

Effective January 10, 2023

Approved Changes

Replace Section 1.2 Purpose, with the following:

1.2. Purpose

1.2.A. STATUTORY AUTHORITY AND REQUIREMENTS OF THE COMMISSION

In accordance with CGS Section 8-2, as amended the Commission is authorized to regulate:

1. the height, number of stories and size of buildings and other structures;
2. the percentage of the area of the lot that may be occupied;
3. the size of yards, courts and other open spaces;
4. the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses, as defined in section 22a-93; and,
5. the height, size, location, brightness and illumination of advertising signs and billboards, except that any advertising sign or billboard that is not equipped with the ability to calibrate brightness or illumination shall be exempt from any regulation regulating such brightness or illumination that is adopted after the date of installation of such advertising sign or billboard

In accordance with CGS Section 8-2, as amended the Commission **may**:

6. divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of CGS Chapter 124, and, within such districts, may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land.
7. provide that certain classes or kinds of buildings, structures or use of land are permitted only after obtaining a special permit subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values.

1.2.B. STATUTORY AUTHORITY AND REQUIREMENTS OF THE REGULATIONS

In accordance with CGS Section 8-2, as amended such regulations **shall**:

1. be made in accordance with a comprehensive plan and in consideration of the plan of conservation and development adopted under section 8-23;
2. be designed to:
 - a. lessen congestion in the streets;
 - b. secure safety from fire, panic, flood and other dangers;
 - c. promote health and the general welfare;

- d. provide adequate light and air;
 - e. protect the state's historic, tribal, cultural and environmental resources;
 - f. facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements;
 - g. consider the impact of permitted land uses on contiguous municipalities and on the planning region, as defined in CGS Section 4-124i;
 - h. address significant disparities in housing needs and access to educational, occupational and other opportunities;
 - i. promote efficient review of proposals and applications; and,
 - j. affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et seq., as amended;
3. be drafted with reasonable consideration as to the physical site characteristics of the district and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land throughout a municipality;
 4. provide for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region, as designated by the Secretary of the Office of Policy and Management under CGS Section 16a-4a;
 5. promote housing choice and economic diversity in housing, including housing for both low and moderate income households;
 6. expressly allow the development of housing which will meet the housing needs identified in the state's consolidated plan for housing and community development prepared pursuant to CGS Section 8-37t and in the housing component and the other components of the State Plan of Conservation and Development prepared pursuant to CGS Section 16a-26;
 7. be made with reasonable consideration for the impact of such regulations on agriculture, as defined in subsection (q) of CGS Section 1-1;
 8. provide that proper provisions be made for soil erosion and sediment control pursuant to CGS Section 22a-329;
 9. be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies;
- In accordance with CGS Section 8-2, as amended such regulations **may**:
10. to the extent consistent with soil types, terrain and water, sewer and traffic infrastructure capacity for the community, provide for or require cluster development, as defined in CGS Section 8-18;
 11. be made with reasonable consideration for the protection of historic factors;

12. require or promote:
 - a. energy-efficient patterns of development;
 - b. the use of distributed generation or freestanding solar, wind and other renewable forms of energy;
 - c. combined heat and power; and
 - d. energy conservation;
13. provide for incentives for developers who use:
 - a. solar and other renewable forms of energy;
 - b. combined heat and power;
 - c. water conservation, including demand offsets; and
 - d. energy conservation techniques, including, but not limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision;
14. provide for a municipal system for the creation of development rights and the permanent transfer of such development rights, which may include a system for the variance of density limits in connection with any such transfer;
15. provide for notice requirements in addition to those required by this chapter;
16. provide for conditions on operations to collect spring water or well water, as defined in CGS Section 21a-150, including the time, place and manner of such operations;
17. provide for floating zones, overlay zones and planned development districts;
18. require estimates of vehicle miles traveled and vehicle trips generated in lieu of, or in addition to, level of service traffic calculations to assess:
 - a. the anticipated traffic impact of proposed developments; and
 - b. potential mitigation strategies such as reducing the amount of required parking for a development or requiring public sidewalks, crosswalks, bicycle paths, bicycle racks or bus shelters, including off-site; and
19. in any municipality where a traprock ridge or an amphibolite ridge is located:
 - a. provide for development restrictions in ridgeline setback areas; and
 - b. restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right:
 - i. Emergency work necessary to protect life and property;

- ii. any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted pursuant to this section; and
- iii selective timbering, grazing of domesticated animals and passive recreation.

1.2.C. STATUTORY PROHIBITIONS

In accordance with CGS Section 8-2, as amended such regulations **shall not**:

1. prohibit the operation of any family childcare home or group childcare home in a residential zone;
2. prohibit or unreasonably restrict:
 - a. the use of receptacles for the storage of items designated for recycling in accordance with CGS Section 22a-241b or require that such receptacles comply with provisions for bulk or lot area, or similar provisions, except provisions for side yards, rear yards and front yards;
 - b. access to or the size of such receptacles for businesses, given the nature of the business and the volume of items designated for recycling in accordance with CGS Section 22a-241b, that such business produces in its normal course of business, provided nothing in this section shall be construed to prohibit such regulations from requiring the screening or buffering of such receptacles for aesthetic reasons;
3. impose conditions and requirements on manufactured homes, including mobile manufactured homes, having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards or on lots containing such manufactured homes, including mobile manufactured home parks, if those conditions and requirements are substantially different from conditions and requirements imposed on:
 - a. single-family dwellings;
 - b. lots containing single-family dwellings; or
 - c. multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments;
4. prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations;
 - a. require a special permit or special exception for any such continuance;
 - b. provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use; or
 - c. terminate or deem abandoned a nonconforming use, building or structure unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure;
5. prohibit the installation, in accordance with the provisions of CGS Section 8-1bb, of temporary health care structures for use by mentally or physically impaired persons if such structures comply with the

provisions of said section, unless the municipality opts out in accordance with the provisions of subsection (j) of said section;

