

MONROE ZONING REGULATIONS

DRAFT ZONING REGULATIONS TEXT AMENDMENT

Regular Text

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Existing Text in Current Zoning Regulations to Remain

Existing Text in Current Zoning Regulations to be Deleted

Amendment / New Text to be Added

AMENDMENT #1 – DEFINITIONS

AMEND EXISTING §2.2.1, General Zoning Terms, as follows:

Under “Dwelling Unit,” add the following new definition:

RESIDENTIAL APARTMENTS ABOVE COMMERCIAL USES – A residential dwelling unit(s) for rent contained within an upper floor of an existing or proposed commercial use building.

Also, add the following alphanumeric reference:

RESIDENTIAL APARTMENTS ABOVE COMMERCIAL USES – See Dwelling Unit, Residential Apartments Above Commercial Uses.

AMENDMENT #2 – SCHEDULE OF PERMITTED LAND USES BY ZONING DISTRICT

AMEND EXISTING Schedule of Permitted Land Uses by Zoning District §10.1 as follows:

§10.1 – SCHEDULE OF PERMITTED LAND USES BY ZONING DISTRICT													
USE	ZONING DISTRICT												
	RF-1	RF-2	RF-3	ARR	MFR	RR	HOD	B-1	B-2	LOR	I-1	I-2	I-3
Residential													
<u>Residential Apartments above Commercial Uses</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>SEP (5)</u>	<u>SEP (5)</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
LEGEND AND NOTES													
P	Permitted Use	(1) SEP (1) Use Industrial District 3 – Special Exception Permit Use – See §8.2.2M.											
ACC	Accessory Use	(2) Community-Wide Event – See §6.11.											
SDP	Site Development Plan	(3) Permitted without permit in its natural state; structures or other constructed facilities require SEP.											
SEP	Special Exception Permit	(4) Mobile Food Vendor – See §6.12.											
x	Use Not Permitted in District	(5) <u>Use limited to lots zoned B-1 or B-2 with direct street frontage and access via Main Street (Route 25) as set forth in §8.2.3P(2).</u>											

AMENDMENT #3 – OFF-STREET PARKING

AMEND EXISTING §6.1.2, Schedule of Required Off-Street Parking §10.2 as follows:

§10.2 – SCHEDULE of REQUIRED OFF-STREET PARKING	
USE	MINIMUM REQUIRED OFF-STREET PARKING
Residential	
<u>Residential Apartments above Commercial Uses</u>	<u>Same as required for Multi-Family unit types.</u>

AMENDMENT #4 – SPECIAL EXCEPTION PERMIT SUPPLEMENTAL STANDARDS

ADD §8.2.3P, Residential Apartments Above Commercial Uses (Mixed Use Developments) as follows:

P. Residential apartments above commercial uses (mixed use developments).

- (1) Purpose and intent. The purpose of allowing residential apartments for rent above commercial uses (thereby providing a mixed-use development) is to encourage a diversity of compatible uses including business, commercial and restricted residential apartment uses in combination within the same building. The intent is to permit mixed use development under carefully regulated conditions to facilitate reinvestment in and the renovation of existing commercial buildings, as well as encourage the development of new mixed use facilities, resulting in positive economic impacts to those properties and the Town at large, while imposing minimal burden on Town services and municipal infrastructure.
- (2) Location. The property upon which a mixed-use development may be permitted shall have direct street frontage and access via Main Street (Route 25) and be within a B-1 District or B-2 District between the southerly Town Boundary shared with the Town of Trumbull and south of Knollwood Street.
- (3) Permitted uses. See Article 10 – Schedules for “Schedule of Permitted Land Uses by Zoning District.” Residential apartments shall be rental units with a lease period of no less than twelve (12) consecutive months.
- (4) Accessory uses.
 - (a) Signs, as provided and regulated in Article 6.
 - (b) Accessory home occupation use as defined in Article 2 of these Regulations, except there shall be no non-resident employees permitted.
 - (c) Accessory and subordinate maintenance, utility, storage, recreational and social uses, buildings and structures customarily incidental to residential apartments, provided such accessory uses, buildings and structures are for the direct private benefit of the residents living in the residential apartment units.
 - (d) Landscaping, lighting, site utilities and similar site infrastructure improvements as regulated in Article 6 of these Regulations.

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- (e) Off-street parking as regulated in Article 6 of these Regulations. The minimum requirements for off-street parking for residential apartments shall be the same as that for residential multi-family units. Of these, a minimum of one (1) off-street parking space per residential apartment shall be reserved for the exclusive use of each individual residential apartment residents. Garages may be permitted on the ground floor, at grade or below the ground floor. Access to any garage shall be from the side or rear of the building and shall not be visible to any abutting street. The parking or storage of recreational vehicles, boats, campers, ATV, or other similar vehicles shall be prohibited.
- (f) Accessory uses, buildings and structures shall be coordinated and shared with those of the commercial site uses, including refuse and recycling receptacles, which shall be regularly maintained in an orderly manner free of loose or accumulated materials. Receptacles shall be enclosed and screened, and shall be kept closed.
- (g) Mail boxes shall be centralized and if outside shall be in a location and design as approved by the Commission.
- (5) Lot Area and Bulk Requirements. Mixed use developments shall comply with the respective lot area and bulk requirements of the underlying B-1, B-2 or LOR District.
- (6) Density, Access, Bedrooms, Size and Construction.

