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By Darlene Brady at 12:29 pm, Mar 29, 2023

TOWN OF KENT
PLANNING AND ZONING COMMISSION
41 Kent Green Boulevard, P.O. Box 678, Kent, CT 06757

INFORMATIONAL SPECIAL MEETING AGENDA

Thursday, April 20, 2023

7:00 p.m.

Meeting to be held via Zoom: <https://us02web.zoom.us/j/86420930045>

Meeting ID: 864 2093 0045

Dial in to: 1 646 558 8656

MEETING INFORMATION CAN BE FOUND HERE:

<https://drive.google.com/drive/folders/1OUrXk1H2hjuQfckQqobuIB1EMz1ZBnvG?usp=sharing>

1. **CALL TO ORDER**

2. **ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED**

3. **NEW BUSINESS**

Proposed Revisions to the Zoning Regulations:

- Parking Regulations (Section 8200)
- Senior Living (NEW)
- Reasonable Accommodations (NEW)
- Camps / Special Events (Section 6600)
- Accessory Dwelling Units (Section 6200)
- Conservation Development In VR Zones (Section 6700)
- Conservation Development In RU-1 Zone (Section 5200)

4. **ADJOURNMENT**



TOWN OF KENT

ZONING REGULATIONS

Community Meeting

The Planning and Zoning Commission is considering updating some provisions in the Zoning Regulations. Some of the changes being considered include:

1. Parking Regulations (Section 8200)
2. Senior Living (NEW)
3. Reasonable Accommodations (NEW)
4. Camps / Special Events (Section 6600)
5. Accessory Dwelling Units (Section 6200)
6. Conservation Development In VR Zones (Section 6700)
7. Conservation Development In RU-1 Zone (Section 5200)

The **DRAFT** provisions are posted on the Town website at

www.townofkentct.org

Thursday April 20 @ 7:00 PM

You Can Participate Virtually!

Via ZOOM Meeting

(details to be posted on Town website as date gets closer)

You Can Email Comments!

Review the possible revisions and email comments to the Commission before the meeting to

landuseadmin@townofkentct.org

We look forward to getting your comments and feedback on the draft Zoning Regulations!

Kent Zoning Regulations

Public Information Meeting Package

This document contains possible changes to the Zoning Regulations being considered by the Planning and Zoning Commission.

These possible regulation changes will be the subject of a public information meeting on April 20. The meeting will be a virtual meeting using ZOOM.

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1. PARKING REGULATIONS

8200 PARKING AND LOADING

8210 PURPOSE AND INTENT

This Section of the Regulations is intended to establish standards for the provision of parking and loading areas in order to meet the needs of businesses, residents, and visitors and to help promote public safety and welfare.

8220 PARKING FACILITIES REQUIRED

1. ~~Parking-Off-street parking~~ facilities shall be provided in accordance with the requirements of this Section in order to serve all buildings and developments permitted pursuant to these Regulations.
2. Such parking facilities shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers, residents, and other persons normally visiting or expected to use such building or premises at any one time.
3. Except as otherwise provided for herein, ~~off-street~~ parking spaces shall be located on the same lot as the principal use they are designed to serve except that:
 - a. For business uses located on properties fronting on Route 7 within the Kent Village Overlay District , the Commission may consider the availability of on-street parking spaces as satisfying some or all of the requirements of this Section.
 - b. For residential uses within the Kent Village Overlay District , the Commission may consider the availability of parking spaces within the road right-of-way (ROW) provided that adequate information is provided documenting permission for such use or historic existence of such space(s).
4. Indoor parking may be included in the required spaces or area.
5. All parking space dimensions shall be exclusive of driveways, ramps, or other access areas.
6. No parking area that serves a use in a Commercial or Industrial District shall be permitted on land in a Residential District; no access to such parking area shall be permitted across land in a Residential District.

EDIT EXISTING SECTION

The Commission proposes to revise the parking regulations to update requirements for the number of spaces required and other provisions.

Removed “off-street” to allow on-street spaces to be considered

**KENT ZONING REGULATIONS
COMPENDIUM OF POSSIBLE AMENDMENTS – For April 20 Public Meeting**

8230 MINIMUM PARKING REQUIREMENT

1. Parking facilities shall contain not less than the minimum number of spaces as set forth below for each use, exclusive of driveways and ramps necessary for access.
2. For uses not listed in the tables below, the minimum number of parking spaces required shall be as determined by the Commission based on one or more of the following:
 - parking requirements within these Regulations for similar uses based on the nature, intensity and/or mix of the proposed uses, including projected attendance, and the number of employees, visitors and/or customers,
 - standards available from recognized authorities (such as the Institute of Transportation Engineers), or
 - a parking analysis based on the parking utilization of similar facilities elsewhere.
3. During the Site Plan or Special Permit review process, the Commission shall have the right to require additional spaces be installed if it determines that the number of spaces required by this Section will not be adequate based on the characteristics of the proposed use.

