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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

November 4, 2004

Mayor Mark D. Boughton
Members of the Common Council

Re: **Assessment Deferral Program Enhancements**

The Common Council Committee appointed to review the assessment deferral program met on October 13, 2004 at 7:45 P.M. In attendance were committee members Saracino and Esposito. Also in attendance were Mayor Mark Boughton, Deputy Corporation Counsel Eric Gottschalk, Director of Economic Development James Bellano, Director of Planning Dennis Elpern, Attorney Paul Jaber, Ervie Hawley, Dan Bertram from BRT and Council Members Cavo, Basso and Teicholz, ex-officio.

Ms. Saracino opened the meeting by stating that this would add residential development to the existing program. Mayor Boughton stated that this change to the ordinance would add the downtown area to deferral eligibility. The objective is to concentrate and focus market rate housing in the CityCenter area. The best way is to offer a deferral for residential housing downtown. There are two prime parcels that would be ripe for this type of development, the old Danbury Building and Lumber Company and the old Amphenol Building. Ms. Saracino asked if the type of housing that would be built would be as expensive as the housing outside the City? Mayor Boughton said market rate is an undefinable term. Market rate is what the market will bear.

Mr. Esposito asked if this would require a public hearing? Attorney Gottschalk said it would. He said that we now have a tax deferral program based on state statute. The length of the deferral depends on the size of the project. Until now, the uses excluded residential projects in downtown. The proposal is to expand the list of uses and limiting the area where the improvements could go. Mr. Elpern asked if a list of uses is contained in state statutes? Mayor Boughton said the City could revisit this issue for the right client such as retail, but he thinks housing will drive the retail client.

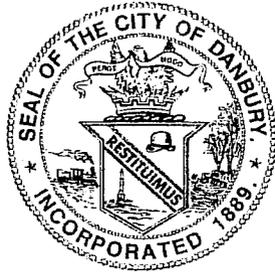
Mr. Esposito made a motion to recommend the change and defer the ordinance to public hearing. Seconded by Ms. Saracino. Motion carried unanimously.

Respectfully submitted,

MARY SARACINO, Chairman

GREGG SEABURY

JOHN ESPOSITO



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

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

THAT Subsection (b) of Section 18-25 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

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

(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, upon receipt of a report from the Planning Department, the Common Council must find that:

(1) The applicant proposes to use the construction of improvements to real property (or property subject to air rights) for:

- (A) Permanent residential use for property designated blighted pursuant to Sec. 10-81 et seq. of this Code, for office, or manufacturing use, or for warehouse, storage or distribution use or,
- (B) If the real property is located within the CCBD zoning district, for permanent residential use, for office or manufacturing use, or for warehouse, storage or distribution use or,
- (C) If the real property is located within the Downtown Redevelopment Area, for permanent residential use for property designated blighted pursuant to Sec. 10-81 et seq. of this Code, for office, manufacturing, or retail use, or for warehouse, storage or distribution use.

(2) 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) The applicant proposes 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.

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT Subsection (b) of Section 18-25 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

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- (1) The applicant proposes to use the construction of improvements to real property (or property subject to air rights) for:
 - (A) ~~P~~permanent residential use for property designated blighted pursuant to Sec. 10-81 et seq. of this Code, FOR office, OR manufacturing USE, or for warehouse, storage or distribution use or,
 - (B) IF THE REAL PROPERTY IS LOCATED WITHIN THE CCBD ZONING DISTRICT, FOR PERMANENT RESIDENTIAL USE, FOR OFFICE OR MANUFACTURING USE, OR FOR WAREHOUSE, STORAGE OR DISTRIBUTION USE OR,
 - (C) ~~I~~f the real property is located within the Downtown Redevelopment Area, ~~the applicant proposes to use the construction or improvements to real property (or property subject to air rights) for~~ permanent residential use for property designated blighted pursuant to Sec. 10-81 et seq. of this Code, FOR office, manufacturing, OR retail USE, or for warehouse, storage or distribution use.
- (2) 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) The applicant proposes 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.

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

Deleted language is indicated by ~~strikeout~~.