

**Town of Trumbull
CONNECTICUT**

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PLANNING & ZONING COMMISSION

To: Members of the Trumbull Planning & Zoning Commission

From: Rob Librandi, Town Land Use Planner
James A. Cordone, Town Attorney

Re: Text Amendment to Revise Article 2: Section 2 Special Residential Zones
Section 2.3 Affordable Housing Zones
Section 2.5 Assisted Living Facility Zone (Residential)
Section 2.6 Assisted Living Facility Zone (Industrial)

Date: December 1, 2023

These revisions are to the Special Residential Zones section of the regulations.

The Planning and Zoning Commission adopted the “2023-2028 Affordable Housing Plan” on May 24, 2023, as required by Connecticut law (see CGS Section 8-30j). The Housing Plan identified strategies for helping diversify housing choices in Trumbull to help meet the housing needs of current and future residents. The proposed text amendments are consistent with some of the Housing Plan’s recommendations, specifically to increase affordable housing for seniors in our Town.

Section 2.3 Affordable Housing Zones:

This text amendment provides a process by which an affordable housing application will be considered by the Commission. Specifically, it provides that the Commission will conduct a public hearing to review the application including a site plan review. It is a recommended “best practice” to have a provision in our regulations to provide a method for processing and considering CGS Section 8-30g applications. It is important to note that this text amendment does not create an affordable housing zone. The proposed text amendment is intended to be a safeguard measure to assure that certain procedures are followed with respect to such applications.

Section 2.5 Assisted Living Facility Zone (Residential) and Section 2.6 Assisted Living Facility Zone (Industrial)

There are two “Assisted Living Facility” Zones in Town (“ALF”). There is one for residential zones and one for industrial zones.

The ALF zones are both floating zones and allow for the construction of a self-contained community that consists of private residential units that provide for an assisted living environment for residents requiring selective support services.

In an effort to expand the availability of affordable housing for seniors in our Town, the proposed text amendment permits ALF facilities to convert “assisted living units” to “independent living units” provided that the independent units are “age-restricted” (55 years or older) and that 10% of said units will be deemed “affordable housing” (for persons whose income does not exceed eighty per cent of the median income in accordance with CGS Section 8-30g).

The proposed text amendments to the ALF – Residential Zone and ALF – Industrial Zone are intended to be innovative ways to expand the availability of affordable senior housing in Trumbull.

ARTICLE II-USE REGULATIONS

SECTION 2: SPECIAL RESIDENTIAL ZONES

2.3 Affordable Housing Zones

~~(FORMER ARTICLES XIII — PLANNED AFFORDABLE HOUSING ZONE, XIV — AFFORDABLE HOUSING DEVELOPMENT, and XVI — HOUSING OPPORTUNITY DEVELOPMENT ZONE) Repealed Effective July 25, 2008)~~

2.3.1 Application Requirements. An application to the Commission made pursuant to Connecticut General Statutes §8-30g, shall include the following:

A. application for text amendment and/or a zone boundary change, if necessary, as provided for in these Regulations,

B. written statement describing how the proposal complies with the Trumbull Affordable Housing Plan (2023) and with the purposes and requirements set forth in the Connecticut General Statutes §8-30g,

C. application for site plan approval by the Commission in accordance with requirements for site plans in Article XV, Section 2.2 of these Regulations,

D. traffic impact study shall be prepared and submitted to the Commission with regard to existing and proposed traffic conditions and circumstances,

E. landscaping plan, lighting plan and soil erosion and control plan shall be provided, giving due consideration and effect to the standards and requirements applicable under Connecticut General Statutes §8-30g,

F. “affordability plan” demonstrating compliance with the requirements of Connecticut General Statutes §8-30g, including but not limited to, a proposed acceptable qualified “plan administrator”, drafts of documents that will be used in the administration of the affordability restrictions, and calculations of maximum monthly rental for a unit to satisfy Connecticut General Statutes §8-30g,

G. final approval from the Trumbull Inland Wetlands and Watercourses Commission for the project to be obtained prior to applying to the Commission,

H. final approval from the Trumbull Water Pollution Control Authority for the project to be obtained prior to applying to the Commission, and

I. final approval from the Trumbull Police Commission for traffic review of the project to be obtained prior to applying to the Commission.

2.3.2 Hearing and Decision.

A. The Commission shall hold a public hearing on the application, including the site plan application.

B. In considering an application, the Commission shall apply all applicable provisions of the Regulations in a manner consistent with the standards and requirements of Connecticut General Statutes §8-30g.

