

Milford, Connecticut

Section 3.6.6 Adaptive Reuse Design District (ARDD) (effective 8/7/24)

3.6.6.1 Purpose: The purpose of the Adaptive Reuse Design District (ARDD) is to provide the opportunity for large, outdated, or economically underperforming commercial office properties, located in a Design Office 25 (DO 25) zone, to be converted into vibrant communities having a mix of commercial uses, including maintaining existing offices when economically feasible, and providing residential uses developed under a unified plan. The intention of such district is to permit flexibility in development styles and uses, consistent with the following principles and criteria:

- (1) Create a sense of community through architectural design, building orientation, street design, pedestrian and vehicular accommodations, landscaping, and open spaces.
- (2) Establish design controls that will facilitate the development and promote consistency and quality across a range and balance of land uses.
- (3) Repurpose existing buildings where possible to accommodate a variety of non-residential uses, to encourage full occupancy across a large parcel of land.
- (4) Promote the development of housing types and forms that meet the needs of smaller households and active adult populations.
- (5) Promote low impact development principles and the use of green infrastructure techniques and practices.

3.6.6.2 Establishment of ARDD: The Planning and Zoning Board may modify an existing, underlying DO 25 zone and establish an Adaptive Reuse Design District by: (1) Approving an ARDD, which shall include and be based upon a Preliminary Development Plan as provided herein. An application for ARDD approval shall comply with the filing and procedural requirements for changing a zoning map and amending the Zoning Regulations in accordance with Article X of these Regulations. (2) Once an ARDD has been approved, modifying a property on the ZoningMap from the current zone designation to ARDD.

3.6.6.3 Eligibility: In order to be eligible for consideration by the Board for the establishment of an ARDD, a lot or group of lots shall meet these standards: (1) The ARDD may be utilized on one or more contiguous properties all located in an existing DO 25 zone. (2) The minimum area of the lot or groups of lots shall be twenty (20) Article III – District Use Regulations, continued. Milford Connecticut Zoning Regulations Page III-44 acres. If multiple properties are to be considered, the properties may be separated by a street. The lots included in the Preliminary Development Plan shall be owned or in the legal control of the applicant(s). (3) The property shall have a minimum 250 feet of frontage on a public street. (4) The property shall be served by public water supply and public sewer services with adequate capacity to serve the proposed development.

3.6.6.4 Permitted Uses: The permitted uses in an ARDD shall be only those uses that are included in the written Statement of Uses and Standards that shall accompany the application to establish the ARDD. Any proposed use in an ARDD not specifically identified as a permitted use at the time of adoption of the ARDD may only be established by a subsequent approval of a text amendment in accordance with the procedures established for the amendment of these Zoning Regulations, and a revised Statement of Uses and Standards. All proposed development in an ARDD may include a mix of residential, commercial, and non-residential uses. If a use is not defined but not otherwise prohibited in the Regulations, the Board shall have authority to permit such use upon the approval of the Preliminary Development Plan.

3.6.6.5 Minimum Development Standards: The area, location, and bulk standards for the ARDD shall be those stated in the Statements of Use and Standards, including its Zoning Table, and illustrated on the Preliminary Development Plan and approved as part of the approval of the ARDD. In addition, the following development standards shall apply:

- (1) Buildings and other structures in an ARDD shall be generally consistent with the height permitted in the underlying zone. The Board may permit a greater height giving consideration to the topography of the parcel on which such buildings are located and the visual and physical impacts to surrounding neighborhoods are minimized and appropriate in order to accommodate such greater height.
- (2) Exterior architectural design and treatment, including buildings, related signs, and site features, shall be of high quality in design and construction, and produce an aesthetic enhancement of the streetscape and complementary transition with uses on neighboring properties. The Board shall consider the proposed design treatments and building materials in determining the appropriateness of Preliminary and Final Development Plans.
- (3) Any proposal shall include a preliminary signage plan for the proposed ARDD. All signs shall be consistent with the requirements of Section 5.3 of these Regulations.
- (4) When reasonably prudent and feasible, development proposals shall make reasonable attempts to adapt to existing topography and preserve significant natural site features of the property.
- (5) The Board shall be guided, but not bound by, the parking standards set forth in Section 5.1 of these Regulations and may consider alternatives standards that address combined uses, joint or shared parking, and similar parking demand and management issues.
- (6) At least 30 percent of the actual lot area shall be suitably landscaped as open space or recreational space, and/or left in its natural state.
- (7) Except as specifically set forth herein or modified by the Board at the time of adoption of the ARDD, all other standards and provisions of the Milford Zoning Regulations shall apply.
- (8) Affordable housing: All residential development shall include not less than fifteen (15) percent of dwelling units to be conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing as defined in section 8-39a of the Connecticut General Statutes, for persons and families whose income is less than or equal to eighty (80) percent of the area median income or eighty (80) percent of

the state median income, whichever is less, for at least thirty years after the initial occupation of the proposed development.

