildlife corridors .<sup>[5]</sup>
- A TOD overlay would allow projects that meet municipal TOD goals to choose an alternative development path that permits smaller lots, substantially higher densities and mixed uses. For example a TOD overlay might allow for the development of a mixed-use residential-commercial project which exceeds height limits in a base zone that is either commercial, residential or neither. While the application must go through additional review, much like a special use permit, the requirements are clearly articulated in the zoning ordinances. This type of overlay can be successfully used to integrate form-based code - or any other tool included in this report - into traditional, Euclidean zoning.
- Density bonuses for affordable housing allow developers within the overlay to build to a greater height and add additional units if they include a certain proportion of affordable housing in their plans. For example, a development containing a residential component where a minimum of 20% of all new units are set aside for residents making less than 80 percent of the state (or regional or metropolitan) median income would be allowed a height or floor area ratio (FAR) bonus above and beyond what is specified in the base zone. The goal is to make socially-mixed buildings a more attractive financial option for developers.

This list is by no means exhaustive; some of the items on this short list could be altered or even combined in one overlay district. Below are three examples of overlay districts that are currently being used in Connecticut and support TOD. In addition to the following examples can be found later in this document's model TOD district overlay regulations.

#### Branford: 5.7 Incentive Housing Overlay District

The Town of Branford has an Incentive Housing Overlay District that permits for greater residential density in downtown areas and within a certain radius of public transportation. This overlay applies to any type of base zone and permits mixed residential zoning even where the base zone is not zoned for residential use. Additionally this overlay district is

<sup>4</sup> Demolition is still permitted in a historic preservation overlay by statute. To restrict demolition a historic protection district is necessary.

<sup>5</sup> For example an overlay might limit lot size to a minimum fifteen acres.

meant to meet the requirements of CGS 124b for incentive housing should the opportunity arise.

#### Newtown: Section 595-19 South Main Village Design District

The purpose of this overlay zone is to protect the landscape and historical character of the neighborhood. To achieve these ends the overlay district focuses on design issues. All permitted uses in the underlying base zones are allowed within the overlay zone; however, applicant designs must be reviewed by the Design Advisory Board who issues a recommendation to the Zoning Commission.

#### Ansonia: Section 222 City Center Overlay Zone

The city of Ansonia uses an overlay zone to permit mixed-use development. The City Center Overlay zone has the stated goal of "achiev(ing) a suitable and compatible mix of non-residential and residential land uses within the City Center Area."

## Planned unit development

Planned unit development (PUD) is perhaps the most flexible of all the tools municipalities have at their disposal; it is also among the most complicated. The following definition gives insight into this complexity.

"A PUD is a development that has been approved in a process that requires the comprehensive review of project design and that can include a variety of project types, including infill development, housing developments, and mixed-use developments, such as master-planned communities". – Daniel Mandelker, APA Planned Unit Development, 2007.

Notice that a PUD is both a process and a project. The municipality must determine not only what they are trying to promote with a PUD but also how they intend to go about approving it. Municipalities that do not clearly define the PUD design requirements and maintain a large degree of discretion over what will and will not be approved create uncertainty and risk among developers. If the commission wishes to maintain discretion over all new projects, a PUD base zone may be best. A PUD overlay will suffice if the commission merely wants to provide an alternative track for developers. Many PUDs require a rezone and all the legal requirements that go with it. For towns that already utilize PUD, it may prove to be an effective tool for promoting TOD, but for those communities which have no prior experience with the process, it may be simpler to rely on one of the other regulatory land use tools.

Shelton: Section 34 Planned Development Districts

That City of Shelton offers developers a great deal of leeway and maintains a large degree of discretion within their Planned Development District. For projects within the Central Business District on a lot larger than 10,000 square feet in area, applicants can work with the Planning and Zoning Commission to amend the zoning regulations to permit development that is considered as a “harmonious design unit of stable character, consistent with the character of the Town and the long range improvement of the neighborhood and consistent with any comprehensive plan of development adopted by the Commission for the Special Development Area (SDA).”

Shelton’s PDD zone is part of a floating overlay zone and more information how it functions is included in the following section.

## Floating zones

A floating zone is an overlay zone where the exact regulations are not defined until an application has been received, reviewed, publically heard and a zoning change been made. A PUD overlay is often a floating zone. Once the site has been rezoned the new regulations will apply to all future development on the parcel.

Shelton: Section 34.1

Within the Special Development District overlay the commission permits Planned Development Districts (PDD). A PDD allows the City the maximum discretion to pursue projects that are “consistent with the character of the City and the long range improvement of the neighborhood and consistent with any comprehensive plan of development adopted by the Commission.” The City has clearly included in the zoning regulations that, “Each PDD is another independent zoning district created to accomplish a specific purpose, complete with its unique and narrowly drawn permitted uses and bulk standards and other applicable zoning provisions, whether set forth specifically therein or incorporated by reference to the applicable provisions of the overall city-wide zoning regulations.” Once a PDD zone has been created, all subsequent development within the zone will need to adhere to the regulations of this new and independent zoning district.

The City of Shelton has had great success using the Special Development Area to promote dense residential development within walking distance of the Derby-Shelton Train Station. However, due to the administrative steps required before approval, a commonly cited risk involved when pursuing a floating overlay zone is the insecurity a builder faces when

developing site plans and preparing an application for the Zoning Commission.

## Parking requirements

Despite the goal of reducing the need for driving, parking remains an essential element of a TOD project. Vehicles need to be able to travel along the “main street” without undo congestion, and retail relies on customers from outside the area. These customers must be able to access stores and be provided sufficient and convenient parking. While surface parking lots are less expensive to build, they detract from the walkable feel of a neighborhood. To preserve a positive experience for the pedestrian most TOD neighborhoods locate parking behind the buildings, orient the building fronts toward the street, and reduce front setbacks from the street line as much as is practical. Demand for additional parking spaces can be reduced through shared parking arrangements. The concept of shared parking works especially well for uses that have different parking demand times. A library and a restaurant demand parking at different times of the day and different days of the week. By sharing a lot there is no reduction in service but additional spaces need not be built. In addition, high quality and well thought out pedestrian connections support a “park once” philosophy and encourage walking between commercial activities. Customers park once and walk rather than driving from one stop to another.

The City of Shelton has employed a number of strategies to improve the flexibility of their parking regulations. These include payments in lieu of parking, shared municipal parking and relaxed parking requirements.

Shelton: Section 33.12.5 In CBD Mixed-Use

“...the Commission may, at the request of the applicant, permit a reduction in the total number of onsite, off-street parking spaces intended to serve the dwelling units, provided that a Statement is obtained from the Shelton Parking Authority confirming that an adequate number of conveniently located off-street parking spaces are currently available in existing facilities in close proximity to the proposed mixed-use development, and that the applicant agrees, under the provisions of Sec.8-3c of the Connecticut General Statutes, to make a payment in lieu of providing said number of on-site spaces at an amount per space to be determined by the Parking Authority. Said funds are to be appropriately encumbered and reserved for use in providing additional future municipal off-street parking facilities to service the designated Central Business District. For mixed-use development proposals involving direct financial participation by the City of Shelton, in recognition of the past and on-going funding of off-street parking facilities to serve the designated Central Business

District, the Commission and the Parking Authority may waive all of a portion of the payment in lieu of parking required above.”