C. The Commission may approve, may deny, or may approve with conditions, an application in accordance with the standards and requirements provided in Connecticut General Statutes §8-30g.

ARTICLE II

SECTION 2: SPECIAL RESIDENTIAL ZONES

2.5 Assisted Living Facility Zone (Residential)

2.5.1 Purpose and Intent

A. The purpose and intent of this regulation is to authorize a zone entitled “Assisted Living Facility” herein referred to as ALF (Residential). Such zone shall be a floating zone and shall allow for the construction of a self-contained community that consists of private residential units within one or more buildings, each unit having a full bath within said unit and access to facilities and equipment within the complex which may be shared by members of the community within the ALF (Residential). Each living unit shall have a minimum of 300 sq. ft. per bed, and may share areas to facilities and equipment for preparation and storage of food. Sharing of units shall be permitted only upon request, and the mutual consent of the occupants of each unit.

B. An Assisted Living Facility is hereby further defined as a complex whereby housing and/or long term health facilities are provided for, within a managed residential community, serviced by an Assisted Living Services Agency (ALSA). Such facilities shall include living units that shall provide for an assisted living environment for residents requiring selective support services necessary to maintain a generally independent lifestyle. Such facilities shall not include correctional institutions or institutions for the insane, or for drink or drug-dependent individuals. Each such facility shall have the following on-site activities, and/or services, at a minimum for its residents:

- (1) Shared dining and common support services to provide three meals per day;
- (2) Periodic and/or on-going health care and monitoring services by licensed health staff member, which shall also include 24 hour per day security services;
- (3) Areas suitably equipped to meet the social, recreational, therapeutic, and leisure time needs of the residents;
- (4) A reliable plan for transportation services for homebound residents who would be able to participate in community, cultural or similar activities within the Town, as well as shopping, banking, places of worship, clubs and other normal activities; and
- (5) An emergency call system in each living unit.

C. Each facility shall possess any and all necessary federal, state and/or local permits, local permits and/or certificates as required.

D. Notwithstanding the foregoing, assisted living units may be converted to independent living units provided that (i) the total number of bedrooms and units remains the same in the facility, (ii) said independent living units are age-restricted to occupants who are 55 years or older with no co-occupant being under the age of 19 years old (hereinafter “active adult dwelling units”) and (iii) ten percent of all active adult dwelling units shall be deemed “affordable units” and be deed-restricted to be sold or rented at, or below, prices which will preserve the units as affordable housing for persons whose income does not exceed eighty per cent of the median income in accordance with Connecticut General Statutes

Section 8-30g. Active adult dwelling units shall provide kitchens. Occupants of active adult dwelling units shall have the option to select assisted living services as outlined in Section 2.5.1.B.

2.5.2 Site of Zone

Each ALF (Residential) shall require a minimum of 6 contiguous acres.

2.5.3 Location of Zone

An ALF (Residential) shall be located only in areas zoned for residential use, which area shall have at least 150' road frontage on an arterial road as designated by the Plan of Development (excluding any road designated as a "scenic highway"), and has either additional road frontage, or access to a State highway. Access to and from the site shall be solely from the State highway.

2.5.4 Bulk (Building Standards)

Minimum building lines and limits on heights and bulk of buildings:

Minimum road access: 150' on arterial roadway, with road frontage on a state highway or Right-of-way

Setbacks from property lines: 50'

Maximum lot coverage: 15%

Maximum height: 40 feet or two Stories, whichever is greater

*The front setback and lot coverage may be reduced by the Commission if the proposed structure is 1 ½ stories high, but in no event shall the setback from the street be less than fifty (50) feet.

2.5.5 Utility and Road Requirements

A. There shall be a storm drainage system which shall collect, carry off, and dispose of surface water run-off and shall be constructed to conform to all applicable Town ordinances and regulation, specifically including Article I, Section 5.3 of these Regulations.

