

## **SECTION 9 - Bethany Elderly Housing Regulations**

### 9.1 Statement of Purpose

- A. It is in the interest of the health and welfare of the residents of the Town of Bethany to provide a range or variety of housing opportunities for its senior citizens while maintaining Bethany's rural character. The following regulations are designed to permit development of housing for the elderly which provides for:
  - 1. The special physical needs of senior citizens in convenient locations with safe access, especially for emergency vehicles; and
  - 2. Site design and housing density compatible with Bethany's rural residential character; and
  - 3. On-site utilities which are adequate for long term use, including water supply and sewage disposal.
- B. Where applicable, these regulations are intended to comply with the requirements of the Connecticut General Statutes for the simultaneous provision of both elderly and affordable housing to Town residents.
- C. Where the term "affordable housing" appears in these Regulations, it shall be defined according to Section 8-30g (a) of the Connecticut General Statutes, as amended.

### 9.2 Eligible Organizations

- A. Elderly housing and related accessory structures may only be permitted to be owned and operated by the following organizations:
  - 1. A nonprofit housing corporation;
  - 2. Any business corporation incorporated pursuant to CGS Sec. 33-282 et seq., (for-profit stock corporations); or any partnership, limited partnership, joint venture, trust or association having as one of its purposes the construction, rehabilitation, ownership or operation of housing, having basic documents of organization approved by the Commissioner of Housing in accordance with regulations adopted pursuant to

- Section 8-79 or 8-84 of the CGS; or any combination of the above.
3. A “Housing Authority” within the meaning of Section 8-39 of the CGS.
  4. A designated Municipal Developer as defined by Section 8-39 (x) of CGS.
- B. No housing development in Bethany, for elderly persons to which Section 8-112a et seq. of the CGS applies shall be developed without the approval of the Connecticut Commissioner of Housing, pursuant to Section 8-115a of the CGS.
- C. Any housing for elderly persons provided under a State or Federal program referenced in 42 USCS 3607 (b) (2) (A) or (C) must meet the requirements of any and all State and Federal statutes and regulations applicable to said housing before said housing may be approved by the Town.

### 9.3 Permitting Procedure

- A. All elderly housing developments shall be reviewed and processed as Special Exceptions as set forth in Section 4 of the Bethany Zoning Regulations. Submission of a site plan in accordance with the standards of Section 10 shall also be required.
- B. Subject to the provisions of Section 9.3 C. of these Regulations, the applicant shall submit an application which shall include information demonstrating the local need for the type and amount of proposed elderly housing. To assess the need for elderly housing the Bethany Planning and Zoning Commission will look (in part) to the most recent Comprehensive Housing Availability Strategy prepared by the Connecticut Department of Housing.
- C. Should the applicant desire to construct “affordable housing” for the elderly, the applicant shall demonstrate the existence of a need for such affordable housing in Bethany in accordance with Section 9.3 B. of these Regulations, provided that the conditions of subsections (f) and (g) of Section 8-30g of the CGS, limiting the applicability of the affordable housing appeals procedure,

are satisfied.

- D. Special Exceptions are subject to the standards as set forth in these regulations, the Town Plan of Conservation and Development and to modifications necessary to protect the public health, safety, convenience and property values.
- E. If an application under Section 9 of these Regulations involves an activity regulated by the Inland Wetlands and Watercourses Agency, the applicant shall submit an application to said Agency no later than the day the application is filed for the Site Plan/ Special Exception with the Planning and Zoning Commission.
- F. These regulations are designed to encourage the development of housing opportunities for elderly residents of the Town and its planning region, consistent with soil types, terrain and infrastructure capacity.
- G. When acting to approve an application under this Section, the Commission must find that the application, if approved will not significantly detract from the desirable and predominant rural residential character of the Town.
- H. The developer, owner or manager of an affordable elderly housing development, created pursuant to Section 9.3 C of these Regulations and CGS 8-30g (a), which includes rental units shall provide annual certifications to the Planning and Zoning Commission that the development continues to be in compliance with the covenants and deed restrictions which may be required by the Commission to preserve the housing units as affordable as defined in CGS 8-39a and 8-30g. Any such development that does not comply with the applicable covenants and deed restrictions shall be required to rent the next available units to persons whose incomes satisfy the requirements of the covenants and deed restrictions until the development is in compliance. The Commission may inspect the income statements of tenants of the restricted units upon which the developer, owner or manager bases the certification.

