

9.1 Planned Unit Developments

No new Planned Unit Development shall be approved; however, those Planned Unit Developments approved prior to the effective date of these regulations (Section 920) shall be governed by the following regulations.

A600 Planned Unit Developments

A610 Purpose

The purpose of the planned unit development regulations is to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic qualities of open areas.

A611 Objectives

To preserve and create useable open space for the residents of Hamden as well as create developments that are aesthetically attractive and economically feasible.

A612 Qualifying Standards

No tract of land will be considered for a planned unit development unless it contains the minimum acreage required for each separate zone.

No tract of land will be considered for a planned unit development unless it is within a residential zone.

No tract of land will be considered for a planned unit development unless it is so designed in its space allocation, orientation texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the Town of Hamden.

In the event that a zone change is requested to permit a Planned Unit Development, the Zoning Section of the Town Plan & Zoning Commission shall amend the zoning map to show Planned Unit Development if said zone change request is granted.

Granting of this Planned Unit Development zone change request does not constitute approval of the Planned Unit Development plans which are still subject to the other requirements of Article VI of these regulations.

A613 Permitted Uses

A613.1 Any use permitted in any residential zone. Commercial uses are permitted in the R4, R5 and R6 zones only.

A613.2 Commercial uses permitted within the planned unit development are those which are authorized in the B- Zone and intended for the use and convenience of the occupants of the development. All such uses shall:

- a. Be located within the boundaries of the development,
- b. Conform to all the regulations of the B-1 Zone.
- c. Have a total floor area that does not exceed five per cent (5%) of the gross floor area of all dwellings within the development.

A614 Procedure

Pre-application Conference: Before submitting an application for a planned unit development, an applicant at his option may confer with the Planning Department to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data.

A615 Outline Development Plans

- A615.1 An applicant shall make application for the approval of a planned unit development to the Commission. The applicant shall accompany his application with an outline development plan as specified in this section.¹
- A615.2 There shall be a filing fee of \$100.00 payable to the Treasurer of the Town of Hamden.
- A615.3 The Commission shall make the proper arrangements for a public hearing.
- A615.4 An outline development plan must include both maps and written statement, and must show enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and proposed.
- A615.5 The maps which are part of the outline development plan may be in general schematic form, and must contain the following information:
- The existing topographic character of the land.
 - Existing and proposed land uses and the approximate location of buildings and other structures.
 - The character and approximate density of dwellings.
 - The approximate location of all thoroughfares.
 - Public uses, including parks, playgrounds and other open space.
- A615.6 The written statement to accompany the outline development plan must contain the following information:
- An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.
 - A statement of proposed financing.
 - A statement of the present ownership of all the land included within the planned unit development.
 - A general indication of the expected schedule of development.
 - The applicant shall file three copies of his outline development plan and written statement.

A616 Approval of Outline Development Plan

A616.1 Legal Procedure

- A public hearing shall be held within 60 days from the time of application to the Town Planning and Zoning Commission Office.
- All owners of property adjacent to the planned unit development shall be notified of said hearing by mail.
- The hearing shall be legally advertised according to the procedure specified by State Law for a change in zoning regulations.
- The results of the decision of the Town Planning and Zoning Commission shall be legally advertised within 7 days of said decision.
- If the outline development plan is approved, the Zoning Section of the Town Plan & Zoning Commission shall amend the zoning map to show planned unit development. If the outline development plan is approved with modifications, the Zoning Section of the Town Plan & Zoning Commission shall not amend the Zoning Map until the applicant has filed with the Commission written consent to the plan as modified. No building permits may be issued on land within the planned unit development until final plans for the development have been approved by the Commission under the procedures provided in following sections.
- Failure to act by the Commission within 60 days after the public hearing for Outline Development Plan approval shall mean approval by the Commission.

A617 Preliminary Development Plan

- A617.1 An applicant seeking approval of a planned unit development shall submit a preliminary develop-

ment plan, if an outline development plan has been approved, within six months following its approval.

A617.2 If an outline development plan has been submitted and approved, the Commission may authorize the submission of preliminary development plans in stages. If a preliminary plan (development) covering at least 20% of the area of the outline development plan has not been submitted within six months following the approval of the outline development plan, the Commission shall withdraw its approval of the planned unit development. In its discretion and for good cause, the Commission may extend for three months the period of filing of the preliminary development plan.

