



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING & ZONING DEPARTMENT

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November 28, 2011

To: Mayor Mark D. Boughton
Members of City Council

From: Dennis I. Elpern, Planning Director 

Re: Downtown Revitalization Zone: Deferral of Assessment Increases

The Main Street Renaissance Task Force, in their report entitled *Downtown Danbury: Issues & Recommendations 2010*, recommended a public incentive package designed to "send a clear message from the City to potential developers that downtown Danbury is the most hospitable environment in the City to do business." The package included recommended zoning amendments, financial assistance, improvements to the permit process, and fee reductions in the Downtown Revitalization Zone. The report cautioned that incentives offered as part of the revitalization package must be limited to the DRZ so that their ability to act as inducements for downtown investment will not be compromised.

A major component was the inclusion of land uses in the DRZ eligible for consideration under the deferral of assessment increases program found in § 18-25 of the Code of Ordinances. These included, where allowed in the various zoning districts of the DRZ, the following uses: offices, retail stores, permanent residential development, information technology, recreation facilities and transportation facilities.

The attached proposal includes these amendments plus site plan requirements applicable to all applications for deferrals and some minor ministerial changes.

We are requesting that these proposed changes be referred to an ad hoc committee for review and recommendation followed by a public hearing and Council action.

Attachment

c: Laszlo Pinter, Deputy Corporation Counsel
Robin Edwards, Assistant Corporation
Jean Natale, Legislative Assistant

G:Proposed DRZ Deferral Amendments to City Council

Copy showing deletions and new language

Sec. 18-25. Deferral of assessment increases attributable to construction or improvements.

- (a) *Preamble, general findings and authority.* Whereas, the Connecticut General Assembly has authorized municipalities to fix assessments for construction or improvements to real property or air space in accordance with the provisions of section 12-65b of the Connecticut General Statutes; and whereas the deferral of assessment increases attributable to new construction or improvements will encourage economic development within the City of Danbury and the continued economic vitality of the city; now, therefore, in accordance with section 12-65b of the Connecticut General Statutes, the city does hereby provide for the deferral of assessment increases attributable to construction or improvements to real property or air space within the City of Danbury as specified herein.
- (b) *Application and eligibility.* An application to the city for a deferral of assessment increases for real property, air space and all improvements thereon or therein and to be constructed thereon or therein may be made by any party owning or proposing to acquire an interest in real property, or any party owning or proposing to acquire an interest in air space, or any party who is the lessee of, or who proposes to be the lessee of, air space in such a manner that the air space leased or proposed to be leased shall be assessed to the lessee pursuant to section 12-64 of the Connecticut General Statutes. In order to be eligible for the benefits provided by this section, A COMPLETED APPLICATION FORM AVAILABLE FROM THE DEPARTMENT OF PLANNING AND ZONING MUST BE SUBMITTED TO THE DEPARTMENT AND, upon receipt of a report from the ~~planning~~ department, the ~~common~~ CITY council must find that:
- (1) Use. The applicant proposes to use the construction of improvements to real property (or property subject to air rights) FOR THE FOLLOWING PRINCIPAL USES WHERE ALLOWED IN ZONING DISTRICTS OF THE CITY OF DANBURY ZONING REGULATIONS:
- a. For permanent residential use for property designated blighted pursuant to section ~~10-81~~ 10-92 et seq. of this Code, OR for office USE, or manufacturing use, or ~~for~~ warehouse, storage or distribution use, or
 - b. If the real property is located within the C-CBD zoning district, for permanent residential use, ~~for~~ office USE, ~~of~~ manufacturing use, or ~~for~~ warehouse, storage or distribution use, or
 - ~~e. If the real property is located within the Downtown Redevelopment Area, for permanent residential use for property designated blighted pursuant to section 10-81 et seq. of this Code, for office, manufacturing, or retail use, or for warehouse, storage or distribution use.~~
 - c. IF THE REAL PROPERTY IS LOCATED WITHIN THE DOWNTOWN REVITALIZATION ZONE, AS DESIGNATED IN THE ZONING REGULATIONS, FOR OFFICE USE, RETAIL USE, PERMANENT

RESIDENTIAL USE, INFORMATION TECHNOLOGY, RECREATION FACILITIES, OR TRANSPORTATION FACILITIES IN ZONING DISTRICTS WHERE ALLOWED IN THE DRZ.

