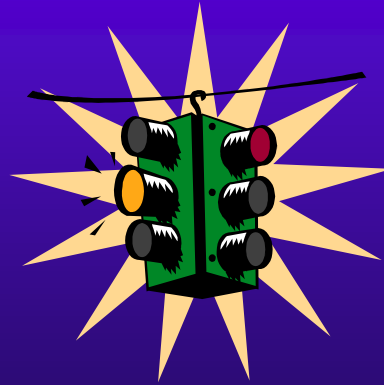




# A Moratorium on Residential Development



# Are Moratoriums Legal?



**Connecticut Supreme Court-** Arnold Bernhard & Co. vs. Planning Commission, 1984 Conn. 152 (1984)

**US Supreme Court** - Tahoe-Sierra Pres. Council v. Tahoe Regional Planning Agency (2002 WL 654431; 535 U.S. (2002))

## **Components of a legal moratorium;**

- 1.) Must be enacted with all procedural regularity of a zone change;
- 2.) Can not prohibit all development;
- 3.) Must be limited to a reasonable frame;
- 4.) Must be a specific reason and desired outcome

# Why a Moratorium Now ?



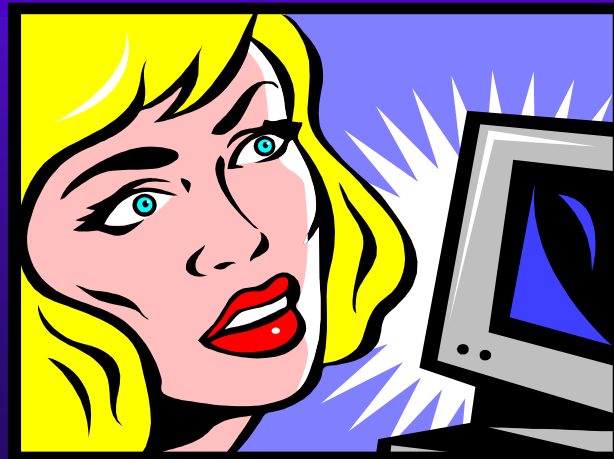
- 1.) Concern About Rapid Growth
- 2.) Population at Total Build Out
- 3.) Quality of Development
- 4.) Cost of Community Services
- 5.) Time to Plan





## Concern About Rapid Growth

- The city is averaging well over 100 new houses per year.
- The city grew by an impressive 7 % between 1990 - 2000.
- The school-aged population continues to increase and several schools are at or over capacity.



# Recently Approved



|                          |                     |
|--------------------------|---------------------|
| Highland Hill Farms -    | 46 SF homes         |
| Eastbury Hill -          | 22 SF homes         |
| Country Hill -           | 38 SF homes         |
| Saddle Ridge -           | 20 SF homes         |
| Kelsey Estates -         | 18 SF homes         |
| Crystal Lake Estates-    | 10 SF homes         |
| Laurel Farms             | 32 FF homes         |
| <u>Hubbard Estates -</u> | <u>15 SF home</u>   |
| <b>TOTAL</b>             | <b>201 SF homes</b> |



## In the Pipeline

|                       |                     |
|-----------------------|---------------------|
| Sonoma Woods -        | 38 SF homes         |
| Long Hill Road -      | 53 SF homes         |
| Hubbard Property -    | 14 SF homes         |
| Clear view -          | 15 SF homes         |
| <u>S. Plum Road -</u> | <u>15 SF homes</u>  |
| <b>TOTAL</b>          | <b>135 SF HOMES</b> |



# Population at Total Build Out

- The population at total residential build out will be **65,000**.
- This will result in complete suburban sprawl similar to towns such Newington and Wethersfield.
- The Plan of Development Survey of Citizens concluded that 65,000 is too high for Middletown and steps should be taken to control and limit future growth.



# Development Potential by Zone



| <u>Zones</u> | <u>Potential Development</u> | <u>Additional Population</u> |
|--------------|------------------------------|------------------------------|
| Multi Family | 300 units                    | 690                          |
| R1/RPZ/R15   | 3,100 units                  | 7,130                        |
| R30          | 1,975 units                  | 4,543                        |
| R45          | 830 units                    | 1,909                        |
| R60          | 2,200 units                  | 5,060                        |
| TD           | 32 units                     | 74                           |
| MX           | 150 units                    | 345                          |
| IM           | 250 units                    | 575                          |
| <b>Total</b> | <b>8,837 units</b>           | <b>20,325</b>                |





# Quality of Development

It has become increasingly apparent that the Commission is not satisfied with the type and quality of development that its own regulations are creating.

- 1.) Poor cluster designs
- 2.) Cul-de-sacs,
- 3.) Detention ponds,
- 4.) Inappropriate road design,
- 5.) Open spaces that are full of wetlands,
- 6.) Lots comprised mostly of wetlands and steep slopes,
- 7.) Rear lots stacked on top of front lots.



**The Commission is demanding better designs than the regulations permit.**

**Well thought out, revisions to the regulations are necessary.**



# Cost of Town Services

The town is obligated to provide town services to new developments.

Services range from

- paving, sanding and snow plowing,
- paying for street lights,
- patrolling and responding to emergencies,
- providing arts, cultural and recreational opportunities,
- bussing private school children to and from school; and
- offering a high quality public education to every child.



Time and time again studies have shown that on average the revenues received from residential properties cannot cover the cost of the services that the town must provide.

# Education Costs



Educating one child in the Middletown School system costs \$10,000.

On average a single family home in Middletown produces \$4,500 in taxes.

Recent figures indicate that the average number of children per household in five residential subdivisions was .628.

Simple math indicates

100 homes times \$4,500 per year in taxes = **\$450,000 in tax revenues**

100 homes times .628 = 62.8 children times \$10,000 education costs per child = **\$628,000 in education costs alone.**

The city loses \$178,000 per year on a 100-lot subdivision. This does not include any of the community services mentioned earlier.



# Future Student Population

- The total population is 45,563.
- There is a student to total population ratio of .112 .
- Applying this ratio to a total population of 65,000 residents' results in **7,280 students.**
- Today there are approximately 5,128 public school children.
- The total capacity of the school system is 6,211 students.
- This means the city would have to build new schools.



**The City of Middletown simply can't afford to grow at this pace.**



# Time to Plan

The Planning and Zoning Commission is overwhelmed with applications.

The number of applications

The volume of the materials submitted

The length of the public hearings

The statutory time frames to make decisions; and

The legal and engineering complexities



Hinders the Commission's ability to undertake thorough and meaningful reviews, let alone adopt a new Plan of Conservation and Development, review its own regulations and make necessary changes.

**A moratorium will give the Commission time to address these issues.**



## Recommendations

1. Adopt a new Plan of Conservation and Development
2. Devise a plan to spend the \$3 million in open space funds
3. Investigate the legality of a “controlled growth amendment” limiting the number of lots approved and building permits issued each year;
4. Adopt zoning text amendment allowing over 55 housing developments to offer an alternative to traditional single family housing;
5. Eliminate the allowance for rear lots;
6. Investigate limiting the use of cul-de-sacs;
7. Adopt net lot area requirement to exclude a reasonable portion of steep slopes and wetlands from total lot area calculation;
8. Strengthen cluster regulations to force better design and limit amount of wetlands in open space;
9. Adopt provisions authorizing payments in lieu of open space;
10. Adopt new road standards including drainage, sidewalks, and street lighting, to insure proper road design based on the area - suburban or rural.
11. Amend zoning map to increase minimum lot area to increase lot size so as to decrease the number of homes at total residential build out.





# Why a Moratorium Now ?

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