Shelton: Section 36.9 CBD

“The Shelton Parking Authority has established municipal, off-street parking facilities throughout the Downtown CBD area. In recognition thereof, the Commission may waive the provision of all or a portion of the off-street parking specified by the Zoning Regulations for non-residential uses, provided that a Statement is obtained from the Shelton Parking Authority confirming that an adequate number of off-street parking spaces are available in existing facilities and that the Commission finds that such spaces are conveniently located and in close proximity to the proposed development/use. For residential and mixed-use developments, the Commission may permit a reduction in the total number of on-site parking spaces in accordance with the provisions of Paragraph 33.12.5 of the Zoning Regulations. All off-street parking facilities shall provide appropriately located and designed handicapped parking spaces meeting A.D.A. requirements and applicable codes.”

Shelton: Section 33.19.1.D in RFD Mixed-use

In a mixed use residential/commercial development, depending upon the nature of the non-residential uses proposed, a credit for shared parking of up to 50% of any on-site residential parking may be allowed.

The City of Derby employs a similar strategy by allowing parking requirements to be relaxed on a project-by-project basis.

Derby: Section 195-20-F Center Design Development District Zone

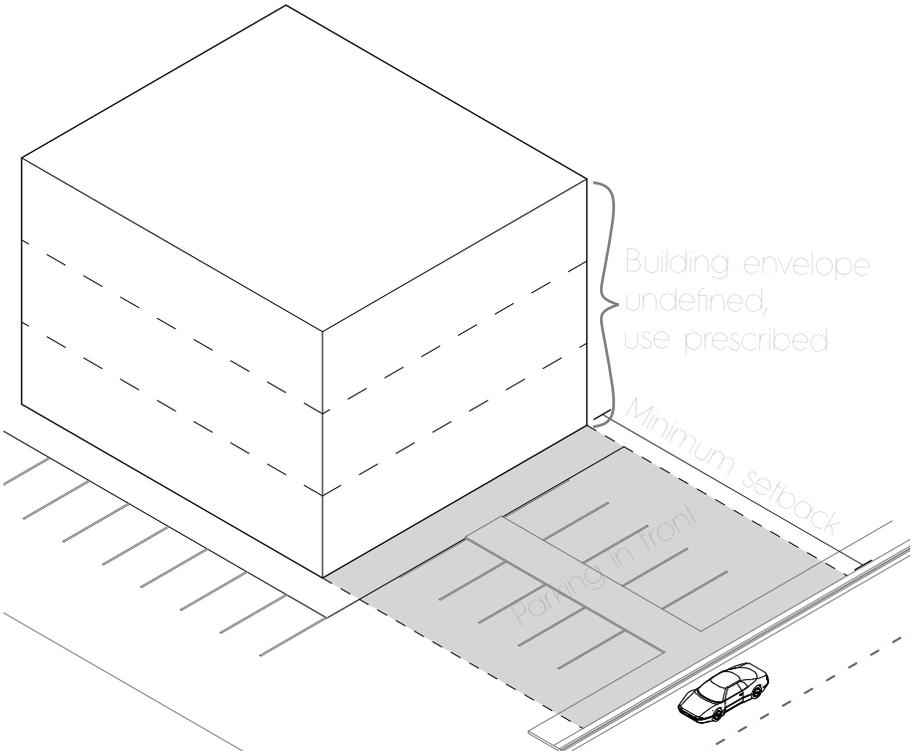
The Commission may reduce the parking requirements up to twenty percent if it finds that the proposed uses, location of the site and the related facilities existing or proposed by the applicant will result in the generation of pedestrian, bicycle and mass transit trips in sufficient volumes to warrant the parking reduction.



Main Street in Derby, the section of route 34 planned to be improved. Route 8 and the train station located in the distance

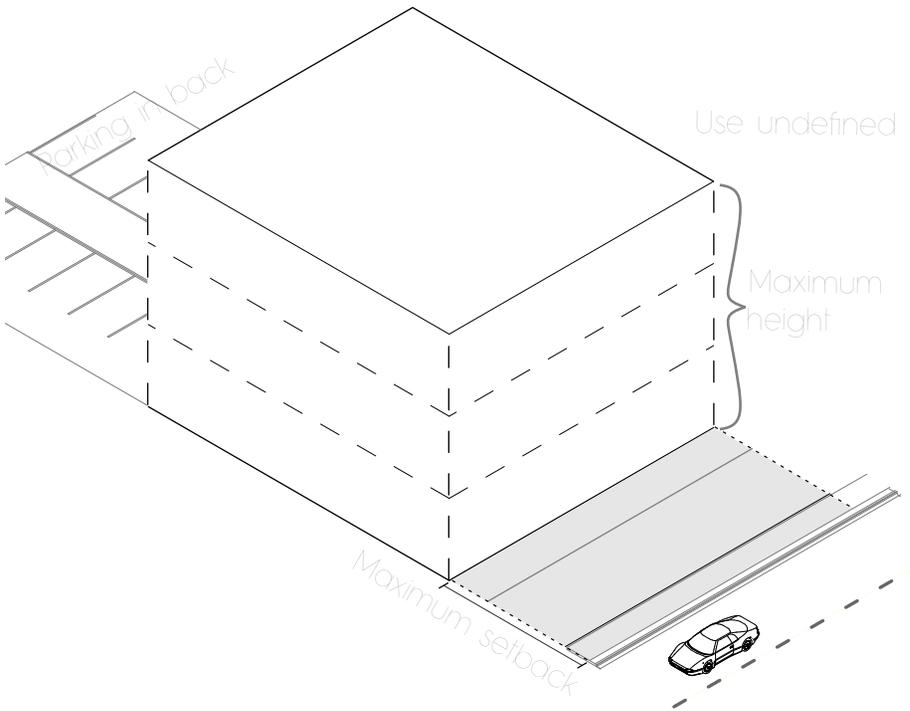
### Euclidean Zoning

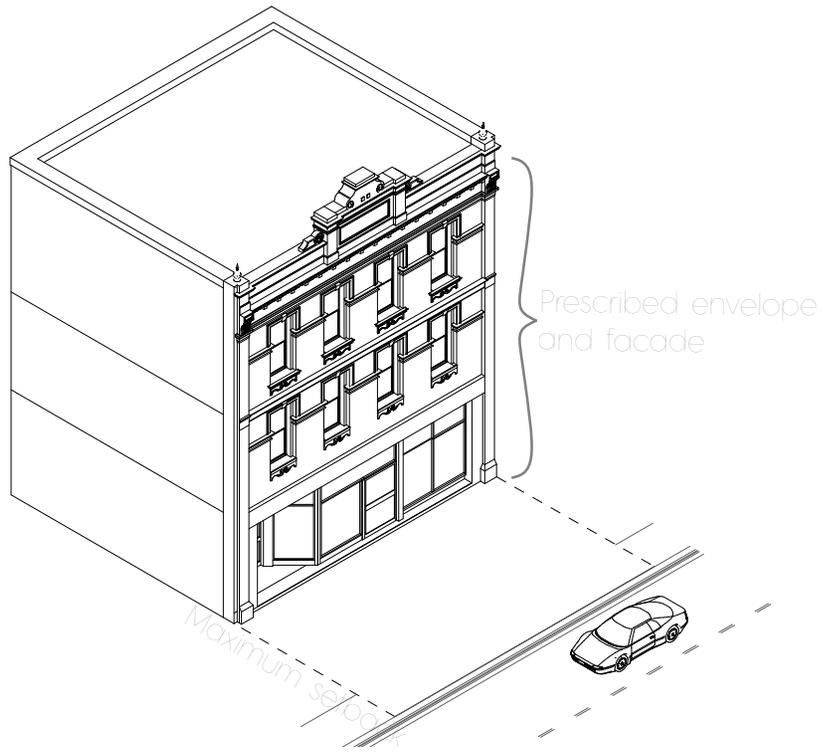
The only elements defined under a Euclidean zoning regime is the use. Typical elements of Euclidean zoning code that negatively effect TOD include minimum setbacks and excessive parking requirements.