A617.3 The preliminary development plan must include all of the following information:

- a. A map showing street systems, plot lines and plot designs.
- b. Areas proposed to be conveyed, dedicated, or reserved for parks, streets, playgrounds, public buildings and similar public and semi-public uses.
- c. A plot plan for each building site and open area, showing the approximate location of all buildings, structures, and improvements and indicating the open spaces around buildings and structures.
- d. Elevation and perspective drawings of all proposed structures and improvements except for single-family residences and their accessory buildings. The drawings need not be the result of final architectural decisions and need not be in detail.
- e. A development schedule indicating (1) the approximate date when construction of the project can be expected to begin; (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin; (3) the anticipated rate of development; (4) the approximate dates when the development of each of the stages in the development will be completed; and (5) the area and location of open space that will be provided at each stage.
- f. Agreements, provisions or covenants that govern the use, maintenance and continued protection of the planned development and any of its open areas.
- g. The following plans and diagrams, insofar as the Plan Commission finds that the planned unit development creates special problems of traffic, parking, landscaping or economic feasibility:
 - i. An off-street parking and loading plan.
 - ii. A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the planned development and to and from existing thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be known.
 - iii. A landscaping and tree planting plan,
 - iv. An economic feasibility report or market analysis.

A617.4 Map Standards for Preliminary Development Plans:

- a. Drawn to a scale of 1" = 50'.
- b. Survey Information: distances with angles and bearings by a registered surveyor or professional engineer
- c. Contours at 5 foot intervals or less,
- d. Proposed contour at 5 foot intervals or less,
- e. Sanitary sewer and drainage or sewage treatment systems designed by a registered professional engineer,
- f. Adjacent streets, names and widths,
- g. North point, scale and date.
- h. Adjacent property owners and use of adjacent property,
- i. Limit of easements, right of way and areas for open spaces dedication,
- j. Lot lines, areas and numbers.
- k. Street locations, names, widths, radii, curve lengths, grades.
- l. Sidewalks,
- m. Name of owner.

- n. Location of watercourses, trees, wet area and rock outcroppings.
- o. Title of Development,
- p. Total area of development,
- q. Total area of land left in open space,
- r. Total number of dwelling units with breakdown of different types, where applicable.
- s. Total area to be used for roads
- t. In the cases of multi-family or commercial buildings, the Site Plan requirements of Section 250 of these regulations must be met.

A618 Approval of Preliminary Development Plans

- A618.1 If any outline plan has been submitted and approved, the applicant shall file the preliminary development plan with the Commission.
- A618.2 The Commission shall approve the preliminary development plan if it is in compliance with the approved outline development plan, and if it complies with all other standards for the review of the planned unit developments which were not considered when the outline development plan was approved.
- A618.3 Failure to act by the Commission within 60 days after the submission of a preliminary development plan shall mean approval by the Commission.

A619 Approval of Final Development Plan

- A619.1 Within six months following the approval of the preliminary plan, the applicant shall file with the Commission a final development plan containing in final form the information required in the preliminary plan. In its discretion and for good cause, the Commission may extend for three months the period for the filing of the final development plan.
- A619.2 The Commission shall give notice and provide an opportunity to be heard on the final development plan to:
 - a. Any person who appeared of record at the hearing on the outline development plan, if any.
 - b. Any person who has indicated to the Commission in writing his wishes to be notified.
- A619.3 The Commission shall act within 60 days after filing of the final development plan.
- A619.4 A planned unit development given final approval by the Commission must be filed in the office of the Town Clerk within 90 days after the final approval date or it will become invalid.

A620 Failure to Begin a Planned Unit Development

- A620.1 If no construction has begun in the planned unit development within one year from the approval of the final development plan, the plan shall lapse and be no longer effective. In its discretion and for good causes, the Commission may extend for six months the period for the beginning of construction. If a final development plan lapses under the provisions of this section, the Planning Department shall remove the planned development from the zoning map and shall file a notice of revocation with the recorded final development plan. The zoning regulations applicable before the final development was approved shall then be in effect.

A621 Building Permits

- A621.1 The Building Inspector shall issue building permits for buildings and structures in the area covered by the approved final development plan only if they are in conformance with the approved final development plan and with all other applicable ordinances and regulations. He shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the completed building or structure conforms to the requirements of the

approved final development plan and all other applicable ordinances and regulations.

A622 Amendment to Final Development Plan

- A622.1² No changes may be made in the approved final plan during the construction of the planned unit development except upon application to the Commission under the procedures provided below:
- a. Minor changes in the location, siting and height of buildings and structures may be authorized by the Town Planner, if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section may increase the cube of any building or structure by more than 10%.
 - b. All other changes in use, any rearrangement of lots, blocks and building tracts, any changes in the provisions of open spaces, and all other changes in the approved final plan must be made by the Commission. No amendments may be made in the approved final plan unless then are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the Town of Hamden.
 - i. Increase the total number of dwelling units within the planned unit development;
 - ii. Increase the total area of lot coverage within the planned unit development; and
 - iii. Decrease the total area of open space within the planned unit development.
- A622.2 Any changes that are approved for the final plan must be recorded as amendments to the recorded copy of the final plan.

