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1.1 AUTHORITY (NOT APPLICABLE)**1.2 APPLICABILITY**

- 1.2.1 Provisions of this Code are activated by "shall" when required; "should" when recommended; and "may" when optional.
- 1.2.2 The provisions of this Code, when in conflict, shall take precedence over those of other codes, ordinances, regulations and standards except the Local Health and Safety Codes.
- 1.2.3 The existing State of Connecticut enabling legislation, Chapter 151 of the Town of Hamden ordinances and the Town of Hamden Subdivision Ordinance (the "Existing Local Codes") shall continue to be applicable to issues not covered by this Code except where the Existing Local Codes would be in conflict with Section 1.3 Intent.
- 1.2.4 Capitalized terms used throughout this Code may be defined in Article 7 Definitions of Terms. Article 7 contains regulatory language that is integral to this Code. Those terms not defined in Article 7 shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those of the Existing Local Codes, those of this Code shall take precedence.
- 1.2.5 Where in conflict, numerical metrics shall take precedence over graphic metrics.

1.3 INTENT

The intent and purpose of this Code is to enable, encourage and qualify the implementation of the following policies:

1.3.1 THE REGION

- a. That the region should retain its natural infrastructure and visual character derived from topography, woodlands, farmlands, riparian corridors and coastlines.
- b. That growth strategies should encourage Infill and redevelopment in parity with New Communities.
- c. That development contiguous to urban areas should be structured in the pattern of Infill Traditional Neighborhood Development or Infill Regional Center Development and be integrated with the existing urban pattern.
- d. That Affordable Housing should be distributed throughout the region to match job opportunities and to avoid concentrations of poverty.
- e. That transportation Corridors should be planned and reserved in coordination with land use.
- f. That the region should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.

1.3.2 THE COMMUNITY

- a. That neighborhoods and Regional Centers should be compact, pedestrian-oriented and Mixed Use.
- b. That neighborhoods and Regional Centers should be the preferred pattern of development and that Districts specializing in a single use should be the exception.
- c. That ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.
- d. That interconnected networks of Thoroughfares should be designed to disperse traffic and reduce the length of automobile trips.
- e. That within neighborhoods, a range of housing types and price levels should be

- provided to accommodate diverse ages and incomes.
- f. That appropriate building Densities and land uses should be provided within walking distance of transit stops.
 - g. That Civic, institutional, and Commercial activity should be embedded in downtowns, not isolated in remote single-use complexes.
 - h. That schools should be sized and located to enable children to walk or bicycle to them.
 - i. That a range of Open Space including Parks, Squares, and playgrounds should be distributed within neighborhoods and downtowns.
- 1.3.3 **THE BLOCK AND THE BUILDING**
- a. That buildings and landscaping should contribute to the physical definition of Thoroughfares as Civic places.
 - b. That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public areas.
 - c. That the design of streets and buildings should reinforce safe environments, but not at the expense of accessibility.
 - d. That architecture and landscape design should grow from local climate, topography, history, and building practice.
 - e. That buildings should provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
 - f. That Civic Buildings and public gathering places should be provided as locations that reinforce community identity and support self-government.
 - g. That Civic Buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.
 - h. That the preservation and renewal of historic buildings should be facilitated, to affirm the continuity and evolution of society.
 - i. That the harmonious and orderly evolution of urban areas should be secured through form-based codes.
- 1.3.4 **THE TRANSECT**
- a. That Communities should provide meaningful choices in living arrangements as manifested by distinct physical environments.
 - b. That the Transect Zone descriptions on Table 1 shall constitute the Intent of this Code with regard to the general character of each of these environments.
- 1.4 (NOT APPLICABLE)
- 1.5 **MINOR DEVIATIONS AND AMENDMENTS**
- 1.5.1 There shall be two types of deviation from the requirements of this Code: Minor Deviations and Amendments. Whether a deviation requires a Minor Deviation or Amendment shall be determined by the Planning and Zoning Commission.
- 1.5.2 A Minor Deviation is a ruling that would permit a practice that is not consistent with a specific provision of this Code but is justified by the provisions of Section 1.3 Intent. The Planning and Zoning Commission shall have the authority to approve or disapprove administratively a request for a Minor Deviation pursuant to regulations established by the Planning and Zoning Commission.
- 1.5.3 An amendment is any ruling on a deviation other than a Minor Deviation. Amendments shall be granted by the Zoning Board of Appeals only in accordance with the State of Connecticut [Statutes, , as amended.] Bruce?
- 1.5.4 The request for a Minor Deviation or Amendment shall not subject the entire

application to public hearing, but only that portion necessary to rule on the specific issue requiring the relief.

- 1.5.5 The following standards and requirements shall not be available for Minor Deviations or Amendments:
- a. The maximum dimensions of traffic lanes. (See Table 3B.)
 - b. The required provision of Rear Alleys and Rear Lanes.
 - c. The minimum Residential Densities. (See Table 14b.)
 - d. The permission to build Accessory Buildings.
 - e. The minimum requirements for parking. (See Table 10.)

1.6 **SUCCESSION**

- 1.6.1 Twenty years after the approval of a Regulating Plan is granted, each Transect Zone, except the T1 Natural and T2 Rural Zones, shall be automatically rezoned to the successional (next higher) Transect Zone, unless denied in public hearing by the Planning and Zoning Commission.

1.7 **BONUS PROVISION**

A bonus floor may be approved by the Planning and Zoning Commission by Minor Deviation in transect zones T4, T5 and T6 provided that the building meets the criterion for LEED (Leadership in Energy and Environmental Design) Gold Standard. See Table 14k.