### Form Based Zoning

A form based zoning code focuses on the envelope of the building and specifically how the mass fits the street. Traditionally building mass and setback are handled in the bulk tables. In support of TOD, form based codes are more likely to have a maximum building setback and parking is moved behind the building.





## Design Review Boards and Manuals

There is nothing to stop design guidelines from being integrated into either a form based or Euclidean zoning code. Design guidelines focus on the façade of the building to ensure complementary designs.

## Complete Streets

A complete street equally accommodates pedestrians, cyclists, and motorists. As such, most of the elements that facilitate a complete street are added to the street. A complete street policy complements TOD and many of the other regulatory tools described in this report.



## SUGGESTED PERMITTED, CONDITIONAL, AND PROHIBITED USES

Model benchmarks for a TOD overlay zone can be derived from academic literature and research. The following represents a collection of common traits from TOD zoning codes from across the country. These numbers are only a starting point and local context will ultimately determine what are appropriate local standards for a new TOD overlay zone. These benchmarks start with the assumption that a TOD district should be mixed use, dense enough to support most modes of public transportation and encourage walking. As such, the lists of permitted, conditional and prohibited uses broadly eliminate conflicting uses and low density uses. These lists are derived from a sampling of successful TOD zoning codes from across the country. As a result, some uses can be found under several categories. This further underlines the reality that there is no cookie cutter TOD zone that will fit all contexts.

<i>Multi-Modal</i>	<i>TOD districts should integrate the widest range of transportation modes possible (Example: train, bus, automobile, bicycles, and pedestrians)</i>
<i>Residential Density</i>	<i>7-20 dwelling units per acre</i>
<i>Max Setback</i>	<i>6-15'</i>
<i>Frontage</i>	<i>65-75%</i>
<i>Building Height</i>	<i>Between 2-4 Stories, not exceeding 75'</i>
<i>Sidewalk</i>	<i>Tree &amp; Furniture Zone (adjacent to roadway): 5'</i>  <i>Clear Zone: 5'-10'</i>
<i>Parking Requirements</i>	<i>Conventional parking requirements can generally be reduced 20-50% for both residential and commercial uses</i>  <i>All off street parking should be located behind street front buildings</i>  <i>Bicycle parking encouraged</i>
<i>Community Involvement</i>	<i>Municipal ordinances should assign or create a public board or commission to monitor progress, encourage engagement, oversee use of public space with in the transit district</i>

<i>Permitted Uses:</i>			
<i>Accessory Buildings or Uses</i>	<i>Antique Shops</i>	<i>Bakeries</i>	<i>Banks</i>
<i>Book Stores</i>	<i>Business</i>	<i>Business Schools</i>	<i>Childcare Centers, Kindergartens and Special schools</i>
<i>Churches, Synagogues, Temples, and Other Religious Facilities</i>	<i>Clubs, private, non-Profit or proprietary</i>	<i>Colleges and Universities</i>	<i>Community Buildings</i>
<i>Community Residence</i>	<i>Computer Programming Services and Sales</i>	<i>Confectionary or Candy Stores</i>	<i>Congregate Care Homes and Rehabilitation Centers</i>
<i>Credit Unions</i>	<i>Dancing Instruction</i>	<i>Department Stores</i>	<i>Devices for the Generation of Energy</i>
<i>Dormitories, Fraternities and Sororities</i>	<i>Dressmaking Stores</i>	<i>Drug Stores</i>	<i>Dry Cleaning Business</i>
<i>Dry Cleaning, Dyeing, Pressing and Laundry</i>	<i>Distributing Stations or Retail</i>	<i>Dry Goods and Notions Stores</i>	<i>Eating and Drinking Establishments</i>
<i>Electric Appliance Stores</i>	<i>Engraving, Watch-making, and Jewelry Manufacturing, Where Products are Sold On Premises</i>	<i>Establishments of Sale of Convenience Goods</i>	<i>Fire Station</i>
<i>Florist Shop</i>	<i>Governmental Buildings, including Armories, Storage, Maintenance and Repair Facilities</i>	<i>Greenhouses and Garden Sheds</i>	<i>Grocery Stores, including Fruit, Meat, Fish, and Vegetable</i>
<i>Hardware and Paint Stores</i>	<i>Health Spas</i>	<i>Historical Buildings and Grounds</i>	<i>Home Occupations</i>
<i>Hotel</i>	<i>Interior Decorating Shops</i>	<i>Jewelry Stores</i>	<i>Laundries or Launderettes (Self Service)</i>
<i>Meeting Hall</i>	<i>Multiple Family Dwellings</i>	<i>Music and Vocal instructions</i>	<i>Music Stores</i>
<i>Offices</i>	<i>Parks, Playgrounds and Community Centers - Not for Profit</i>	<i>Pet Shops</i>	<i>Photographic Shops</i>
<i>Police Station</i>	<i>Professional</i>	<i>Public Schools</i>	<i>Public Transportation Passenger Terminals</i>
<i>Public Utility Buildings and Facilities Radio and Television Stores</i>	<i>Restaurants, Tea Rooms and Cafes</i>	<i>Restaurants, Where Food and Drink May be Served or Consumed Outside as Well as Inside a Building</i>	<i>Retail Establishments</i>
<i>Retail or Wholesale Stores or Businesses Not Involving Any Kind of Manufacture, Processing or Treatment and That Such Operations or Products Are Not Objectionable Due to Noise, Odor, Dust, Smoke, Vibration or Other Similar Causes</i>		<i>Taverns, Bars, Saloons, Lounges and Restaurants Identified by Signs</i>	<i>Temporary Buildings, the Uses of which Are Incidental to Construction Operations</i>
<i>Tents, Air Structures and Other Temporary Structures Not Intended for Occupancy by Commercial</i>	<i>Theaters, Enclosed Within a Building</i>	<i>Toy and Hobby</i>	<i>Transit Passenger</i>
<i>Variety Stores</i>			

*Conditional Uses:*

<i>Barbershops and Beauty Salons</i>	<i>Churches, Synagogues, Temples, and Other Religious Facilities</i>	<i>Dance Halls</i>	<i>Day Care Center, Day Nurseries</i>
<i>Drive-Through Facilities</i>	<i>Fast-Food Establishment</i>	<i>Grocery Stores with Building Footprints Over 50,000 Square Feet</i>	<i>Light Industrial Facilities</i>
<i>Liquor, Retail Sales and Package Retail Sale</i>	<i>Outdoor Recreational Use</i>	<i>Parking Facilities (Commercial) Or Principal Use Parking (Structured or Surface)</i>	<i>Parking, Accessory to A Permitted Use, That Exceeds Automobile Parking Maximum Regulations</i>
<i>Post Offices (Private)</i>	<i>Sign Painting</i>	<i>Sports Facilities with Over 10,000 Seats</i>	