- (2) Taxes. The property or property subject to air rights is not delinquent in the payment of taxes owed to the city or taxes owed to the Downtown Special Services District at the time of application.
- (3) Written agreement. The applicant proposes AGREES to enter into a written agreement with the city fixing the assessment of the real property, air space and all improvements thereon or therein and to be constructed thereon or therein upon such terms and conditions as are provided for herein and therein.
- (4) SITE PLAN. THE APPLICATION SHALL INCLUDE A SITE PLAN, PROPOSED EXTERIOR FACADE ELEVATIONS, INTERIOR LAYOUT, AND OTHER SPECIFICATIONS DRAWN TO SCALE INDICATING ALL EXISTING AND PROPOSED CONSTRUCTION AND OTHER IMPROVEMENTS SUFFICIENT FOR THE TAX ASSESSOR TO DETERMINE THE ASSESSMENT INCREASE OF THE PROPERTY AFTER COMPLETION OF ALL PROPOSED CONSTRUCTION OR IMPROVEMENTS FOR WHICH THIS DEFERRAL IS BEING REQUESTED. CITY COUNCIL MAY REQUIRE THAT PROPOSED NEW CONSTRUCTION OR RENOVATION OF NON-HISTORIC BUILDINGS LOCATED WITHIN THE MAIN STREET HISTORIC DISTRICT COMPLY WITH ONE OR MORE OF THE CONTEXTUAL DESIGN GUIDELINES FOR HISTORIC DISTRICTS AS SPECIFIED IN THE CITY OF DANBURY PLAN OF CONSERVATION & DEVELOPMENT, AS AMENDED.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINE except that capitalization is not utilized for the letters in parentheses which indicate subsections.



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

_____ A.D. 2012

Be it ordained by the City Council of the City of Danbury:

Sec. 18-25. Deferral of assessment increases attributable to construction or improvements.

(a) *Preamble, general findings and authority.* Whereas, the Connecticut General Assembly has authorized municipalities to fix assessments for construction or improvements to real property or air space in accordance with the provisions of section 12-65b of the Connecticut General Statutes; and whereas the deferral of assessment increases attributable to new construction or improvements will encourage economic development within the City of Danbury and the continued economic vitality of the City; now, therefore, in accordance with section 12-65b of the Connecticut General Statutes, the City does hereby provide for the deferral of assessment increases attributable to construction or improvements to real property or air space within the City of Danbury as specified herein.

(b) *Application and eligibility.* An application to the City for a deferral of assessment increases for real property, air space and all improvements thereon or therein and to be constructed thereon or therein may be made by any party owning or proposing to acquire an interest in real property, or any party owning or proposing to acquire an interest in air space, or any party who is the lessee of, or who proposes to be the lessee of, air space in such a manner that the air space leased or proposed to be leased shall be assessed to the lessee pursuant to section 12-64 of the Connecticut General Statutes. In order to be eligible for the benefits provided by this section, a completed application form available from the department of planning and zoning must be submitted to the department and, upon receipt of a report from the department, the City Council must find that:

(1) *Use.* The applicant proposes to use the construction of improvements to real property (or property subject to air rights) for the following principal uses where allowed in zoning districts of the City of Danbury zoning regulations:

- a. For permanent residential use for property designated blighted pursuant to section 10-92 et seq. of this Code, or for office use, manufacturing use, or warehouse, storage or distribution use, or
- b. If the real property is located within the C-CBD zoning district, for permanent residential use, office use, manufacturing use, or warehouse, storage or distribution use, or
- c. If the real property is located within the downtown revitalization zone, as designated in the zoning regulations, for office use, retail use, permanent residential use, information technology, recreation facilities, or transportation facilities in zoning districts where allowed in the DRZ.

- (2) Taxes. The property or property subject to air rights is not delinquent in the payment of taxes owed to the City or taxes owed to the Downtown Special Services District at the time of application.
- (3) Written agreement. The applicant agrees to enter into a written agreement with the City fixing the assessment of the real property, air space and all improvements thereon or therein and to be constructed thereon or therein upon such terms and conditions as are provided for herein and therein.
- (4) Site plan. The application shall include a site plan, proposed exterior façade elevations, interior layout, and other specifications drawn to scale indicating all existing and proposed construction and other improvements sufficient for the tax assessor to determine the assessment increase of the property after completion of all proposed construction or improvements for which this deferral is being requested. City Council may require that proposed new construction or renovation of non-historic buildings located within the main street historic district comply with one or more of the contextual design guidelines for historic districts as specified in the City of Danbury *Plan of Conservation & Development*, as amended.