A623 Phasing of Construction and Guarantee of Performance

- A623.1 The construction and provision of all of the open spaces and public recreational facilities that are shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every month following the start of construction the zoning enforcement officer shall review all of the building permits issued for the planned unit development and examine the construction that has taken place on the site. If he shall find that the rate of construction of dwelling units is greater than the rate at which open spaces and public and recreational facilities have been constructed and provided, he shall forward this information to the Commission which may revoke the planned unit development zone amendment.

A624 Progress Controls on Density and Open Space

- A624.1 The Commission may require adequate assurance in a form and manner which it approves, that the open space shown in the final development plan will be provided. The following methods of assurance are intended as illustrative and they may be used singly or in combination:
- a. The Commission may accept a bond, corporate surety, or other acceptable financial guarantee, in a form which complies with the provisions of the Town of Hamden and in an amount sufficient to purchase the open space shown in the final development plan or alternative acreage, which is equivalent in size and character.
 - b. The land shown as open space may be put in escrow, the escrow agreement to provide that the land is to be held in escrow until the Commission has certified to the escrow agent that the planned unit development has been completed, at which time the open space is to be conveyed to the Town of Hamden. The escrow agreement may provide for the release of the open space by the escrow agent in stages, the Commission to certify the completion of each stage of the planned unit development to the escrow agent. The escrow agreement must provide that a portion of the open space is to be conveyed to the Town of Hamden if the planned unit

development is not completed. In this event, the open space which is conveyed is to bear the same proportion to the open space provided on the final development plan as the dwelling units that have been built bear to the total number of dwelling units which are allowable by the final development plan.

A625 Phasing of Non-Residential Construction

A625.1 If a planned unit development contains non-residential uses, these units may be constructed after 50% of the residential units are completed, and only if the Commission finds - and records its findings on the final development plan that the non-residential uses would be consistent with the comprehensive plan even though the residential areas of the planned unit development were not built or not completed.

A626 Changes after Completion of Construction

A626.1 The Commission shall issue a certificate certifying the completion of the planned unit development, and the Clerk of the Commission shall note the issuance of the certificate on the recorded final development plan.

A626.1 After the certificate of completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the planned unit development will be governed by the approved final development plan rather than by any other provisions of this zoning regulation.

A626.1 After the certificate of completion has been issued, no changes may be made in the approved final plan except upon application to the Commission under the procedure provided below:

- a. Any minor extensions, alterations, or modifications of existing buildings or structures that may be authorized by this section may not increase the cube of any building or structure by more than 10%.
- b. Any uses not authorized by the approved final plan, but allowable in the planned unit development as a permitted use under the provisions of this Zoning Regulation or permitted as a Special Permit use in the zone in which the planned unit development is located, may be added to the final development plan under the procedures provided by the Zoning Regulations for the approval of Special Permit uses.
- c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved.
- d. Changes in the use of open space may be authorized by an amendment to the final development plan.
- e. All changes in the final development plan must be made by the Commission under the procedures authorized by these regulations for the amendment of the Zoning Map. No changes may be made in the final development plan unless they are required for the continued successful functioning of the planned unit development, or unless they are required by change in conditions that have occurred since the final plan was approved or by changes in the development policy of the Town of Hamden.

A626.4 No changes in the final development plan which are approved under this section are to be considered as a waiver of any covenants limiting the use of land, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these covenants against any changes permitted by this section are expressly reserved by the Town of Hamden.

A627 Zoning Requirements

A627.1 Land Area Needed to Qualify for a Planned Unit Development

R-1 Zone	10 acres minimum
R-2 Zone	10 acres minimum

R-3 Zone	10 acres minimum
R-4 Zone	5 acres minimum
R-5 Zone	1 acre minimum
R-6 Zone	1 acre minimum

A627.2 Lot Size

For planned unit developments the lot area required for each dwelling unit may be reduced to the area indicated in the following table:

R-1	53,000 sq. ft.
R-2	27,000 sq. ft.
R-3	27,000 sq. ft. without sewer or water
R-3	25,000 sq. ft. with sewers or water
R-3	15,000 sq. ft. with sewers and water

For the R-4, R-5 and R-6 Zones, there shall be no reduction in lot size.

A627.3 Dwelling Unit Types

The following dwelling types are permitted in a planned unit development for each separate residential zone.