<i>Prohibited Uses:</i>			
<i>Automotive Sales and Repairs</i>	<i>Basic Industry</i>	<i>Boat Sales and Repair</i>	<i>Bowling Alleys, Provided Buildings is Sound Proof</i>
<i>Bulk Retail</i>	<i>Car Washes</i>	<i>Cemeteries</i>	<i>Cold Storage Plants</i>
<i>Commercial Equipment Sales and Service</i>	<i>Convenience Storage</i>	<i>Drive-In Business</i>	<i>Equipment Repair</i>
<i>Equipment Sales</i>	<i>Exterior Display of Goods and Exterior Storage</i>	<i>Family Day Care Center</i>	<i>Funeral Homes and Mortuaries</i>
<i>Furniture Stores</i>	<i>Gas Station and Gas Station Accessory Uses Such as Mini-Marts, Convenience Food and Sundries Sales</i>	<i>Golf Courses, including Miniature Golf Courses</i>	<i>Homes for the Infirm and Aged</i>
<i>Junk Yards and Motor Vehicle Wrecking Yards</i>	<i>Kennels, Excluding Those Accessory to Veterinary Clinics</i>	<i>Manufactured Home Sales</i>	<i>Nurseries or Greenhouses</i>
<i>Nursing Homes and Homes for the Infirm and Aged</i>	<i>Plumbing and Heating Shops Storage and Sales Provided All Operations are Totally Enclosed</i>	<i>Printing, Lithographing or Publishing Establishments, If Constructed to Insure That There Is No Noise or Vibration Evident Outside the Walls of the Buildings</i>	<i>Recycling Center</i>
<i>Restaurants with Drive Through Windows</i>	<i>RV Parks or Mobile Home Parks and Campgrounds</i>	<i>Scrap and Salvage Service</i>	<i>Solid Waste Transfer Stations</i>
<i>Telecome Hotels</i>	<i>Towing Services</i>	<i>Truck Stops and Uses Related to Trucking Excluding Loading and Unloading for Permitted Commercial Uses</i>	<i>Upholstery and Furniture Repair Shops</i>
<i>Vehicle Storage</i>	<i>Warehouses, Mini-Warehouses, Storage Facilities, and Mini-Storage Facilities (Indoor and Outdoor</i>		

# Model Transit Oriented Development District Overlay Zone

## Model TOD Regulation

Benchmarks for a TOD district overlay zone can be derived from academic literature and research. The following overlay zone embodies the common traits of TOD zoning codes from across the country. This overlay zone and the benchmarks references herein are only a starting point; local context will ultimately determine what are appropriate standards for a new TOD overlay zone. This overlay zone assumes that a TOD district should be mixed use, be dense enough to support most modes of public transportation and encourage walking. As such, the lists of permitted, conditional and prohibited uses broadly eliminate conflicting uses and low density uses. These lists are derived from a sampling of successful TOD zoning codes from across the country. As a result, some uses may be found under several categories. This further underlines the reality that there is no cookie cutter TOD zone that will fit all contexts.

### 1. Jurisdiction

- 1.1. Within the [CITY/TOWN of NAME], no land, building or other structure shall be used and no building or other structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations. No lot or land shall be subdivided, sold, encumbered or transferred so as to make a lot nonconforming or more nonconforming, to reduce any setback, yard, court, open space or off-street parking and loading spaces to less than is required by these Regulations or to make any nonconforming setback, yard, court, open space or off-street parking and loading spaces more nonconforming.

### 2. Purpose

- 2.1. The purpose of the Transit Oriented Development Overlay District is to encourage an appropriate mixture and density of activity around transit stations to increase ridership along the Waterbury Branch Line and promote alternative modes of transportation

to the automobile. The secondary intent is to decrease auto-dependency, and mitigate the effects of congestion and pollution. These regulations seek to achieve this by providing a pedestrian-, bicycle-, and transit-supportive environment development integrating auto uses with a complementary mix of land uses, where streets have a high level of connectivity and the blocks are small, all within a comfortable walking and bicycling distance from light rail stations.

- 2.2. Transit-oriented development (TOD) often occurs as infill and reuse within areas of existing development. The regulations within this ordinance vary in some cases from other ordinances, related to infill development in the [CITY/TOWN], because of the additional need to support transit ridership. The Transit Oriented Development Overlay District prohibits uses that do not support transit ridership.
- 2.3. The specific objectives of this district are to:
  - 2.3.1. Encourage a mix of moderate and high density development within walking distance of transit stations to increase transit ridership;
  - 2.3.2. Provide sufficient density of employees, residents and recreational users to support transit, specifically a residential density of seven to twenty dwelling units per acre;
  - 2.3.3. Create a pedestrian-friendly environment to encourage walking, bicycling and transit use;
  - 2.3.4. Promote traditional development by emphasizing mixed use, pedestrian oriented development;
  - 2.3.5. Create a neighborhood identity that promotes pedestrian activity, human interactions, safety and livability;
  - 2.3.6. Encourage building reuse and infill to create higher densities;

- 2.3.7. Reduce auto dependency and roadway congestion by locating multiple destinations and trip purposes within walking distance of one another;
- 2.3.8. Maintain an adequate level of parking and access for automobiles and integrate this use safely with pedestrians, bicyclists, and other users;
- 2.3.9. Provide a range of housing options for people of different income levels and at different stages of life.

### 3. Applicability

- 3.1 The Transit Oriented Development Overlay District consists of those areas shown on [INSERT TITLE OF MAP] on file with the Town/City Clerk and dated [INSERT DATE MAP IS ADOPTED BY THE CITY/TOWN].

### 4. Inconsistencies of Underlying Districts.

- 4.1. In the event that the underlying zoning district standards, or other ordinance or regulations are inconsistent with these overlay Zoning Ordinance standards or any other provisions herein, the standards of the Transit-Oriented Development Overlay District shall apply.

### 5. Definitions

- 5.1. Commercial Parking Facilities. Parking facilities created for the purpose of generating income from paid parking, but not including commuter parking lots owned by the transit operator.
- 5.2. Development. The construction of new buildings or structures and modification of, additions to, and expansion of existing buildings or structures.
- 5.3. Drive-Through Facility. Facilities that allow for transactions of goods or services without leaving a motor vehicle.
- 5.4. Fast Food Establishment. A food service business that offers relatively immediate service of semi-prepared or prepared foods for take-out or in-house consumption in disposable containers and serving walk-in and/or drive-through customers.
- 5.5. Mixed-Use. Development contained on a single parcel or adjoining parcels that includes different, complimentary uses (both residential and non-residential) and which provide for a variety of activities throughout the day.

- 5.6. Overlay Zoning District. A zoning district that encompasses one or more underlying zoning districts, and imposes additional or alternative requirements or provisions than required by the underlying zoning.
- 5.7. Park and Ride Lot. A parking structure or surface lot intended for use by persons riding transit or carpooling.
- 5.8. Pedestrian-Friendly Design. The design of communities, neighborhoods, streetscapes, buildings and other uses that promotes pedestrian comfort, safety, access and visual interest.
- 5.9. Public Seating Area. Any outside seating area designated for use by the public, including outdoor seating owned and operated by eating and drinking establishments.
- 5.10. Service-Oriented Office. Office uses with walk-in business and/or whose clientele is the general public.
- 5.11. Shared Parking. Parking that is utilized by two or more different uses that generate different peak period parking demand.
- 5.12. Strip Commercial Development. Commercial development characterized by a low density (one story) linear development pattern (usually one lot in depth), separate curb cuts for each use, no defined pedestrian system, and high traffic volumes. Parking lots are generally located between the street and the front entrance to the businesses.
- 5.13. Townhouse. A single family residence typically of two to three stories attached to a similar residence by a common sidewall.
- 5.14. Transit Oriented Development. A development pattern created around a transit facility or station that is characterized by higher density, mixed uses, a safe and attractive pedestrian environment, reduced parking, and a direct and convenient access to the transit facility.
- 5.15. Transit Station. The area including the platform at which commuter service operated by the Metro-North Railroad makes stops.