#### 9.4 Residential Eligibility Requirements

- A. Only “elderly persons” as that term is defined by CGS Section 8-113a (m) shall be eligible to rent or purchase and occupy the elderly housing unit; however a personal helper may also occupy

the unit with the elderly person.

9.5 Building and Site Requirements

No parcel shall be considered for elderly housing unless it meets the following requirements:

- A. The minimum lot area shall be six (6) acres.
- B. Housing for ‘elderly persons’ may include:
  - 1. Attached single-family buildings containing not more than four (4) dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings; and/or
  - 2. Detached single-family units; and
  - 3. Related accessory structures and uses, and non-residential common uses specifically designed to meet the physical or social needs of elderly persons including: storage space and central laundry facilities and such other structures and uses as may be required or deemed necessary and subject to State or federal requirements for housing for the elderly.
- C. The average number of dwelling units per acre of buildable land shall not exceed three (3).
- D. Each dwelling unit shall have not more than two (2) bedrooms.
- E. The minimum and maximum floor area (exclusive of bathroom and hall floor area) for elderly dwelling units shall be as follows:

Unit Floor Area Requirements (Square Feet)

<u>Dwelling</u>	<u>Minimum</u>	<u>Maximum</u>
1 bedroom efficiency	400	550
1 bedroom dwelling	525	700
2 bedroom dwelling	700	1100

- F. The architectural design, scale and mass of buildings and other structures, including among other elements the exterior building materials, roof lines and building elevations, shall be residential

in character in accordance with the standard listed in G-N (below) so as to harmonize and be compatible with the neighborhood, to protect property values and preserve and improve the beauty and appearance of the community.

- G. Pitched-roof buildings with clapboard facade appearance shall be encouraged. Maximum building height shall be 35 feet with a maximum of 2 ½ stories.
- H. No building shall extend in a continuous plane for more than 50 feet with out a horizontal offset of at least two feet.
- I. Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the lot.
- J. Buildings shall be located not less than 50 feet from the front, side and rear property lines. All parking areas must be at least 90 feet from front, side and rear property lines.
- K. All dwelling units shall be constructed to comply with current ADA requirements.
- L. The shortest distance between any two residential buildings shall be not less than 20 feet or the height of the highest residential building, whichever is greater.
- M. Attached housing units shall be connected to a walkway system of paved pathways at least 4 feet in width.
- N. Minimum setbacks for structures from internal roadways shall be 10 feet.

#### 9.6 Requirements for Water, Sanitary and Utility Services and Other Construction Improvements

- A. At the time of application, a comprehensive report on the availability of water and sanitary requirements shall be prepared in accordance with the standards and requirements as set forth in the Bethany Zoning regulations or the State Health Code or other applicable regulations by a Professional Engineer registered to practice in the State of Connecticut.
- B. All dwelling units shall be served by a subsurface sewage disposal system and water system approved by the Town Health Officer and, where required, by the State Department of Health

Services or the State Department of Environmental Protection.

- C. No building permit for the construction of housing units shall be issued until the Sanitarian and/or the State Department of Health has approved the quantity and quality of the water supply for the housing units. It must be shown that said water usage shall not adversely affect the existing water supply of adjoining properties.
  - D. At the direction of the Sanitarian, the applicant shall conduct and report on the results of deep hole tests, percolation tests, test wells and other such on-site analysis as necessary to substantiate the suitability of the site for water service and septic disposal. The applicant shall meet all applicable and relevant standards for septic and water service without any variances.
  - E. Water storage supply for the purpose of fire suppression shall be provided subject to the approval of the Fire Marshal with advisory referral to the Volunteer Fire Department of the Town of Bethany. Said supply shall also include all necessary easements and shall meet all requirements for access, supply quantity and use.
  - F. All electric, telephone, cable and other utility wires shall be installed underground where practical. The applicant shall provide adequate test hole information to determine the feasibility of underground utility wire installation.
  - G. The applicant's engineer shall submit a comprehensive storm drainage site analysis and improvement plan showing no increase in the rate of runoff as well as an erosion and sedimentation control plan in accordance with all applicable sections of the Bethany Zoning Regulations.
- 9.7 Landscape Standards for Housing for the Elderly
- A. The applicant shall demonstrate to the Commission's satisfaction that the proposed construction shall be adequately screened from surrounding single family uses by use of building form, height, material and where appropriate a landscape buffer.
  - B. The applicant shall provide detailed landscape plans for common

areas, usable open space and perimeter areas, including existing and proposed grading, plant materials and methods of maintenance.

