

Section 23

Transit Oriented Development Overlay (TODO)

23.1 Purpose: The purpose of the Clinton Station TOD Overlay Zone (TODO) is to create a new, mixed-use, transit-friendly, walkable, concentrated development that adds both residential and commercial vitality to Clinton Center, connects to surrounding neighborhoods and historic areas, and leverages both the presence of the Clinton Train Station and the existing Unilever structures as focal points.

23.2 General Intent: The intent of the TODO is:

- a. To encourage redevelopment of large properties within $\frac{1}{4}$ mile walking distance of the Clinton Train Station and Clinton Center;
- b. To encourage a transit-friendly, flexible, and vibrant mix of uses;
- c. To promote a uniform and appropriate design for the entire Station area that respects the historic uses and proximate residential neighborhoods;
- d. To promote higher residential densities that maximize the limited potential for redevelopment within walking distance of mass transit;
- e. To promote pedestrian-friendly development in Clinton Center and Station area;
- f. To create additional east-west vehicular circulation north of Route 1 and the Rail line;
- g. To promote shared parking in Clinton Center and Station area;
- h. To maintain appropriate residential character and traffic flow in surrounding neighborhoods;
- i. To promote development in accordance with the Clinton Plan of Conservation & Development

23.3 Boundaries

23.3.1: Properties eligible to be subject to the TODO shall be a minimum of ten (10) acres in size and at least 50% of the area of the property to be re-zoned shall be located within a $\frac{1}{4}$ mile radius of the Clinton Train Station (Map 44, Block 29, Lot 5A); (Amended 1/11/2021)

23.3.2: A collection of multiple contiguous properties, at the written agreement of all property owners involved, may be combined to create an eligible overlay property;

23.3.3: A tract (as defined in Section 2.21.3) or other existing lot in the TODO may be divided or subdivided and lot lines between existing properties in the TODO may be

adjusted, provided: (i) there shall be no minimum area or shape requirements for the resulting lots and, (ii) all such lots (if not under common ownership) shall be subject to a written agreement as described in Section 23.3.2.

23.4 Procedures to Apply for Development Within Overlay Zone: The procedures to permit a development proposal within the TODO are as follows:

23.4.1: Application of Overlay Zone. The applicant seeking to develop a property using the provisions of the TODO must first (or simultaneously with a Special Exception application, described below) submit an application to propose the property be subject the Overlay Zone. This application shall consist of:

23.4.1.1: A narrative description of the purpose of the application and the proposed development activities, including a discussion of how the goals of the Plan of Conservation & Development would be advanced by applying the Overlay regulations to the property;

23.4.1.2: A schematic master plan, developed at a scale not less than one inch equals fifty feet (1"=50'), of the proposed site development, including approximate locations of proposed buildings, structures, parking areas, roadways, pedestrian facilities (sidewalks and pathways), public amenities (seating, recreation areas, generalized landscaping) and public utility areas (eg. wastewater disposal and stormwater management);

23.4.2: The submission and review of a Special Exception application shall follow the procedures detailed in Section 4 of these Regulations.

23.4.3: Public Hearing. The Commission shall conduct a public hearing on any application for an Overlay Zone and the corresponding Special Exception in accordance with the provisions of Section 4.31.

23.4.3.1: In addition to the foregoing, the applicant(s) or their agent shall post a sign in accordance with Section 4.39 and provide evidence of this posting in the form of photographs to the Land Use Office.

23.4.3.2: The applicant(s) shall provide notice by mail to all property owners within five hundred feet (500') of the parcel for which a Zone Change is requested.

(i) Such mailing shall be sent to at least one owner of each such property not more than fifteen (15) days nor less than ten (10) days before the date set for the public hearing, by transmitting

the text of the public hearing notice as provided by the Commission or its agent.

- (ii) The applicant(s) shall provide a copy of the list of property owners within five hundred feet (500') including names of all the property owners, street address per the Assessor's map and parcel number(s) for each property. Such list shall be provided at the time of application submission.
- (iii) Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Land Use Office not less than five (5) calendar days prior to the hearing date.
- (iv) Failure to provide notice as required herein may result in denial of the application.

23.4.3.3: If an application to apply the provisions of the Overlay Zone is filed concurrently, the Commission shall hold separate public hearings for (1) the application to amend the Zoning Map and (2) the development proposal Special Exception

- (i) For the convenience of the Commission, and, in the Commission's sole discretion, both public hearings may be opened and held simultaneously provided, each application shall be voted upon separately as part of that application's specific public hearing.
- (ii) In accordance with Connecticut General Statutes, the Commission must hold a separate public hearing on any Special Exception application.