### 6. Procedural Requirements

- 6.1. Certain specified uses are allowed by right in the TOD District. Other uses may be allowed by Special Permit. In accordance with the procedures, standards and conditions hereinafter specified, the Planning and Zoning Commission may grant a Special Permit for the establishment of a TOD District. Procedural

Requirements, including application requirements, site plan review, abutter notification and public hearing shall be in accordance with the Special Permit Procedures as found elsewhere in the Town's Zoning Regulations [REFERENCE SECTION OF BYLAW/ ORDINANCE]. The Planning and Zoning Commission, acting as the Special Permit Granting Authority, may grant a Special Permit in a TOD District if it finds that the use will: (1) promote the purpose of the Overlay District as described in section 2; and (2) include active ground floor uses, subordinate parking, and have upper floor residential units.

## 7. Regulations

### 7.1. Allowed Uses: The uses listed below are allowed in the Transit Oriented Development Overlay District

- 7.1.1. Apartments (above ground floor in active business districts)
- 7.1.2. Townhouses
- 7.1.3. Service-oriented office uses
- 7.1.4. Non-service oriented office uses on upper floors only
- 7.1.5. Mixed uses with ground floor retail, personal services and/or service-oriented offices
- 7.1.6. Banks
- 7.1.7. Retail under ten thousand square feet
- 7.1.8. Government buildings
- 7.1.9. Hospitals
- 7.1.10. Hotels
- 7.1.11. Transit stations
- 7.1.12. Restaurants (except fast food establishments which may only be authorized by Special Permit)
- 7.1.13. Civic, cultural and community facilities
- 7.1.14. Theaters, except drive-ins
- 7.1.15. Dry cleaners stores with cleaning facilities outside the Transit Oriented Development Overlay District

- 7.1.16. Buildings and uses accessory to the above, such as parking garages, gift shops, cafeterias and day care facilities

### 7.2. Prohibited Uses: The uses listed below are prohibited in the Transit Oriented Development Overlay District

- 7.2.1. Auto sales, auto service and repair, auto storage and auto rental uses
- 7.2.2. Gasoline sales
- 7.2.3. Heavy equipment sales and service
- 7.2.4. Manufactured home sales
- 7.2.5. Salvage yards
- 7.2.6. Industrial uses
- 7.2.7. Towing services and vehicle storage yards
- 7.2.8. RV mobile home sales yards and storage
- 7.2.9. Car wash
- 7.2.10. Strip Commercial Development
- 7.2.11. Mini-storage and self-storage facilities
- 7.2.12. Commercial laundries with dry-cleaning operation on site
- 7.2.13. Warehousing and distribution facilities
- 7.2.14. Low density housing (less than seven units per acre)
- 7.2.15. Golf Courses
- 7.2.16. Cemeteries
- 7.2.17. Boat sales and storage yards
- 7.2.18. Freight terminals
- 7.2.19. Amusement parks
- 7.2.20. Building contractors
- 7.2.21. Retail uses, except grocery stores, larger than ten thousand square feet, unless part of a mixed-use

development

7.2.22. Drive-in theaters

7.2.23. Drive-through facilities

7.2.24. Commercial parking facilities

7.3. Special Permit Uses: The following uses may be allowed by Special Permit. The Planning and Zoning Commission, acting as the Special Permit Granting Authority, may grant a Special Permit in a TOD District if it finds that the use will: (1) promote the purpose of the Overlay District as described in Section 2.; and (2) include active ground floor uses, subordinate parking, and have upper floor residential units.

7.3.1. Single family homes

7.3.2. Commercial surface parking lots

7.3.3. Laboratories

7.3.4. Fast Food Establishments

7.3.5. Research facilities

7.3.6. Stadiums and sports facilities with over ten thousand seats

7.3.7. Grocery stores over ten thousand square feet

## 8. Non-conforming Uses.

8.1. Uses prohibited in the Transit Oriented Development Overlay District which existed legally prior to the effective date of the overlay district and became non-conforming due to the overlay district may expand on the same or adjacent parcel under the following conditions:

8.1.1. Either owned or leased prior to [DATE EFFECTIVE], and

8.1.2. Be developed under the conditions and development standards of this district, and

8.1.3. The underlying zoning permits the use.

8.2. If the adjacent parcel was not owned or leased prior to [DATE EFFECTIVE]. The property owner may apply for a special permit.

## 9. Parking Requirements

9.1. Parking requirements within the Transit Oriented Development Overlay District are as follows:

9.1.1. A maximum of one parking space per multi-family unit, plus one guest space per fifteen units, is permitted.

9.1.2. Parking for non-residential uses shall be provided at not more than three spaces per one thousand square feet (gross) and not less than one space per five hundred square feet (gross) for uses covering less than one thousand square feet.

9.1.3. Further reduction in the number of required parking spaces may be permitted by a Special Permit granted by the Planning and Zoning Commission after a finding by the Board that the development will be adequately served by users of public transportation.

9.1.4. Shared parking is strongly encouraged. On lots serving more than one use, the total number of spaces required may be reduced, provided that the applicant submits credible evidence to the satisfaction of the City/Town Planning and Zoning Commission that the peak parking demand of the uses do not coincide, and that the accumulated parking demand at any one time shall not exceed the total capacity of the facility. Such evidence must take into account the parking demand of residents, employees, customers, visitors, and any other users of the lot. It must also take into account parking demand on both weekends and weekdays, and both during the daytime and overnight.

9.1.5. Where feasible, ingress and egress from parking shall be from side streets or alleys.

9.1.6. Surface parking lots must be to the rear of buildings, and shall not exceed one acre in size. Surface lots are prohibited in front of businesses.

9.1.7. Surface parking lots with more than thirty spaces shall be divided into separate areas by landscaped areas of at least ten feet in width. A minimum of 15 percent of all surface lots shall be landscaped. No row of parking shall be more than ten spaces wide without being interrupted by a landscaped area. Each landscaped area shall have at least one tree. Landscaped areas should be planted

with low-maintenance, salt tolerant plants capable of withstanding extreme weather conditions.

- 9.1.8. Surface lots shall be screened along all sidewalks by a landscaped buffer of not less than six feet, or three foot walls or fencing compatible with the adjacent architecture.
- 9.1.9. Surface parking lots shall provide pedestrian walkways and connections to the sidewalk system.
- 9.1.10. On-street parking is permitted and encouraged.
- 9.1.11. Parking structures shall have well-designed and marked pedestrian walkways and connections to the sidewalk system.
- 9.1.12. Parking structures must include ground level retail along all streets and sidewalks.
- 9.1.13. Parking structures shall be designed to be compatible with adjacent buildings and architecture.
- 9.1.14. Bicycle racks shall be provided on site at a ratio of one space for every fifteen automobile parking spaces or portion thereof.
- 9.1.15. All parking lots and structures must provide pedestrian access ways to streets that meet the Dimensional Requirements detailed in section 10., below.
- 9.1.16. Signage that shows the location and best means of access to the transit station must be provided at all parking facilities.

## 10. Dimensional Requirements

### 10.1. Building Setbacks

- 10.1.1. Within a distance of a ½ mile of a commuter rail station located along the Waterbury Branch Rail Line, a building shall have a minimum front yard setback of zero feet and a maximum setback of ten feet from the front property line. A setback may be increased to twenty-five feet from the front property line if a courtyard, plaza or seating area is incorporated into the development adjacent to the public street.
- 10.1.2. The minimum setback for a side yard shall be zero feet.

