

Key: New text is **boldfaced**

Amend SECTION IX – SPECIAL REGULATIONS as follows:

F. TRANSFER OF DEVELOPMENT RIGHTS (TDR)

1. Purpose

The purpose of this section is to establish a regulation to enable the transfer of development rights in areas identified by the Commission as having a high priority for preservation (sending areas) to areas identified by the Commission as being appropriate for multi-family development (receiving areas). These areas are identified on the official Zoning Map and shall constitute overlay zones. The goal of this regulation is to preserve valuable natural resources and open spaces while directing development to the appropriate locations.

2. Transfer of Development Rights

Land owners in the receiving overlay zone may purchase development rights from land owners in the sending overlay zone. These development rights may then be transferred to the receiving area such that housing density may be increased. An applicant must accurately define the sending area by preparing a survey drawing meeting the requirements of a Class A-2 survey. A Special Exception Application shall be filed with the Commission. An applicant must demonstrate that all Special Exception Criteria contained in Section VIII of these Regulations, as well as those contained in Item #5 of this section have been satisfied. In lieu of the actual ownership of land in either the receiving zone or the sending zone, an applicant may demonstrate to the Commission that he or she has an option to purchase such land or rights. In all instances, the owners of all properties in both the sending and receiving areas shall be required to sign all applications submitted to the Commission. The transfer of development rights may only be used to increase the number of units permitted as a multiple dwelling unit development, as defined in Section II.

3. Permitted Density

The Transfer of Development Rights may be used to increase density up to 8 units per acre. For purposes of this section, development rights are needed to increase density beyond 4 units per acre (the maximum density allowed under Section IX – Multiple Dwelling Development).

4. Transfer Formula

The following formula shall be applied in determining how density may be transferred:

$$\begin{array}{rcl}
 \text{[(A)} & + & \text{(B)] } \times 4 = \text{ (C)} \\
 \text{Total \# of acres of} & & \text{Total \# of acres of} & & \text{The maximum} \\
 \text{parcel in the receiving} & & \text{parcel in the sending} & & \text{\# of units which} \\
 \text{area after application} & + & \text{area after application} & \times 4 = & \text{may be constructed} \\
 \text{of the Developable} & & \text{of the Developable} & & \text{in the receiving area*} \\
 \text{Land Calculation} & & \text{Land Calculation} & &
 \end{array}$$

* The maximum # of units which may be transferred from the sending area to the receiving area shall be limited such that the maximum density on the parcel to be developed (sending area) does not exceed 8 units per acre after application of the Developable Land Calculation.

The following is an example of how the transfer of density may be accomplished:

- (A) **Transfer In Parcel = 13 acres in total**
(Receiving Area) 2 acres of wetland soils
 2 acres of steep slopes
 1 acre of flood plain
 8 Acres Total after Application of Developable Land Calculation
- (B) **Transfer Out Parcel = 12 acres total**
(Sending Area) 1 acre of wetland soils
 1 acre of steep slopes
 0 acres of flood plain
 10 Acres Total after Application of Developable Land Calculation

Number of units after density transfer:

$$\begin{array}{l}
 \text{[(13-5) + (12-2)] } \times 4 = \text{C} \\
 \text{(8 + 10) } \times 4 = \text{C} \\
 \text{18 } \times 4 = 72
 \end{array}$$

5. Special Exception Criteria

The Commission shall not approve an application for a TDR unless the applicant has successfully demonstrated compliance with Section VIII of these Regulations, as well as the following:

- a. Building Design – building architecture, scale, mass, and design shall relate to the context of the sites surroundings. Design goals described in the Plan of Conservation and Development shall be met.
- b. Landscape Design – the project shall include a significant program of landscaping which enhances the aesthetics of the project, provides an appropriate buffer to less dense adjoining residences if applicable, and contributes to the project in a way that provides the appearance of less

density than that which is actually proposed. These goals may be met by design, the quantity and size of landscape plants, and other features such as the introduction of public spaces, gardens, and ornamental structures.

6. Area and Height Requirements

Minimum Parcel Size	5 acres
Maximum Lot Coverage	20%
Maximum Density	8 units/acre (See Section III.D.)
Maximum Building Height	35 feet
Maximum Footprint of any Individual Building	6,000 square feet
Minimum Front Yard	*50 feet
Minimum Side/Rear Yard	30 feet except yards that abut a land use other than a TDR or Multiple Dwelling development shall be 60 feet.

* The Commission may increase or decrease the required front yard setback based on a review of how the proposed project relates to other existing structures which are proximate to the subject application.