6. prohibit the operation in a residential zone of any cottage food operation, as defined in section 21a-62b;
7. establish for any dwelling unit a minimum floor area that is greater than the minimum floor area set forth in the applicable building, housing or other code;
8. place a fixed numerical or percentage cap on the number of dwelling units that constitute multifamily housing over four units, middle housing or mixed-use development that may be permitted in the municipality;
9. require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms; or
10. be applied to deny any land use application, including for any site plan approval, special permit, special exception or other zoning approval, on the basis of:
 - a. a district's character, unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures, or
 - b. the immutable characteristics, source of income or income level of any applicant or end user, other than age or disability whenever age-restricted or disability-restricted housing may be permitted.

Accessory Apartment Provisions

Add to Section 2.2, Definitions, Housing Related Terms:

“Accessory Dwelling - a separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations”

Add to Section 2.2. Definitions

“As of right - able to be approved in accordance with the terms of a zoning regulation or regulations and without requiring that a public hearing be held, a variance, special permit or special exception be granted or some other discretionary zoning action be taken, other than a determination that a site plan is in conformance with applicable zoning regulations.”

Amend Section 3.3.C.1.a, Attached Accessory Dwelling as follows:

Change Section 3.3.C.1.a, “Attached Accessory Dwelling”
to
“Attached or Detached Accessory Dwelling”

Change Section 3.3.C.1.a.ii, “The area devoted to the accessory dwelling unit shall not exceed thirty percent (30%) of the area of the principal dwelling, exclusive of garage, attic, and basement;”
To

“The area devoted to the accessory dwelling unit shall not exceed thirty percent (30%) of the area of the principal dwelling, exclusive of garage, attic, and basement, or one thousand square feet, whichever is less;”

Delete Section 3.3.C.1.a.iv, “the accessory dwelling unit shall be accessible from the principle dwelling by and operable door along a common wall;”

Amend Section 3.3.D.1 Accessory Dwelling Uses

Change Section 3.3.D.1.a, “Attached Accessory Dwelling – An accessory dwelling unit within or attached to the main dwelling unit which does not comply with the provisions of Section 3.3.C”

To

“Attached or Detached Accessory Dwelling – An accessory dwelling unit which does not comply with the provisions of Section 3.3.C”

Delete Section 3.3.D.1.b, “Detached Accessory Dwelling”

Parking

Amend Section 7.2, Parking and Loading, Table 7.2.C – Parking Space Requirements, as follows:

Change “Dwellings (all other Districts) – Two (2) spaces per dwelling unit”

to

“Dwellings (all other Districts) – One (1) space per studio or one (1) bedroom dwelling unit/ two (2) spaces per two (2) bedroom or larger dwelling unit”

Change “*R-1 and Collinsville Business Overlay District”

To

“R-1, Collinsville Business Overlay District, and Collinsville Design Village District”

Section 7.8 Traffic and Visibility at Intersections and Driveways

Amend Section 7.8.B, Traffic Analysis Required as follows:

Add to Section 7.8.B.1 – “For a special permit use,” prior to, “the applicant shall”.

Add to Section 7.8.B.2 a new subsection “d”, that states, “Estimates of vehicle miles traveled, and vehicle trips generated that assesses:

- i. the anticipated traffic impact of the proposed development; and
- ii. potential mitigation strategies, such as reducing the amount of required parking for a development or requiring public sidewalks, crosswalks, bicycle paths, bicycle racks or bus shelters, including off-site;”

and renumber former “d” as “e” and so-on to the remainder of this subsection.

Add to Section 7.8.B.3, new subsection, “d. Anticipated traffic impact of the proposed development and potential mitigation strategies.

Amend Section 7.8.B.4, A significant traffic impact, as follows:

Delete Section 7.8.B.4.a.

Amend Section 7.8.B.4.b to read, “Increases the study area intersection/ roadway peak hour volume by 15% for intersections/ roadways with an existing peak hour volume over 100, and by 25% for those lower than 100.”

Site Plan Decision Considerations

Amend Section 9.1.D, Decision Considerations as follows:

Add new Section 9.1.D.6, “The Commission shall not deny a site plan on the basis of:

- a. a district's character, unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures, or
- b. the immutable characteristics, source of income or income level of any applicant or end user, other than age or disability whenever age-restricted or disability-restricted housing may be permitted”

Special Permit Decision Considerations

Amend Section 9.2.D, Decision Considerations as follows:

Add new Section 9.2.D.6, “The Commission shall not deny a special permit on the basis of:

- a. a district's character, unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures, or
- b. the immutable characteristics, source of income or income level of any applicant or end user, other than age or disability whenever age-restricted or disability-restricted housing may be permitted”

Consultations, Section 9.9.D.

Add new Section 9.9.D.4, “In accordance with CGS Section 8-1c, the Commission may require any applicant to pay the cost of reasonable fees associated with any necessary review by consultants with expertise in land use of any particular technical aspect of such application, such as regarding traffic or stormwater, for the benefit of the Commission.

- a. Any such fees shall be accounted for separately from other funds.
- b. Any amount of the fee remaining after payment of all expenses for such technical review, including any interest accrued, shall be returned to the applicant not later than forty-five days after the completion of the technical review.”