Where deemed appropriate by the Planning and Zoning Commission, alleys between buildings may be encouraged for the provision of beneficial public connections between buildings, open spaces and streets. The maximum side setback shall be determined by the Planning and Zoning Commission, and shall not exceed twenty-five feet.

- 10.1.3. The minimum setback for a back yard shall be fifteen feet.
- 10.1.4. The setback provisions in section 10.1. may be waived with a Special Permit issued by the Planning and Zoning Commission where such waiver would further the purposes of this regulation as listed in section 2.

### 10.2. Bulk and Lot Coverage

- 10.2.1. Minimum lot coverage is 60 percent of the net lot area. This minimum may be reduced if a minimum of 40 percent of the lot is developed as improved public open space or if ingress, egress or other building code requirements would otherwise make the development infeasible. The Planning and Zoning Commission shall have final discretion in deciding if land constitutes improved open space for the purposes of this provision.
- 10.2.2. Maximum lot coverage is limited to 85 percent. This lot coverage may be increased to 100 percent for mixed use buildings, or for renovated historic structures.
- 10.2.3. The maximum by-right floor-to-area ratio (FAR) is 1.5. The maximum FAR shall be 2.5, upon the discretion of the Planning and Zoning Commission. The Planning and Zoning Commission may issue a Special Permit to grant additional FAR beyond 1.5 up to 2.5 for affordable housing or for mixed use developments if it finds that such an increase furthers the purposes of this bylaw.

### 10.3. Building Height Requirements

- 10.3.1. The minimum allowable building height is two stories or twenty-eight feet above grade.
- 10.3.2. The maximum building height is four stories or forty-five feet above grade.
- 10.3.3. Notwithstanding the building height provisions noted above, no building shall exceed by more than two stories

or thirty feet, whichever is less, the height of the tallest building or buildings that front on the same street and are located within 150 feet of such building.

- 10.3.4. No portion of a building located within fifty feet of an existing one or two family dwelling in a residential zoning district shall be permitted to exceed three stories or forty-five feet, whichever is less.

#### 10.4. Driveways

- 10.4.1. The creation of new driveway curb cut shall be avoided whenever an alternative point of access is available or can be created. Shared access agreements are encouraged.
- 10.4.2. The minimum width for one-way traffic is twelve feet, and the maximum eight-teen feet.
- 10.4.3. The minimum width for two-way traffic is eight-teen feet and the maximum is twenty-two feet.

#### 10.5. Sidewalks

- 10.5.1. A minimum unobstructed sidewalk width of eight feet is required. Sidewalk width can be up to twenty feet, and is dependent on expected level of activity.
- 10.5.2.. Sidewalks shall be constructed along the frontage of all public streets.
- 10.5.3. Pedestrian scale lighting fixtures no greater than fifteen feet in height shall be provided along all sidewalks and walkways to provide ample lighting during nighttime hours. All lighting shall adhere to International Dark Sky standards.
- 10.5.4. All sidewalks and walkways shall meet ADA requirements, including curb ramps and detectable tactile cues and warnings.

### 11. Design Standards

#### 11.1. Streetscapes

- 11.1.1. Street trees shall be planted by the developer along all public rights-of-way. Street trees shall be planted at intervals of no more than forty feet. Tree species shall be

selected that require minimal maintenance, are of native origin, and are of a type and size appropriate to the street environment.

- 11.1.2. Pedestrian amenities such as benches, public art, trash receptacles, etc. are encouraged and shall be located along sidewalks, and in landscaped areas, open spaces and plazas.

- 11.1.3. Pedestrian enhancements shall be installed to ensure safety and accommodate pedestrian movement. Such enhancements include but are not limited to crosswalks using textured material, pedestrian signals that have countdown, audible features and longer walk intervals, curb extensions and bump-outs, center refuge islands.

- 11.1.4. Green infrastructure elements shall be installed to help manage storm water runoff, including bio-swales, rain gardens, storm water planters and permeable material.

- 11.1.5. All new utilities shall be placed underground.

- 11.1.6. On-street parking spaces shall be delineated and marked, and defined by curb extensions and bump-outs at road intersections.

#### 11.2. Building Facades.

- 11.2.1. All buildings must provide a main entrance on the façade of the building facing the transit station or streets leading to the transit station.

- 11.2.2. The main entrance of any building shall face the street. The main entrance shall not be set back more than five feet from the front property line, unless a public seating area or plaza is provided in front of the building.

- 11.2.3. Facades over fifty feet in length shall be divided into shorter segments by means of façade modulation, repeating window patterns, changes in materials, canopies or awnings, varying roof lines and/or other architectural treatments.

- 11.2.4. The ground floor of a front commercial façade shall contain a minimum of 50 percent glass.

- 11.2.5. Architectural style and materials shall be compatible with the surrounding area, and facades must provide a

visually interesting environment.

- 11.2.6. All buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
  - 11.2.7. All structured parking must be designed so that the only openings at street level are those to accommodate vehicle ingress and egress, and pedestrian access to the building. All openings must be designed so that vehicles are not visible from the sidewalk. The remainder of the street frontage must be available for retail or commercial usage.
- 11.3. Signage
- 11.3.1. Height. No signs shall extend higher than the height of the ground story.
  - 11.3.2. Size. No façade sign shall exceed 25 percent of the ground floor wall area. No other sign shall exceed twenty-five square feet in size. Signs may be double sided.
  - 11.3.3. Design. All signs within a given district shall be complimentary in their use of color, shape, and material.

## 12. Exemptions and Exclusions

- 12.1. This regulation shall apply to all new construction in the TOD District. It shall apply to reconstruction or redevelopment when the redevelopment will result in an increase of property value of 50 percent or greater of the assessed values of the existing property. The provisions of this regulation shall apply to reconstruction of existing property where the reconstruction will result in less than 50 percent increase in property value over the assessed value of the existing property to the maximum extent feasible.

## 13. Severability

- 13.1. If any provision of this regulation is found to be invalid by a court of competent jurisdiction, the remainder of the regulation shall not be affected but shall remain in full force. The invalidity of any section of this regulation shall not affect the validity of the remainder of the Town's/City's Zoning Regulations .

## Footnotes

The bulk of the language for this model overlay was excerpted from the Smart Growth/Smart Energy Toolkit for Transit Oriented Development Overlay District accessible through the Massachusetts State web site: [http://www.mass.gov/envir/smart\\_growth\\_toolkit/pages/mod-tod.html](http://www.mass.gov/envir/smart_growth_toolkit/pages/mod-tod.html).

Additionally, TOD district overlay zoning codes from: Phoenix, Arizona; Atlanta, Georgia; Austin Texas; and Louisville, Kentucky were referenced for best practices and benchmarking.

See, for example, Newman, P. and J. Kenworthy, *Cities and Automobile Dependence*, Gower Publishing Company Limited, Hants, England, 1989, and Parsons Brinkerhoff QQuade and Douglas, Inc., *Report 16: Transit and Urban Form, Volume 1* Transportation Research Board, National academy Press, Washington, D.C., 1996.



The newly constructed Tinguet Dam Fish Bypass Park, located at the edge of downtown and on the Naugatuck River in Seymour.