3.6.6.6 Application: A petition for the establishment of an ARDD is a petition for a zone text change and shall be submitted to the Board in writing, shall be signed by the applicant and the owner or owners of all parcels within the proposed ARDD, and shall be accompanied by the following:

(1) A written Statement of Uses and Standards, identifying in detail the proposed permitted uses and setting forth the specific area, location, and dimensional standards to be applicable to the ARDD. Such Statement shall also specify in detail the particular provisions of these Regulations that are proposed to be modified by the ARDD process as well as any provisions which are proposed to be applicable to the use of land, buildings, and other structures, including a plan for affordable housing units. The Statement of Uses and Standards shall be considered to be part of the regulatory governance applicable to the ARDD.

(2) A Preliminary Development Plan shall be submitted for the proposed project and shall include boundary surveys; preliminary site plans; conceptual level architectural plans for both rehabilitation of existing uses and new construction; typical floor plans; showing the anticipated use of all spaces; engineering studies and plans including preliminary stormwater management facilities; sustainable design features; project phases; and other drawings as requested by the Board.

3.6.6.7 Procedures: Upon submission of a petition for the establishment of an ARDD, the Board and its staff shall review the petition and indicate the need for additional information/reports in order for the application to be considered complete. The Board may also solicit the following information for presentation prior to or at the public hearing:

(1) A statement from the City Engineer in reference to the adequacy of the street design, drainage, and the design of elements to be served by the Public Works Department.

(2) Evidence from the Water Pollution Control Authority that sewers are either available to the project for connection to the sewer lines, or a sewage treatment facility and related appurtenances have the capacity for the projected volumes.

(3) A statement from the South Central Connecticut Regional Water Authority in reference to the adequacy of water supply to the site and any need for upgrades to the system that may be required to serve the contemplated development.

(4) Any necessary approval from the Milford Inland Wetlands Board.

(5) Statements from other City staff, agencies, or consultants as the Board deems to be appropriate, including traffic studies (and) referral to the Tree Commission and Fire Marshal.

3.6.6.8 Public Hearing and Decision: The Board shall hold a duly noticed public hearing as required for any amendment to the Zoning Regulations. After the public hearing, the Board may approve, disapprove, or give approval with modifications to the Statement of Uses and Standards, Preliminary

Development Plans, and the ARDD only after the Board makes the findings required for review and approvals set forth in Section 3.6.6.9 and 3.6.6.10 herein.

3.6.6.9 Board Action. Findings Required for the Adoption of the ARDD: The Board shall make the following findings prior to the adoption of the ARDD, which findings are in addition to other findings necessary for the amendment of these Regulations and to the findings required for the approval of the Statement of Uses and Standards, and the Preliminary Development Plan.

- (1) The ARDD, its Statement of Uses and Standards, and the Preliminary Development Plan are consistent with the intent and purpose set forth in this Section.
- (2) The ARDD, including its Statement of Uses and Standards, and the Preliminary Development Plan applicable therein, is consistent with the City's Plan of Conservation and Development.
- (3) The utility services are or will be adequate for the proposed development and the utilities and drainage have been so arranged as to not overburden the capacity of the facilities to which they are connected.
- (4) The Preliminary Development Plan would be in harmony with established uses within the surrounding area of the site and would enhance the neighborhood's sense of place. Criteria to determine harmony and sense of place may include, but are not limited to, the impacts of traffic, noise levels, hours of operation, or other activities generated by the development; connections to commercial, recreation, and other community facilities; and measures to promote environmental sustainability.

3.6.6.10 Findings Required for Approval of the Preliminary Development Plan: Prior to approval of a Preliminary Development Plan, with or without conditions or modifications, the Board shall make the following findings:

- (1) The proposed uses are consistent with the intent of the ARDD.
- (2) The qualifying standards of the ARDD have been satisfied.
- (3) The site design and organization of uses, buildings, parking and drives, and pedestrian circulation provides for the safety of intended users. Site elements will include preservation of mature trees and shade canopy, safe walkways connecting the uses and providing a parklike path for residents, tenants, and visitors to explore.
- (4) The architecture of the proposed buildings and renovation of any existing buildings provide for an active and engaging neighborhood for the multi-family and active adult residents, office tenants and visitors conceived as a cohesive, welcoming community through its use of authentic, durable, and timeless materials and color palette.
- (5) Provisions for traffic flow, water, sanitary sewer service, stormwater management, natural resources and usable open space are adequate and acceptable.
- (6) Utility services and storm water facilities both on and off-site do not result in unacceptable or hazardous conditions.

(7) If any upgrading or improvements to off-site roads, utilities or other infrastructure are necessary and approved by the Board and other applicable agencies, such improvements shall be made in accordance with City standards and be provided by the Applicant at no cost to the City.