 - (a) Density of the residential apartments shall not exceed fifty (50%) percent of the combined total habitable floor area of the commercial space and residential apartment units (i.e., total building habitable floor area: 10,000 sf resulting no less than 5,000 sf for commercial space and 5,000 sf for residential apartment units). For purposes of density, exterior balconies shall not be counted in the floor area provided access to it is solely from the interior of a residential apartment. Further, any building access lobby, garage, storage area or other common area associated exclusively with the residential apartments located on the ground floor or at grade shall be included in the area of the residential apartments.
 - (b) Access. Access to the residential apartment units shall be from a central interior shared access. Provisions shall be provided for adequate access for fire-fighting equipment and personnel. The floor area of the ground floor lobby shall be included in the area of the residential apartments, while the floor area of any common ground floor lobby area shared with the commercial uses shall be split 50/50 between the residential apartments and the commercial uses.
 - (c) Bedrooms. Residential apartments may include a studio, one-bedroom or two-bedroom units. No more than ten (10%) percent of the total apartment unit count shall consist of two-bedroom units. Libraries, dens, studies, offices, lofts and other similar spaces shall be counted as bedrooms for purposes of these Regulations.

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(d) Size. Each residential apartment unit shall contain a minimum living floor area of five-hundred (500) square feet and a maximum living floor area of one-thousand (1,000) square feet of habitable living area in compliance with all applicable fire and building codes. "Living floor area" shall be that area within the perimeter walls of the residential apartment dwelling unit devoted to the exclusive use of the occupant and shall not include exterior balconies or other spaces outside the dwelling unit.

(e) Construction and certified occupancy of the residential apartments shall be simultaneous or subsequent to the construction and certified occupancy of the commercial space. Certified occupancy of the commercial space and residential apartment units shall generally be equal, but at no time shall more than fifty (50) percent of the residential apartments units be granted certified occupancy if less than fifty (50%) percent of the commercial floor area has been completed and granted certified occupancy. One-hundred (100%) percent of the residential units may be issued certified occupancy when one-hundred (100%) percent of the commercial floor area has also been completed and granted certified occupancy.

(7) Affordable units.

(a) Mixed use developments including ten (10) or more residential apartment units, a minimum of ten (10%) percent of the residential apartment units shall be restricted to a rent at an affordable rate to persons with an income not exceeding eighty (80%) percent median income for the Town of Monroe or statewide median income, whichever is least, based on data published by the U.S. Department of Housing and Urban Development as in effect on the first day of a signed lease.

(b) At time of application before the Commission, an Affordability Plan and identification of an acceptable qualified Plan Administrator shall be submitted for review and approval. The Affordability Plan shall include provisions for administration of and compliance with the provisions of these Regulations, identification of those units which are to be designated affordable, notice/advertisement procedures to the general public of the availability of affordable units, application procedures and requirements, procedures for verification and periodic confirmation of unit occupancy eligibility and income, and compliance with the affordability requirements. The Affordability Plan shall also include drafts of documents that will be used in the administration of the affordability restrictions and any explanations which will be provided to the unit occupants concerning such restrictions.

(c) The maximum monthly rent shall include rent of the apartment unit, utility (heat, electric, water, and septic disposal) costs, any common or surcharge costs. Affordable units shall be occupied only as a tenant's principal residence. Subletting of affordable units shall be prohibited.

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- (d) Affordable units shall be constructed, sized, outfitted and with a bedroom count and configuration equal to a similar base market rate apartment unit. Affordable units shall be dispersed among the market rate units and shall be constructed on a *pro rata* basis as construction proceeds.
- (8) Design. In addition to the standards in §6.10 and §7.2 of these Regulations, as may be amended from time to time, new residential apartments shall be integrated to the overall building design, and façades shall be designed to avoid a barracks or dormitory appearance. Full pitched roofs shall be required. Due consideration shall also be given in planning facilities to the needs of physically challenged and aged persons.
- (9) Sidewalks and site amenities.
- (a) Sidewalks shall be provided as required by the Commission to assure safe pedestrian travel to and from buildings, off-street parking areas, site amenities and accessory uses/facilities, as well as to provide safe connection to abutting streets.
- (b) Site amenities such as sitting areas, benches, gardens, walking paths and similar passive recreational/social features are encouraged.
- (10) Utilities.
- (a) Water supply. Water supply shall be provided by the public utility franchised to serve the area. Adequate water pressure shall be provided to address domestic and fire suppression demands of the mixed-use facilities.
- (b) Sewage system. The subject property shall be capable of providing safe, sanitary sewage collection, treatment and disposal in conformance with all Federal, State and Local standards and requirements, which system shall be certified by a Connecticut licensed professional engineer.
- (c) Stormwater management, collection and treatment shall be in accordance with the requirements of Articles 6, 7 and 8 of these Regulations.
- (d) All new or altered utilities, including but not limited to water supply, electric, natural gas, telephone, internet and cable television service, serving the mixed-use facilities shall be installed underground.
- (e) Refuse and recycling facilities shall be coordinated and shared with those of the commercial site uses.
- (f) Roof-top mechanical equipment, except solar panels, shall be hidden and screened from ground view on all sides.