## FINANCIAL TOOLS

Whether constructing new transit, expanding upon existing transit systems, or developing supporting facilities, funding is always constrained. Additionally, TOD generally is more expensive to build than traditional development because of the higher design demands and added amenities discussed in the introduction. These amenities may include “placemaking” features such as public space to support community events, structured parking to avoid large expansive parking lots, and pedestrian connections to encourage and grow the walkable distance around a given transit station. This situation is pushing municipalities to be creative with how they fund improvements.

There are a number of ways municipalities have funded large infrastructure projects in the past. Bonding has been a very common method for municipalities to fund projects of all sorts. Municipalities issue a general obligation bond to fund infrastructure improvements that are then paid off with future tax revenue collected from all residents. In the scope of transit, an obvious conflict is that taxes must be levied on residents who may have no interaction with the improvements. By contrast, federal grants, such as the TIGER grant program, provide opportunities to fund large projects across Connecticut, including transportation and freight projects in Stamford, Bridgeport, New Haven, Waterbury and Hartford. The TIGER grants are usually meant to spark correlated economic activity. The two examples above illustrate the difficulty in funding large projects. The taxes necessary to pay off a bond are unpopular while the TIGER grants are very competitive and difficult to secure.

In addition to bonds, grants, and other public funds, municipalities are exploring many other financial solutions to fund or finance all or part of a project. Most of these solutions focus on capturing the value created by the new facility. This process is not easy as most of the value created by a given project is already incorporated into the real estate prices by the completion of planning and design. That is, by the time new infrastructure is in place and open, the opportunity to capture most of the value it creates for the neighborhood has already passed.

However by carefully assessing the particular circumstances surrounding a project a municipality can improve the degree of success a project is likely to enjoy.

Certain conditions are prerequisite to any value capture strategy:

1. Value creation is inherently dependent on economic demand. It is not enough that there is strong transit demand. For public transit investment to be a catalyst for new private investment or development there must be both strong economic and transit demand.
2. Zoning regulations must be welcoming to new development and supportive of high demand uses or profitable industries.
3. Finally, the new transit or transit supportive development must be seen to be solving an existing congestion problem. Congestion spurs demand for the alternative transportation mode. If automobiles are the preferred mode of transit then train, bus, bike or foot will have to be shown to be a more desirable alternative.

## Special Assessments

Assessing a special tax on property owners, limited geographically to a designated district, has been used across the country to fund public services and infrastructure. The benefit of this special assessment is that it only levies a tax on those property owners who will be directly benefited from an improvement.

Using special assessments to finance new construction has two distinct disadvantages, however:

1. Because the special assessment must be approved by voters, there is often extensive negotiation that undermines its effectiveness. For example, single family homeowners carry the greatest number of votes and therefore often must be excluded from the assessment. Observation of

special assessments from across the country show that they are often most successful where there are a few large property owners.

2. To collect all the necessary revenue to fund the length of a linear transportation project, the tax must be assessed on the entire length of the corridor. This has proven to be difficult in existing projects where inter-jurisdictional agreements are necessary. Therefore special assessments benefit from being contained in a single municipality.

Under CGS a municipal special services district (SSD) may be established for the promotion and economic health of the residents and may assess taxes. A SSD is established by referendum with a majority vote of all owners of property and constituting over half of the total assessed property value .<sup>[6]</sup>

## Tax Increment Financing

A tax increment financing (TIF) district allows a municipality to dedicate a portion of future property tax revenue to either financing current development or funding future development. Projects that might be appropriate for a TIF district include building new infrastructure, site development, or even brownfield remediation.

Connecticut Main Street Center puts it like this:

“Tax Increment Financing is a mechanism by which an anticipated future increase in property tax revenue is used to fund current investment in development or redevelopment. Bonds are issued for projects today, then repaid over time with the increased tax revenue generated as the development spurs increased property values (an increase that would not have occurred “but for” the investment).”

The Connecticut State Legislature, in 2015, passed Public Act Number 15-57 enabling towns to more easily create TIF districts. Connecticut previously had legislation authorizing the use of TIF; however, its application was limited to economic development and it suffered from a number of regulatory hurdles that made the tool quite cumbersome in most contexts. Public Act Number 15-57 widely expanded the application of TIF by permitting municipal legislative bodies to establish their own tax increment finance districts, to issue general obligation bonds, and to levy benefit assessments. It defines a broad set of uses for the TIF district revenues and allows improvements outside of the district if they are related to the proposed TIF project. A municipality can use all or part of the district revenue for projects within a TIF district. Permitted projects now include, but are not limited to, TOD, land acquisition, infrastructure, and construction.

6 CGS Section 7-339m-t

TIF districts enjoy several advantages over other economic development tools available to municipalities in Connecticut. These advantages include:

1. TIF districts are not limited to economically distressed communities in the same way the Enterprise Zones are.
2. Because TIF does not create any new taxes and only earmarks revenue beyond a baseline, it is generally more politically tenable than a special assessment.

Given these advantages many municipalities may find that a TIF district deserves closer consideration.

As part of a larger strategy, TIF can provide greater commitment and security to future investment and funding. Establishing TIF districts ensures that as development prospects move forward and value appreciates within an area, a certain percentage (100 percent or less) of anticipated increased tax revenues will be reinvested in the district. This may be an attractive feature for investors looking to locate in downtowns and neighborhood centers, where they are assured that their investments will be matched by further public investment in the area, spurring increased traffic, revenue, and value. In practice, an idealized example of a successful TIP project might look something like this: A municipality issues general obligation bond to fund remediation of blighted properties within a TIF district. Private developers build a mixed-use commercial and residential complex on the remediated site creating new value for the grand list. The increased tax revenue collected by the municipality from the district is reinvested back into the district for a new bus terminal which brings more foot traffic to the district, encouraging further private investment which generates more tax revenue which allows for more public investment, fostering a virtuous cycle.

The first regulatory requirement a municipality must meet in pursuing TIF is to establish a TIF district. A TIF district will generally include a known project surrounded by an area targeted for development. The selected area does not have to be contiguous, but should be carefully considered in order to optimize use of TIF funds. Under state law, a TIF district itself must include property that is blighted, in need of rehabilitation, or suitable for mixed-use or TOD. Next, Connecticut requires that municipalities adopt a planning commission approved TIF district master plan. The associated master plan must include a financial plan detailing the schedule of incremental tax revenues, costs of improvements, a list of planned activities eligible for use through TIF funds, and more. It is challenging to change the scope of improvements once adopted, so municipalities should be comprehensive in their presentation of proposed activities.

The three general forms that TIF takes in Connecticut are the following:

1. A municipality commits to spend 100 percent of additional property tax revenue beyond a base line level within the district to fund additional improvements;
2. A municipality issues bonds to fund new development and any increases in the property tax revenue beyond a base level will be used to pay off the bond; and
3. A public private partnership is signed in which all upfront development is done by a private developer with the understanding that any increases in the property tax revenue will be spent by the municipality on additional pre-agreed upon improvements within the district.

TIF has been used successfully for decades, most widely in the states of Maine, Iowa, and Indiana. Towns and cities in Maine have utilized TIF in large and small contexts. The small, rural community of Machias utilized TIF as a mechanism to help a local bank expand its business operations, preserving its presence in the downtown area and providing resources for future infrastructure improvements. There are dozens of TIF districts in the City of Portland alone, often used to support specific projects. Tax abatement does not exist in Maine; therefore, TIF is the predominant tool for economic development.