- C. Existing mature vegetation on the site, including desirable trees such as oaks, ash and hickory shall be retained in areas not to be disturbed by the construction. In disturbed or sparsely vegetated areas, new plant materials shall be provided as follows:
1. Shade trees, Evergreen trees and/or deciduous flowering trees shall be planted adjacent to parking areas. At least one (1) tree shall be planted for each three (3) spaces or fraction thereof in locations, sizes and varieties, approved by the Commission. Evergreen trees shall be a minimum of four (4) feet in height.
  2. Trees and shrubs shall be planted around foundations and between structures as approved by the Commission.
  3. A 25 foot buffer from the property line shall be landscaped with shrubs or trees, or such shrubs and trees in combination with embankments, fences and/or walls within the building setback lines, so as to provide a screen and transition from the developed portion of the site to neighboring residences. Suitable natural terrain and existing trees and shrubs may be preserved, or augmented with new planting to satisfy the landscape requirement in the buffer area. All undeveloped portions of the site where vegetation has been disturbed or removed, shall be landscaped with trees, shrubs, lawns or other suitable materials.
- D. The applicant shall submit an acceptable lighting plan. Said plan shall include provisions for “no trespass” of direct lighting to off-site premises. In addition any exterior parking lot or walkway lighting fixture shall be of the “full cut off” type and shall be so certified by the applicant.
- E. Refuse and recycling containers shall be located in areas designated on the approved site plan and shall be enclosed and screened from view.

### 9.8 Parking and Safety Standards

- A. The design of all interior vehicle access ways shall be approved by the Fire Marshal to assure safe access in case of emergency.
- B. Parking shall be sufficient to accommodate the needs of the occupants. At least one parking space must be provided for each bedroom. Visitor parking shall be calculated at 10% of the total number of units. A non-paved overflow parking area may be required by the Commission.
- C. The applicant shall provide that the owner or operator of the site shall be required to provide for the continuing maintenance of all aspects of the site and the dwellings.
- D. There shall be not more than one (1) sign per site entrance and an off-site directional sign, if necessary. Any such sign shall conform to the sign regulation section of these Regulations.
- E. Access drive design and construction shall be in conformance with design and construction requirements of the Town, providing the right of way remains at least 50 feet wide.

### 9.9 Procedure

- A. Upon application, and subsequent Commission approval of a Site Plan and Special Exception, the applicant shall file one complete copy of the approved site plan showing the Commission's approval, date and any required modifications with the Town Clerk. At least one original copy of all required and related materials as may be requested by the Commission shall also be submitted prior to the issuance of any permits or earth disturbance related to the construction of the project. Any significant change to the approved plans or related documents, as determined by the Commission, shall require a new site plan and special exception be submitted to the Commission for approval.
- B. The approved plan must be completed within three years of the issuance of the Special Exception. If it is not completed in this time the Commission may hold a public meeting to decide the applicant's intent to proceed. The Commission may for good cause, allow for an extensions for completion of the project. If the Commission determines that the applicant does not intend to proceed in compliance with the approval, the Commission may

revoke such approval. Notice of the meeting where such action is to be discussed and decided shall be provided to the applicant and/or owner and/or developer or their successors in interest, by certified mail at least 10 days prior to the meeting where such action is proposed.

#### 9.10 Resale and Renting Restrictions

- A. To maintain their legally approved status as an elderly housing unit the title to all such units shall be deed restricted so that all elderly housing units are subject to the covenants and other legally binding restrictions which shall limit the rental, lease, sale or resale of the units to insure that they continue to remain for elderly housing in accordance with CGS Section 8-112a and /or U.S.C.S. Section 3607.
- B. These restrictions shall run with the land and shall be enforceable by the Planning and Zoning Commission of the Town of Bethany.
- C. The sale or resale, sublease or re-letting of elderly housing units shall not occur until the new purchaser or renter provides the Planning and Zoning Commission of the Town of Bethany or the Commission's delegated agent in these matters with evidence of compliance with Section 9.4 of these regulations. This responsibility may, on a site by site and owner by owner basis, be delegated by vote of the Commission to another appropriate body such as a Housing Authority or similar group.

#### 9.11 Bonding

- A. The Planning and Zoning Commission may require financial security, in accordance with Section 12 of these Regulations.

#### 9.12 One-Year Moratorium

All future applications involving any zone change to elderly housing, any site plan application or special exception application for elderly housing will not be accepted, considered or acted upon by the Bethany Planning and Zoning Commission during the one year period commencing from the adoption of this motion to February 1, 2005.”