B. All utility facilities shall be placed underground.

C. The construction of the paved portions of roads shall conform to all applicable Town ordinances and regulations.

D. The dimensions and construction of parking areas shall conform to all applicable Town ordinances and regulations.

E. There shall be a public water supply and municipal sewer system serving the facility.

F. All internal roads shall be private roads, and not dedicated.

2.5.6 Landscaping

Land that is not covered with impervious surfaces, such as buildings, drives, parking areas, and walkways shall be suitably landscaped or retained in its natural state, with supplemental plantings as designated by the Commission. Landscaping shall be provided which shall be

approved by the ~~Tree Warden~~Town Planner. Applicants shall provide a copy of the Landscaping Plan in sufficient time for the ~~Town Tree Warden~~Town Planner to make comments and recommendations. The recommended plan shall be presented to the Planning and Zoning Office prior to the scheduled Public Hearing. The purpose of said landscaping shall be to enhance the appearance and natural beauty of the town and to protect and increase property values through preservation of existing vegetation and establishment of new screening and landscaping material, to moderate heat, noise, glare, and accumulation of dust, to shade, to provide privacy from noise and visual intrusion, to prevent the erosion of soil, excess water run-off of drainage water, to guide the safe circulation of traffic. All plantings shall be installed according to accepted horticultural methods. Said plan may include height and spacing arrangement as shall best be in keeping with the intent of these regulations. A bond, which shall insure completion of landscaping requirements, shall be submitted in a form satisfactory to the Commission.

2.5.7 Design Review

The applicant shall submit design standards in conformance with Section 2.5.12 of this Section

2.5.8 Provisions for Vehicles

A minimum of one and one-half (1.5) spaces per dwelling unit shall be provided.

2.5.9 Application for Zone Change Approval

An application for a zone change to shall include:

- A. A completed zone change application as provided for by the Commission including, where necessary, an approval letter from the Inland Wetlands and Watercourses Commission determining the extent of the wetland areas.
- B. A written statement describing how the proposal complied with the purposes set forth in this Article II, Section 2.5.1, of these regulations.
- C. A site plan prepared and certified by a registered landscape architect, a licensed architect, and a registered civil engineer, which shall:
 - (1) Define the location of the areas to be used for residential and conservation or recreational purposes.
 - (2) Set forth the proposed density of the dwelling units.
 - (3) Show all roads and utilities.
 - (4) Show present and proposed topography.
 - (5) Show conceptual landscaping plan for the site.
 - (6) Applicants shall provide a copy of the Landscaping Plan in sufficient time for the ~~Town Tree Warden~~Town Planner to make comments and recommendations. The recommended plan shall be presented to the Planning and Zoning Office prior to the scheduled Public Hearing.
- D. Preliminary building plans illustrating:

- (1) A typical floor plan.
- (2) Typical elevations.
- (3) Design Standards (as required in Section 2.5.11 of this Section).

2.5.10 Standards for Zone Change Approval

The Commission may approve a petition for a change of the existing zone to ALF (Residential) if it complies with the following:

- A. The development project conforms to the purposes set forth in Section 2.5.1 of this Article and to all applicable provisions of these Regulations.
- B. If the proposed development will be a common interest community, the applicant shall submit draft documents to provide assurance of adequate provision for maintenance of conservation or recreation areas or facilities, and private streets and utilities.
- C. The zone change request shall be submitted simultaneously with a proposed site plan. In addition, construction must begin within one year from the date of final site plan approval or the zone change and site plan approval shall expire.

2.5.11 Standards for Design

The Commission may approve a site plan filed in connection with an ALF (Residential) zone change if it complies with the requirements of these Regulations, and conforms to the following design standards:

- A. Site Development Standards
 - (1) Driveways: All drives shall be asphalt, pea stone, brick and/or stone.
 - (2) Walkways and Stoops: All walks and stoops shall be brick, flagstone, stone, wood, or concrete. Each development shall have at least one walking path, surfaced for wheelchair use that runs more or less around the perimeter of the Parcel.
 - (3) Finish Grading: The building shall be backfilled to expose a minimum amount of foundation unless the foundation is faced with brick or stone above the grade. A minimum of 4" (four inches) of compacted loam shall be placed throughout the entire disturbed construction area, except those areas reserved for landscape trees, shrubs, or ground covers, which shall be seeded or sodded in conformance with the CT Guidelines for Soil Erosion and Sediment Control (1985) as amended.
 - (4) Pools and Tennis Courts: All pools and tennis courts shall be heavily screened with plantings, and shall not be located within 75' of the state highway. "Above ground" swimming pools are not permitted. There shall be a clubhouse where residents can gather for social and recreational purposes.
 - (5) Mailboxes, trash containment areas: Mailboxes, trash containment areas, and other indications of modern occupancy shall be effectively located and/or shielded to de-emphasize their presence.

(6) Signage: Permanent numerical identification signs not exceeding 4" (four inches) in height, and signs affixed to either mailboxes or lamp posts which identify the residents and which do not exceed, in the aggregate, more than two square feet per household, are permitted. Temporary real estate signs are also permitted. One sign identifying the proposed development shall be permitted at each entrance; said sign shall contain no more than six square feet in area, and shall not exceed six feet in height. No other signage is permitted.