R-1	Single-family only
R-2	Single-family only
R-3	Single-family only, with no water or sewers
R-3	Single-family only, with water or sewers
R-3	Single-family, two-family garden-type multi-family (building not to exceed two stories), with water and sewers.

R-4 For planned unit developments of from five to fifteen acres; two and three family structures. All types of multi-family structures, which shall be served with sanitary sewers.

For planned unit developments of fifteen acres or more.

All residential types except that multi-family structures shall be served with sanitary sewers.

R-5 Multi-family structures only.

R-6 Multi-family structures only.

A627.4 Lot Coverage

The following is the maximum percentage of lot coverage allowed in the R-1, R-2 and R-3 zones.

R-1	15% coverage
R-2	20% coverage
R-3	20% coverage

For the R-4 Zone, where a planned unit development consists of 5 to 15 acres, the lot coverage shall conform to the following table:

For 1 and 2 story structures	30%
For 3 story structures	25%
For 4 story structures	20%
For 5 story structures	15%
For 6 story structures	10%

In the R-4 Zone where a planned unit development consists of more than 15 acres the lot coverage shall not exceed 30%.

In the R-5 Zone, the lot coverage shall conform to the following table:

For 1 and 2 story structures	30%
For 3 story structures	25%
For 4 story structures	20%
For 5 story structures	15%
For 6 story structures	10%

In the R-6 Zone, the lot coverage should conform to the following table.³

For 1 and 2 story structures	30%
For 3 and 4 story structures	25%
For 5 story structures	20%
For 6 story structures	15%
For structures of 7 or more stories	10%

A627.5 Density (land area per dwelling unit)

The minimum amount of land required for each dwelling unit in a planned unit development, for each zone shall be as follows:

R-1	53,000 sq. ft.
R-2	27,000 sq. ft.
R-3	27,000 sq. ft. without sewers or water
R-3	25,000 sq. ft. with sewers or water
R-3	15,000 sq. ft. with sewers and water
R-4 ⁴	1 and 2 story structures 10,000 sq. ft.
	3 story structures 8,000 sq. ft.
	4 story structures 6,000 sq. ft.
	5 story structures 5,000 sq. ft.
	6 story structures 4,000 sq. ft.
R-4	7,000 sq. ft. per dwelling unit
R-5	1 and 2 story structures 6,000 sq. ft.
	3 story structures 5,000 sq. ft.
	4 story structures 4,000 sq. ft.
	5 story structures 3,000 sq. ft.
	6 story structures 2,000 sq. ft.
R-6 ⁵	1 and 2 story structures 6,000 sq. ft.
	3 story structures 5,000 sq. ft.
	4 story structures 4,000 sq. ft.
	5 story structures 3,000 sq. ft.
	6 story structures 2,000 sq. ft.
	Structures of 7 or more stories 1,500 sq. ft.

A627.6 Lot Width⁶

Within a Planned Unit Development for single-family dwellings in the R-1, R-2 and R-3 Zones only, the lot width requirements may be reduced up to 1/3. In all other residential zones in which a Planned Unit Development is located, lot width requirements shall be met.

A627.7 Front Yards

Within a planned unit development front yard requirements for the zone in which the planned unit development is located shall be met, except that, multi-family structures shall maintain the front yard requirements plus half again the required depth of the front yard.

A627.8 Side Yards

In a planned unit development, the Commission may permit a side yard of not less than 2/3 the width of the minimum required side yard provided that the distance between any two dwelling structures shall be equal to twice the width of minimum required side yard of the zone in which it is located.

A627.9 Rear Yard

Within a planned unit development the rear yard requirements for the zone in which the planned unit development is located shall be met.

A627.10 Minimum Floor Area per Dwelling Unit

Within a planned unit development the floor area per dwelling unit requirements for the zone in which the planned unit development is located shall be met.

A627.11 Building Height

For each foot of building height over thirty-five feet the distance between such buildings and the side or rear property lines shall be increased 1 foot in addition to the side or rear yards required.

A627.12 Spacing of Buildings

The spacing between main buildings shall be at least equivalent to the spacing which would be required between buildings similarly developed under the terms of this regulation on separate parcels, due consideration being given to building height and to the openness normally afforded by intervening streets and alleys.

A628 Planned Unit Development in More than One Zone

If the planned unit development is in more than one residential zone, the number of allowable dwelling units must be separately calculated for every portion of the planned unit development that is in a separate zone, and must then be combined to determine the number of dwelling units allowable in the entire planned unit development. However, the distribution of dwelling units and lot sizes within the planned unit development shall be based on the requirements of the zone in which the majority of the acreage is located.