4.1 INSTRUCTIONS

- 4.1.1 Within areas designated as Infill, the Town Planner shall prepare, or have prepared on its behalf, Infill Regulating Plans to guide further development. Infill Regulating Plans shall be prepared in a process of public consultation subject to approval by the Planning and Zoning Commission.
- 4.1.2 Infill Regulating Plans shall regulate, at minimum, an area the size of the Pedestrian Shed commensurate with its Community type as listed in Section 4.2. The Town Planner shall determine a Community type based on existing conditions and intended evolution in the plan area.
- 4.1.3 Infill Regulating Plans shall consist of one or more maps showing the following:
- The outline(s) of the Pedestrian Shed(s) and the boundaries of the Community or Communities
 - Transect Zones and Civic Zones within each Pedestrian Shed, assigned according to an analysis of existing conditions and future needs
 - a Thoroughfare network, existing or planned (Table 3A, Table 3B and Table 4C)
 - Special Districts, if any (Section 4.5)
 - Special Requirements, if any (Section 4.7)
 - a record of Minor Deviations or Amendments.
- 4.1.4 Within any area subject to an approved Infill Regulating Plan, this Code becomes the exclusive and mandatory regulation. Property owners within the plan area may submit Site Plans under Article 5 in accordance with the provisions of this Code. Site Plans requiring no Amendments shall be approved by the Planning and Zoning Commission.
- 4.1.5 The owner of a parcel, or abutting parcels, consisting of 10 acres or more of contiguous lots within an area subject to an Infill Regulating Plan may apply for a Special Permit. In consultation with the Town Planner, the regulations may be amended to assign new Transect Zones, Civic Zones, Thoroughfares, Special Districts (if any) and Special Requirements (if any) as provided in this Code, with appropriate transitions to abutting areas, subject to approval by the Planning and Zoning Commission.
- 4.1.6 The owner of a parcel, or abutting parcels, consisting of 30 acres or more of contiguous lots, whether inside or outside an area already subject to an Infill Regulating Plan, may initiate the preparation of a New Community Plan.

4.2 COMMUNITY TYPES

- 4.2.1 Infill Regulating Plans shall encompass one or more of the following Community types. The allocation percentages of Table 14a do not apply.
- 4.2.2 **Infill TND (Traditional Neighborhood Development)**
- An Infill TND [should] be assigned to neighborhood areas that are predominantly residential with one or more Mixed Use Corridors or centers. An Infill TND shall be mapped as at least one complete Standard Pedestrian Shed, which may be adjusted as a Network Pedestrian Shed, oriented around one or more existing or planned Common Destinations.
 - The edges of an Infill TND should blend into adjacent neighborhoods and/or a downtown without buffers.
- 4.2.3 **Infill RCD (Regional Center Development)**
- An Infill RCD [should] be assigned to downtown areas that include significant Office and Retail uses as well as government and other Civic institutions of regional importance. An Infill RCD shall be mapped as at least one complete Long or Linear Pedestrian Shed, which may be adjusted as a Network Pedestrian

- Shed, oriented around an important Mixed Use Corridor or center.
- b. The edges of an Infill RCD should blend into adjacent neighborhoods without buffers.
- 4.2.4 Infill TOD (Transit-Oriented Development)**
- a. Any Infill TND or Infill RCD on an existing or projected rail or Bus Rapid Transit (BRT) network may be redesignated in whole or in part as TOD and permitted the higher Density represented by the Effective Parking allowance in Section 5.9.2d.
- b. The use of a TOD overlay shall be approved by Amendment.
- 4.3 TRANSECT ZONES**
- 4.3.1** Transect Zone standards for Infill Regulating Plans should be calibrated by means of a survey of exemplary existing and intended conditions, as identified in a process of public consultation and subject to the approval of the Planning and Zoning Commission. Metrics shall be recorded on Table 14.
- 4.3.2** A Transect Zone shall include elements indicated by Article 3, Article 5, and Article 6.
- 4.4 CIVIC ZONES**
- 4.4.1 General**
- a. Infill Plans should designate Civic Space Zones (CS) and Civic Building Zones (CB).
- b. A Civic Zone may be permitted by Minor Deviation if it does not occupy more than 20% of a Pedestrian Shed, otherwise it is subject to the creation of a Special District. See Section 4.5.
- c. Parking provisions for Civic Zones shall be determined by Minor Deviation.
- 4.4.2 Civic Space Zones (CS)**
- a. Civic Spaces shall be generally designed as described in Table 13, their type determined by the surrounding or adjacent Transect Zone in a process of public consultation subject to the approval of the Planning and Zoning Commission.
- 4.4.3 Civic Building Zones (CB)**
- a. Civic Buildings shall be permitted by Amendment in any Transect Zone or by Minor Deviation on Civic Zones reserved in the Infill Regulating Plan.
- b. Civic Buildings shall not be subject to the Requirements of Article 5. The particulars of their design shall be determined by Minor Deviation.
- 4.5 SPECIAL DISTRICTS**
- 4.5.1** Areas that, by their intrinsic size, Function, or Configuration, cannot conform to the requirements of any Transect Zone or combination of zones shall be designated as Special Districts by the Town Planner in the process of preparing an Infill Plan. Conditions of development for Special Districts shall be determined in public hearing of the Planning and Zoning Commission.
- 4.6 NON CONFORMING CONDITIONS**
- 4.6.1** Existing buildings and appurtenances that do not conform to the provisions of this Code may continue in the same use and form until a Substantial Modification occurs or is requested, at which time the Planning and Zoning Commission shall determine the provisions of this Section that shall apply.
- 4.6.2** Not applicable.