23.4.4: Approval Considerations

23.4.4.1: As an exercise of its legislative authority, the Commission may approve, approve with modifications, or deny any application to amend the Zoning Map to apply the terms of the Overlay Zone.

23.4.4.2: As an exercise of its administrative authority, the Commission may approve, approve with modifications, or deny any Special Exception application filed in connection with such Overlay Zone consistent with the requirements of Sections 11 and 12 of these Regulations as amended.

23.4.4.3: The Commission may also require that certain amenities, such as improved or natural open space areas or community facilities, be allocated to particular phases of the development so as to ensure that such amenities proceed apace with the other components of the development.

23.4.4.4: In considering any petition to amend the Zoning Map to apply the terms of an Overlay Zone, the Commission shall make a written finding, whether the proposed change is consistent with the standards and purposes of the TODO as set forth in this section and is consistent with the Plan of Conservation and Development.

23.5 **Permitted Uses:** Permitted uses are commercial, institutional, cultural, residential, municipal, indoor recreation, and artisan. Commercial uses shall include, but not be limited to, light manufacturing and assembling, warehouse and distribution, fulfillment center, research and development, laboratory, retail, office, restaurant and brewery. Mixed uses, including, but not limited to, live-work units, are allowed both across the total site development plan and within individual buildings.

23.5.1: Changes to use within the site and buildings following approval of the site plan as part of the original Special Exception application shall be subject to review by the Commission or its designated agent but shall not require a new Special Exception application. The Commission or its designated agent shall determine whether the proposed changes of use are permitted, as well as whether the proposed changes are likely to significantly impact public health and safety considerations.

23.5.1.1: If the Commission or its designated agent determines, based on information provided by the applicant, that the proposed changes are not likely to result in significant increases to parking, traffic, or wastewater generation or demand, he/she is authorized to review and approve the changes on a staff level;

23.5.1.2: If the Commission or its designated agent determines, based on information provided by the applicant, that proposed changes are likely to result in significant increases to parking, traffic, or wastewater generation or demand, he/she shall require the applicant to submit a new Special Exception application;

23.5.2: Addition of new buildings or structural expansion of buildings shown on the previously approved site plan shall require the submission of a new Special Exception application.

23.6 **Prohibited Uses:** Uses not listed in Section 23.5 are prohibited. Additional specifically prohibited uses include the following:

23.6.1: Gasoline service stations; automotive, boat, recreational vehicle, truck, and similar sales, service, and repair garages. Public display of any vehicle for sale is strictly prohibited. "Boat" shall not include non-motorized boats up to 16 feet in length (e.g. canoes, kayaks).

23.6.2: Drive-up windows;

23.6.3: Arcades, except as a minor accessory use (not to exceed 5% of the gross floor area);

23.6.4: Adult-oriented businesses (including but not limited to adult bookstores, adult theatres, massage parlors, and similar establishments);

23.6.5: Tattoo establishments;

23.6.6: Massage Parlors;

23.6.7: Firearms sales, except as a minor accessory use (not to exceed 5% of the gross floor area)

23.7 Design Standards: The Design Standards of Section 30 and the visual glossary and guidance of Appendix B of the Clinton Zoning Regulations shall apply to all new construction. In addition, the site plan shall reflect the following elements:

23.7.1: The preservation of defined historic structures and/or their facades shall be prioritized to the greatest extent practicable. In the case of industrial facilities on the National Register of Historic Places, the Commission, at its discretion, may require the preservation of historic building facades as a condition of approving the usage of Overlay Zone regulations;

23.7.2: Architectural character of new structures shall reinforce a traditional New England village character, with a focus on pitched roofs, an orientation to street and pedestrian network, articulated entries, and a human scale;

23.7.3: Development density shall be concentrated at southeastern portion of district, near the rail station and shall be lower where adjacent to existing residential neighborhoods on North High Street and John Street;

23.7.4: Safe, convenient, and ADA-compliant pedestrian circulation through the site, and from the site to the Train Station and Clinton Center/Route 1 should be emphasized;

23.7.5: Multi-function retail or community marketplaces are encouraged as ground floor uses, particularly within existing buildings;

23.8 Height, Area, Yard, and Density Requirements:

23.8.1: Maximum height of new structures shall be four full stories or fifty feet (50'), whichever is lower;

23.8.2: Maximum building coverage shall be 30% of the site, unless structured parking, compliant with design standards of Section 30 of these Regulations, is provided, in which case maximum building coverage shall be 50%;

23.8.3: Maximum impervious surface coverage shall be 70%;