7. Land Use and Site Development Requirements

An application for Site Development Plan approval shall be submitted simultaneously with a request for Special Exception to transfer density. This application shall meet all of the minimum requirements of Section X.

a. Utility Requirements

- (1) **Roads - Roads shall conform to the applicable section of the Subdivision Regulations of the Town of Avon except that the Commission may modify width of pavement and curbs upon recommendation of the Town Engineer.**
- (2) **Water - A public water supply is required. The Commission may waive this requirement in unusual situations upon recommendation of the Director of Health.**
- (3) **Sewage - Public sewers are required. The Commission may waive this requirement in unusual situations upon recommendation of the Town Engineer and Director of Health.**
- (4) **Other Utilities - All other utilities shall be located underground.**

b. Land Use and Site Development Requirements

- (1) **Parking - Parking Facilities shall be provided in accordance with Section VII.B. of these regulations. Spaces shall be provided with convenient access to the front entrances of the buildings.**

- (2) **Landscaping** - A landscape buffer conforming to the requirements for a B BUFFERYARD as specified in Section VII.A.5., shall be provided around the perimeter of the property. Additional buffering may be required in sensitive areas at the discretion of the Commission.

However, where variations in topography, natural features, existing vegetation, or compatible land uses obviate the need for such a buffer, the Commission may modify or waive this requirement.

- (3) **Building Locations** - All buildings erected in a Multiple Dwelling Development shall observe the following location requirements:

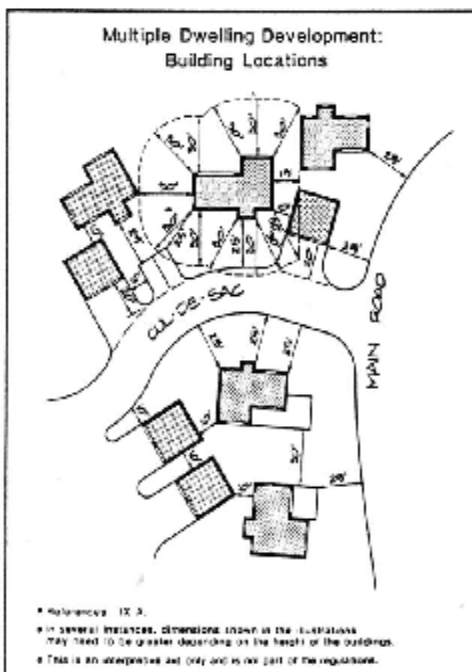
Buildings located adjacent to existing public roads must observe the setback requirements in Section IX. F. 6.

- (a) **Principal buildings shall be separated at least:**

30 feet or the height of the building, whichever is greater, from another principal building where either wall has openings; 15 feet or half the height of the building, whichever is greater, from another principal building where neither wall has openings;

10 feet or the height of the accessory building, whichever is greater, from an accessory building; and

25 feet from the edge of pavement of any proposed main road, cul-de-sac, or parking area.



(b) Accessory buildings shall be located at least:

**25 feet from the edge of pavement of any proposed main road,
and**

**10 feet from the edge of pavement of any proposed cul-de-sac,
parking area, or other accessory building.**

**(c) Garages exiting directly onto cul-de-sacs shall have driveways
at least 20 feet in length. Garages shall not exit directly onto
main roads.**

**(d) Porches and decks shall observe the above separation
requirements.**

**(e) The Commission may modify the requirements of this section
provided that, in the Commission's sole discretion, the public
health, safety, and welfare are safeguarded.**

**(4) Living Area - Each residential unit shall contain at least 600 square
feet of Living Area for a one-bedroom unit, plus, at least an
additional 200 square feet of Living Area in the unit as a whole for
each additional bedroom.**

**(5) Maintenance - The applicant shall present sufficient information to
the Commission to demonstrate that adequate provisions have been
made for the sustained maintenance of the development in general
and also for the sustained maintenance of the roads and open
space.**

8. Recording Documentation in Avon Land Records

**Prior to the recording of the Special Exception in accordance with Section 8-26e
of the CT General Statutes, the applicant must record in the office of the Town
Clerk, notice of restriction indicating that no development of the transfer out
property is possible. Restrictions shall be established which prevent the future
development of the property except that land in the transfer out area may be sold
and utilized for agricultural purposes or open space. In addition, the owner may
elect to retain rights to cut timber on the property consistent with a forest
management plan prepared by a licensed forester. This recorded notice shall be
accompanied by the survey map described in Item #3, which accurately defines
the area which is subject to the restriction. Such documents shall be reviewed
and approved by the Town Attorney. Once recorded, these restrictions may not
be modified.**