



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

December 7, 2004

Mayor Mark D. Boughton
Members of the Common Council

Re: **Deferral of Assessment Increases Attributable to Construction or
Improvements**

The Common Council met as a committee of the whole in the Common Council Chambers immediately following a public hearing on November 22, 2004.

Mrs. Saracino made a motion to recommend approval of the ordinance revision. Seconded by Mr. Cavo.

Mr. Visconti asked if there is anything planned for the downtown that would warrant this change? Administrative Assistant to the Mayor Michael McLachlan stated that there is a development opportunity for the old Danbury Brewster Lumber Company site, as well as for the old Amphenol property. There is also a possibility for land on Keeler Street running to Center Street. Mr. Saadi asked for a definition of the CCBD Zoning District. Mr. McLachlan said it would be from the News Times building on Main Street to St. Peter's and roughly a block in either direction.

Mr. Calandrino asked if this deferral is for new residential development or just for the improvements? Attorney Gottschalk said it was for both new and improvements. Mr. Trombetta asked if a commercial site is razed and residential properties developed, is that good for seven years? Attorney Gottschalk said it is based on income levels and size. If a commercial site is razed and new residential built, the new improvements are deferred.

Mr. Nolan stated that any deferral is brought before the Common Council and subject to Council scrutiny. Mr. Saadi said he understands the need for tax deferrals, but he hesitates to continue to expand this to residential because taxes do not cover the services to the properties.

Motion carried with Mr. Saadi voting in the negative.

Respectfully submitted,

VINCENT NOLAN
Chairman



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):
 - (A) For 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):

(A) ~~F~~for 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~~.