(7) Siding: Acceptable exterior surface treatments are red or white cedar clapboard, red or white cedar shingles, brick facing, field stone, vertical cedar, redwood siding, high grade vinyl siding at least .044" in thickness. Unacceptable materials include, but are not limited to, particle board, composition board, "Dryvit", cement block, prefabricated metal, asbestos shingle, pine, plastic, aluminum or unapproved vinyl siding.

B. Additional Restrictions

(1) No trucks or other commercial-type vehicles shall be stored or parked on any lots, or common ground, except while parked in a closed garage or while performing services at a dwelling. In no case, however, shall any vehicles be parked on the roads, passageways, or on any other right-of-way or access way in the development.

(2) No Livestock, except usual household pets (quartered within the dwelling at night), shall be permitted.

(3) There shall be no burning of garbage, refuse, or debris.

(4) All construction and/or site improvements in an ALF (Residential) zone shall conform to the underlying Residence Zone regulations herein, except where specifically modified by this Section 2.5.

2.5.12 Continuing Nature of Standards

The regulations, prohibitions and standards herein set forth are expressly declared to be of continuing application. Any permission to use land for these purposes shall be subject to compliance with regulations, prohibitions and standards herein set forth; the approval of any application for an ALF (Residential) shall be conditioned upon completion of the proposed improvements in accordance with the approved plans. Construction shall be commenced within a twelve-month period from the final approval, and the proposed construction shall be completed within a two-year period from the date of the commencement of the construction. One extension for an additional period not to exceed one-year may be granted by the Commission after a hearing, for good cause shown.

ARTICLE II

2.6 Assisted Living Facility Zone (Industrial)

2.6.1 Purpose and Intent

A. The purpose and intent of this Regulation is to authorize assisted living facilities in areas zoned for industrial use, herein referred to as ALF (Industrial) in accordance with the purpose and intent established in Section 2.5.1., except that

1. In an ALF (Industrial) facility each living unit shall have a minimum of 250 sq. ft. per bed.

2. Facilities within ALF (Industrial) zones may include or consist entirely of independent living units provided that said independent living units are age-restricted to occupants who are 55 years or older, and no co-occupant may be under the age of 19 years old, (hereinafter "active adult dwelling units"). Active adult dwelling units shall provide kitchens. Where provided, occupants of such units shall have the option to select assisted living services as outlined in Section 2.5.1.B.

3. Provided that there is no increase in the total number of units or total number of bedrooms, living units may be converted from one type of unit to another type of unit, subject to all applicable state or town regulations.

4. Ten percent of all active adult dwelling units, including those converted from assisted units, shall be deemed "affordable units" and shall be deed-restricted to be sold or rented at, or below, prices which will preserve the units as affordable housing for persons whose income does not exceed eighty per cent of the median income in accordance with Connecticut General Statutes Section 8-30g.

B. An ALF (Industrial) shall be subject to all provisions set forth in Section 2.5 with regard to utility and road requirements (Section 2.5.5), landscaping (Section 2.5.6), and Design Review (Section 2.5.7).

C. An application for an ALF (Industrial) shall be made in accordance with the provisions of Section 2.5.9 and subject to the provisions of Section 2.5.10 (Standards for Zone Change Approval), Section 2.5.11 (Standards for Design), and Section 2.5.12 (Continuous Nature of Standards).

2.6.2 Site of Zone

Each ALF (Industrial) shall require a minimum of 4 contiguous acres.

2.6.3 Location of Zone

An ALF (Industrial) shall be located in an area zoned for industrial use, which area shall have at least 150 ft. of road frontage and has either additional road frontage or access to a state highway.

2.6.4 Bulk (Building Standards)

Minimum building lines and limits on heights and bulk of buildings:

Minimum road access: 150'

Setbacks from property lines 50', except that a minimum of 35' on no more than one property line; the setback must be a minimum of 50' when the property line abuts a residential property

Maximum lot coverage: 60%

Maximum height: 45' or 3 stories, whichever is greater

Vents, skylights, elevator enclosures and other mechanical rooftop apparatus shall not exceed 30% of roof areas and shall not extend more than 15' above the roof.

2.6.5 Provision for Vehicles

A minimum of one-half (0.5) spaces per dwelling unit shall be provided. A minimum of one and one-quarter (1.25) spaces per active adult dwelling unit shall be provided.