23.8.4: Front, side, and rear yard setbacks shall be (i) fifty feet (50') from all property boundaries which abut lots not in the TODO zone, (ii) zero feet (0') from all property boundaries which abut the railroad right-of-way, (iii) zero feet (0') from all property boundaries which abut other lots in the TODO zone. Existing structures situated closer to current property boundaries than the applicable setback allows may be expanded along a parallel line such that no portion of the newly constructed building extends any closer to the closest property line than the current portion. As part of an application to approve or amend a site plan, when a property in the TODO fronts on a public sidewalk or other public amenity, the Commission may reduce the required front yard setback;

23.8.5: There is no maximum residential density (units/acre) based on Zoning Regulations; all maximum density limits shall be based on public water capacity and the limitations of on-site wastewater disposal according to the Department of Public Health and/or Department of Energy and Environmental Protection, as may be applicable;

23.8.6: Maximum building coverage and maximum impervious surface coverage shall be calculated on an aggregate basis for the entire TODO and not for individual properties within the TODO.

23.9 Parking Requirements: It is the intent of these Regulations to create off-street parking that is multi-functional and innovative, reflecting the site's utility as a transit-friendly neighborhood and the presence of the Train Station immediately adjacent.

23.9.1: The provisions of Section 33.11 do not apply to developments located within this zone. The applicant must demonstrate that parking is adequate to the proposed use(s);

23.9.2: The applicant must demonstrate that safe loading and access by trucks and other delivery vehicles is accommodated in the Site Development Plan;

23.10 Housing. If the proposed development includes multiple housing units, the following standards shall apply:

23.10.1 Minimum Density. In no event shall the density of any multiple-unit housing development be less than 1.25 times the density of the underlying residential or mixed-use district.

23.10.2 If allowable by soil conditions, the minimum density of a duplex or townhouse-style dwelling shall be 10 dwelling units per acre and the minimum density of a multi-family dwelling shall be 20 dwelling units per acre. Applicant shall provide analysis of density calculations

23.10.4 Affordability Plan. Each applicant for multiple housing units within the TODO, if the proposal includes restricted Affordable Housing units, will provide an affordability plan that will detail the administration, monitoring, and enforcement of the dwelling units to be sold or rented at below-market rates as described above. The plan will include proposed deed restrictions or covenants, lease agreements, common interest ownership documents, bylaws, rules and regulations, sample income calculations, and any other information as the Commission may require to establish compliance with this Section and Conn. Gen. Stats. §8-13m. to 8-13x.

23.10.5 Designation of Administering Agency. The applicant will, if the proposal includes restricted Affordable Housing units, indicate the name, address, and other contact information for the agency that will administer the sale or rental of the dwelling units that are subject to the below-market sale or rental in accordance with this Section.

23.10.6 Dwelling units may be offered for sale or rental in individual, public, cooperative, or condominium ownership. Documentation as to management, organization, and incorporation of applicable ownership associations will be submitted to the PZC at the time of filing the application for a TODO development.

23.10.7 Dwelling units will have no fewer than one (1) bedroom and no more than three (3) bedrooms. Live-work units or open studio units without a separated bedroom are allowable if unit size is more than 500 square feet.

23.10.8 Affordable units, if the development includes such restricted units, shall be of a construction quality and design that is comparable to market-rate units within the development, and shall be dispersed throughout the development.

23.11 Materials Required for Formal Submission of All Applications to the Commission: The applicant shall follow the procedures set forth in Section 4 of these Regulations, in addition to the following:

23.11.1: Staff report of Pre-Application Conference discussions and applicability of concept to goals of Plan of Conservation & Development;

23.11.2: A streetscape rendering encompassing the view of the site from any public road and one hundred feet (100') from all roadway approaches to the site;

23.11.3: A traffic study, prepared by a licensed professional engineer;

23.11.4: A parking analysis, prepared by a licensed professional engineer, addressing the following:

- 23.11.4.a Demonstration that parking provided is adequate for combined uses;
- 23.11.4.b Calculation methodology;
- 23.11.4.c Indication if shared parking is being used;
- 23.11.4.d Provisions for reserve parking; and
- 23.11.4.e Proposed parking management procedures for Train Station use

23.11.5: A site access and pedestrian circulation plan demonstrating the following:

- 23.11.5.a Location and dimension, and materials of all sidewalks, pathways, and dedicated pedestrian facilities;
- 23.11.5.b Identification and detailing of any wayfinding signage and pathway lighting; and
- 23.11.5.c Narrative and/or visual presentation of how pedestrian facilities internal to the site will be connected with immediately adjacent off-site network

23.12 Performance Standards: Development of the property shall follow the Performance Standards detailed in Section 31 of these Regulations.