(8) There will be minimal adverse impact from the proposed use to surrounding properties or on property values in the area.

(9) Provisions will be made for the on-going maintenance of parking areas, stormwater management facilities, open space areas and other infrastructure components not proposed for acceptance by the City.

3.6.6.11 Final Site Development Plan: Final Site Development Plans shall be submitted for approval by the Board within one (1) year of the effective date of an adopted ARDD or such longer time period as may be approved by the Board, in conformance with and incorporating all the information required by the approved Statement of Uses and Standards, and Preliminary Development Plans. Such Final Development Plans may be submitted in phases, provided that such phases were identified in the Preliminary Development Plan and include public amenities. Such phases shall be capable of complete and self-sufficient existence without the completion of the remaining phases. Submissions shall meet the requirements of Section 7.1 of these Regulations and, in conformance therewith or in addition thereto, shall include at least the following:

(1) Final Development Plan prepared by an engineer and landscape architect licensed in the State of Connecticut, containing detailed layout information related to all proposals contained in the Preliminary Development Plans, plus an additional, schematic layout of building, drives, and parking areas at a scale of 1 inch = 40 feet.

(2) Architectural Plans, prepared by an architect licensed in the state of Connecticut, for each proposed building or other structure, including changes to existing buildings, shall include generalized floor plans, exterior elevations, incorporating thereon, all wall signs, including locations and dimensions, perspective drawings, and descriptive information concerning exterior building materials, finishes and colors, including material samples if requested by the Board.

(3) Landscape Plans, prepared by a landscape architect licensed in the State of Connecticut, presenting, in detail, the landscaping treatments and materials, and proposed open space and recreation areas and amenities contained in the Preliminary Development Plan, including proposed grading, plant materials, planting details, and maintenance provisions. (4) Site Lighting and Illuminated Sign Plans, consistent with Section 5.2. of the Regulations, which shall show design and position so as to minimize objectionable light at the property lines and visibility glare at any location on or off site. Externally lit signs, displays and aesthetic lighting must be lit from above. Light standards shall not exceed a height reasonable for the intended purpose. Lighting shall be designed to not infringe on adjacent properties and must be shielded to prevent glare and light trespass. All nonessential lighting must be turned off after business hours, except for necessary security lighting.

(5) Legal documents required by these Regulations, including such things as covenants, restrictions, easements, bonds, and certificates, if applicable.

3.6.6.12 Simultaneous Application: Nothing herein shall prevent any applicant from submitting an application for approval of Final Development Plans simultaneously with the application for the approval of the Statement of Uses and Standards, Preliminary Development Plans, and ARDD. The Final Development Plans can be for all or a specific phase of the Preliminary Development Plan.

3.6.6.13 Modification of an Approved ARDD: Following a duly noticed public hearing as originally required for the adoption of an ARDD, the Board may approve a change to the nature, scope, intensity, footprint, use, or other significant alteration to the Final Site Plans and any provision, permitted use or standard contained in the Statement of Uses and Standards. Any modification or adjustment to the Final Site Plans that do not materially change the nature, scope, or intensity of said plans may be approved administratively by the Board as a minor Site Plan modification. This procedure for modification effectively precludes any need for variance relief through the Zoning Board of Appeals since any provision or standard of said ARDD may be modified if required by following the procedure set forth above.

3.6.6.14 Monitoring and Enforcement. A Final Development Plan Application shall be subject to the following provision and requirements.

(1) Upon approval of a Final Development Plan, the applicant shall comply with all applicable provisions of ARTICLE VIII, herein, to the issuance of a Zoning Permit by the Zoning Enforcement Officer.

(2) Any ARDD use to which a Final Development Plan has been approved shall be deemed to be a conforming use in the DO 25 and ARDD Zoning Districts, so long as all applicable regulations and condition of approval are met.¹

(3) A Final Development Plan shall be subject to revocation by the Board if any condition or safeguards imposed by the Board on land, buildings, structures or uses are not strictly adhered to by the applicant/owner, provided that the Board must hold a public hearing thereon in accordance with Section 7.2.2 herein.²

3.6.6.15 Any area of land within the ARDD for which a Final Development Plan application has not been filed within five years of the ARDD approval shall revert to the underlying DO 25 zone. After providing written notice to the property owner, the Board may cause the Zoning Map to be modified whereby the land, not subject to a timely Site Plan application, will revert to the underlying zone(s). When causing this Zoning Map to be so modified, the Board shall comply with the procedural requirements of Article X of these Regulations.

3.6.6.16 Fees. The application fee for an ARDD project shall be the fees for a regulation amendment and zone change, plus a fee for the Preliminary Development Plan equal to the fee for a Special Permit and the fee for a Final Development Plan equal to the fee for a site plan.