A629 Open Space Requirements

For each dwelling unit in a planned unit development for the following amount of land shall be set aside for usable open space.

R-1 27,000 sq. ft.

R-2 13,000 sq. ft.

R-3 13,000 sq. ft. without sewer or water

R-3 5,000 sq. ft. with sewers or water

R-3 5,000 sq. ft. with sewers and water

R-4 0 with 5 to 15 acres

R-4 25 % of the total with 15 acres or more land area

R-5 and R-6 All land not devoted to structures, required yards, parking spaces, streets and driveways.

A629.1 No open space may be accepted as open space under the provisions of these regulations unless it meets the following standards:

- a. The location, shape, size and character of the open space must be suitable for the planned unit development.
- b. Open space must be used for amenity or recreational purposes. The uses authorized for the open space must be appropriate to the scale and character of the planned unit development, considering its size, density, ex-

pected population, topography and the number and type of dwellings to be provided.

- c. Open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the open space must be appropriate to the uses which are authorized for the open space and must conserve and enhance the amenities of the open space having regard to its topography and unimproved condition.
- d. The development schedule which is part of the development plan must coordinate the improvement of the open space, the construction of buildings, structures and improvements in the open space, and the construction of residential dwellings in the planned unit development.
- e. If the final development plan provides for buildings, structures and improvements in the open space of a value in excess of 25,000 dollars, the developer must provide a bond or other adequate assurance that the buildings, structures and improvements will be completed. The Planning Commission shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.

A629.2 As an alternative to the provision of some or all of the open space which is required by these regulations, the developer may provide funds which the Town shall use for the acquisition of public open space adjoining or within 1,500 feet of the perimeter of the planned unit development. Open space which is so acquired may be counted as part of the net project area for the purposes of calculating project densities and lot sizes within the planned unit development.

A629.3 The use and improvement of the open space must be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within 1,500 feet of the perimeter of the planned development.

A629.4 Conveyance and Maintenance of Open Space

- a. All land shown on the final development plan as open space may be conveyed under one of the following options:
 - i. It may be conveyed to the Town of Hamden which will agree to maintain the open space and any buildings, structures, or improvements which have been placed on it.
 - ii. It may be conveyed to trustees provided in an agreement establishing a homeowners' association or similar organization for the maintenance of the planned unit development. The open space must be conveyed to the trustees subject to covenants to be approved by the Town Planning and Zoning Commission which restrict the open space to the uses specified on the final development plan, and which provide for the maintenance of the open space in a manner which assures its continuing use for its intended purpose.
- b. No open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of open space areas, and all rights to enforce these covenants are expressly reserved.
- c. If the open space is not conveyed to the Town of Hamden, either one of the following methods of enforcement must be provided:
 - i. The legal right to develop the open space for the uses not specified in the final development plan must be conveyed to the Town of Hamden.
 - ii. The restrictions governing the use, improvements and maintenance of the open space must be stated as conditions to the conveyance of the open space, the fee title to the open space to vest in the Town of Hamden in the event of a substantial default in the stated conditions.
- d. If the open space is not conveyed to the Town of Hamden, the covenants governing the use, improvement, and maintenance of the open space may authorize the Town of Hamden to enforce their provisions.

A629.5 The Town of Hamden is not obligated herewith to indefinitely keep dedicated land as open space, but may utilize any dedicated land for any public facilities that are considered necessary and in the

best interest of the Town.

A629.6 The Town of Hamden may accept the dedication of open space for a temporary period not less than 35 years. If the Town disposes of the open space after that period of time, it must provide an equivalent amount of open space elsewhere in the Town.

A630 Utilities

All utilities shall be placed underground with the exclusion of overhead utility wires that already exist on existing streets.

A631 Sidewalks

Sidewalks will be required on all streets of all planned unit development.

A632 Sanitary Sewers

Dedicated open space land may not be utilized for leaching fields, or on site sewage treatment systems.

A633 P.U.D. Completion

Any Planned Unit Development not completed as of March 1, 2003 will cease to be eligible to be completed as a Planned Unit Development.

The Planned Unit Development designation will be removed from the land area and any expansion of land uses will be governed by the original underlying Zoning Regulations. In the case of an underlying zone being an R6 zone the governing zone will be R-5.⁷

¹The following regulations are Effective 10/1/69

²Adopted 10/19/99, Effective 10/26/99 (NOTE: Section 622.1c deleted 3/13/01)

³With 5 to 15 acres

⁴With 15 acres or more

⁵Effective 9/01/67

⁶Effective 9/01/67

⁷Adopted 3/13/01, Effective 3/13/01