In Connecticut, there are only a few examples of TIF being implemented prior to the new legislation. Generally, these TIF plans were designed around well developed, large projects due to the complicated and time consuming process required for implementation. Harbor Point, a mixed-use development in Stamford with four thousand housing units and 400,000 square feet of retail space, was partially funded by over \$145 million in special obligation revenue bonds issued through a tax increment financing plan. The funding provided resources necessary for environmental remediation and construction of infrastructure.

Municipal leaders should take note that TIF is not fail proof. Issuing general obligation bonds to a private party through TIF requires confidence in a project's success and accompanying increases in property value. When new public transportation infrastructure is built, property values generally go up because the land value has increased; the assessed value of the structure sitting on top of the land generally will see no change. The success of a TIF district is predicated on property values being significantly higher after the investment than before. The net result of this observation is that TIF is more successful where there is available open space for development and less successful where the neighborhood is already built out. In evaluating the potential of a TIF district, municipal assessors play a critical role and should be included as early as possible. It is recommended that municipalities engage an experienced consultant to guide the process and to ensure a TIF district's effectiveness once implemented.

## Joint Development

Through cooperation with at least one private partner, usually a developer, the municipality can leverage public spending to have a larger impact on local development patterns. Most often, joint development requires that the municipality own some land that it wants to be developed. In exchange for an agreement to develop the project in a certain way, a private developer is selected to build, operate and maintain the facility for their own profit.

A joint development needs not be overly complex. One example would be for a municipality to select one developer for multiple public properties. Doing so eliminates transaction costs and the time needed to issue multiple requests for proposals (RFP). Or similarly, a municipality may improve their outcome simply by coordinating development to be complementary with adjacent property owners.

Joint development projects are often financed by a cost share, a revenue share or some mix of both between the municipality and the developer. Under such a contractual structure the municipality and the developer agree to fund certain proportions of the development costs or to receive certain proportions of generated revenues.

Federal money is available for a joint development but there are guidelines that dictate what kinds of projects can be funded. The guidelines require that the project enhance economic development or incorporate private investment, enhance the effectiveness of a public transportation project or establish new or enhanced coordination between public transportation and other transportation modes, and provide a fair share of revenue to be used for public transportation.

Due to the divergent interests of the public and private sectors, these projects often set private revenue in opposition to long-term public transit goals. Because public objectives often inflate costs, the overall financial feasibility of joint development is often not very good. To be successful joint developments often require very complicated partnerships between many stakeholders (developer, transit agency, local jurisdictions, etc.). Furthermore, large transit projects often require a partnership with large engineering firms that may not be well suited to handle the complications of a large real estate transaction.

While the complexity of a joint development poses a significant problem, perhaps more detrimental is its inability to capture value across an entire transit district. A joint development only captures the value created by the transit services at the location of the new development and not across the entire district the way TIF or a special assessment is able to do. Given the challenges and drawbacks of joint development, it is most effective to try to keep the project simple and combine it with some of the other value capture tools described in this section.

## Land Value Taxation

As described above, new transit, or any other major infrastructure improvement, primarily benefits the assessed land value rather than the assessed value of the existing structures. If the appraised value on a parcel increases following new public investment in transit, this is a reflection of the increased value of the land not the structure. This is because the value of a structure is generally measured by how much it would cost to replace; transit does not affect building costs. A “split tax rate” taxes the land and the structures at different rates. If the tax rate is split, more weight can be shifted onto the land value to fully capture the premiums associated with the transit investments.

Currently, because of how land value and the value of improvements compose the total assessed value of a property, if a proprietor allows his/her property to deteriorate or chooses not to use it at the highest and best value, there is no economic penalty (besides diminished profits). In fact, in the case of a deteriorated structure, the proprietor may see their assessed value decrease and as a result their property taxes decrease. However, if property taxes are based on the assessed value of the land, and not the structures, then a proprietor will have to pay the same property tax bill regardless of the condition of the structures. For these reasons, split tax rates are often used to battle blight and incentivize the highest and best use of a property. In a transit district a split tax rate could have complimentary effects for different reasons. As land values increase as a result of infrastructure improvements and taxes follow, property owners can be expected to try to increase their FAR or dwelling units per acre in order to maximize revenue and offset the effects of their increasing tax bill. In the transit district, the expected result would be increased density and full build out.

The State of Connecticut passed Public Act Number. 09-236: An Act Establishing a Land Value Taxation Pilot Program in 2009. The program allows the Office of Policy and Management (OPM) to establish one split-tax program in a distressed municipality. Within the area of the pilot program taxes will be assessed independently for land and improvements, and the mill rate will be higher on the land than on the improvements. While this taxation policy has been considered in several major Connecticut cities it has not yet been adopted anywhere. The Legislature has continued to show interest in this policy by extending the pilot program several times, most recently in 2015.

## Tax credits

Municipalities have the right to offer tax abatements on real estate and manufacturing equipment. These abatements can be used to entice private developers to support the goals of the TOD district.

Municipalities can also waive local fees developers usually would need to pay in exchange for building to a transit supportive design standard. This includes impact fees and building permit fees. Similarly property tax forgiveness by the municipality is not uncommon.

At the state level, the Sales and Use Tax Exemption and the CT Job Expansion Tax Credit can both be used when new jobs are being created or retained in the area. The CT Green Building Tax Credit Program, which prioritizes LEED certified buildings, can also be used to encourage development.

## Publically Funded Infrastructure: Parking Facilities, Parks & Sidewalks

Municipalities can also support development by providing shared infrastructures to support a TOD district. Common infrastructure might include parks, sidewalks, bike lanes or commuter parking. This can be funded with parking revenue, bonds or by creative use of the ideas introduced in this section.

## CGS 124b – Incentive Housing Zones

Under CGS Chapter 124b towns that adopt incentive housing zones are eligible for payments from the State (if funds are made available). Incentive housing developments have higher densities and include at least 20 percent affordable housing. Affordable housing is defined as requiring not more than 30 percent of an individual’s annual income who earns less than 80 percent of the area’s median income.

## Location efficient mortgages

A location efficient mortgage allows an applicant to apply for a larger mortgage by taking into account transportation savings generated by living in an area that has access to public transportation. The program does not lower monthly mortgage payments but rather assumes that the owner will be able to afford higher payments because of the transportation savings they receive by not needing to use a car or possibly not owning a car. Although the economics of these programs are still being debated, they are an obvious solution to increase demand for residential apartments in a transit district.

## CONCLUSION

This document set out to identify a broad definition for TOD, map those neighborhoods within the municipalities of Ansonia, Derby, Seymour and Shelton that are capable of supporting TOD, and provide a survey of the regulatory and financial tools being used by communities across the region and state to support TOD.

While the definition of TOD differs from location to location and from text to text, two traits are universal: TOD must facilitate the use of public transit and permit a density of residential units and jobs high enough to support public transit. The four municipalities of the lower Naugatuck Valley were laid out along the river because it allowed for the transport of goods and people. Today this advantage remains. The Metro-North Waterbury Branch Line directly connects to the Metro-North New Haven Line, America's busiest commuter rail line, with direct access to Connecticut's coastal cities and New York City. Additionally, each municipality has maintained a dense, mixed-use downtown and zoning codes that permit or often encourage similar development.

As the expected improvements progress along the WBL, these four municipalities have an opportunity to capitalize on their existing assets and spark new economic growth in their downtowns. Across the country new demand is being observed for livable downtowns served by public transit. TOD takes advantage of these trends and the regulatory and fiscal tools outlined in this document are meant to give municipal leaders ideas for how they can put together a strategy that will work within their local framework.



A grown over canal in Shelton reminds passerbys of the important role transportation has played in the development of the Naugatuck Valley

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