MINIMUM PARKING REQUIREMENTS – AGRICULTURAL AND RESIDENTIAL-TYPE USES

Residential Uses	PROPOSED REQUIREMENT	EXISTING REQUIREMENT
<u>One-Family Dwelling</u> <u>Two-Family Dwelling</u>	2 spaces <u>per dwelling unit plus any spaces as required below for accessory dwelling unit or home-based business</u>	2 spaces per dwelling unit
<u>Accessory Dwelling Unit Or Guesthouse</u> • <u>Studio / 1 BR</u> • <u>2+ BR</u>	<u>1.0 space</u> <u>2.0 spaces</u>	
<u>Affordable Housing</u>		<u>2 spaces per dwelling unit</u>
Group Home	2 spaces per home, plus 1 space per 2 employees	2 spaces per home, plus 1 space per 2 employees
Multi-family dwellings • <u>Studio / 1 BR</u> • <u>2 BR</u> • <u>3+ BR</u> • Housing for the elderly	<u>1.5 spaces per dwelling unit</u> <u>2.0 spaces per dwelling unit</u> <u>2.25 spaces per dwelling unit</u> 0.75 spaces per dwelling unit	2.5 spaces / dwelling unit 2.5 spaces / dwelling unit 2.5 spaces / dwelling unit 0.75 spaces / dwelling unit
<u>Senior Living Development</u> • <u>Independent living units</u> • <u>Assisted living units</u> • <u>Skilled nursing units</u>	<u>1.5 spaces per unit</u> <u>1.0 spaces per unit</u> <u>0.5 spaces per unit</u>	

Added accessory dwelling unit provision

Affordable housing category deleted (will be categorized based on bedrooms)

Senior living category added (if PZC elects to proceed with possible changes described elsewhere)

**KENT ZONING REGULATIONS
 COMPENDIUM OF POSSIBLE AMENDMENTS – For April 20 Public Meeting**

Home-Based Businesses (in addition to spaces for the principal residential use)	PROPOSED REQUIREMENT	EXISTING REQUIREMENT
Home-based business	1 space per non-resident employee plus adequate space for clients, customers, and visitors	1 space per non-resident employee plus adequate space for clients, customers, and visitors in addition to the spaces for the dwelling
Boarding house	1.0 space per bedroom used for the boarding activity	2 spaces plus 1 space per bedroom used for the boarding activity
Bed and breakfast	1.0 space per bedroom used for the bed and breakfast activity	2 spaces plus 1 space per bedroom used for the bed and breakfast activity
Family day care home / Group day care home	<u>1 space per non-resident employee plus 1 space per 6 enrollees in a clearly delineated drop off/ pick up area</u>	1 space per non-resident employee plus 1 space per 5 enrollees in a clearly delineated drop off/ pick up area in addition to the spaces for the dwelling
Agricultural Uses	PROPOSED REQUIREMENT	EXISTING REQUIREMENT
Roadside farm stands	1 space per 100 SF of sales GFA	1 space per 100 SF of sales GFA
Commercial nurseries; commercial greenhouses	1 space per 250 SF GFA accessible to retail customers	1 space per 250 SF GFA accessible to retail customers

MINIMUM PARKING REQUIREMENTS – BUSINESS-TYPE USES

Retail / Service Uses	PROPOSED REQUIREMENT	EXISTING REQUIREMENT
Banks or other financial institutions	<u>4.0 spaces per 1,000 SF</u> of GFA	1 space per 200 SF of GFA
Shopping center	<u>2.5 spaces per 1,000 SF</u> of GFA	1 space per 400 SF of GFA
Retail stores or personal service establishments	<u>4.0 spaces per 1,000 SF of GFA</u> excluding areas devoted to offices, storage, repair service areas not open to the public, entrance and exit foyers, employee lounges, dressing rooms and toilet facilities	1 space for 200 SF
Studios of dance, photography, artistic endeavors graphic design or similar	<u>5.0 spaces per 1,000 SF</u> of GFA	1 space per 200 SF of GFA
Daycare center	1 space per 10 enrollees plus 5 <u>spaces</u> in a clearly delineated drop off/ pick up area	1 space per 10 enrollees plus 5 in a clearly delineated drop off/ pick up area

Remove term “shopping center” from Regulations

**KENT ZONING REGULATIONS
COMPENDIUM OF POSSIBLE AMENDMENTS – For April 20 Public Meeting**

Hospitality Uses	PROPOSED REQUIREMENT	EXISTING REQUIREMENT
Restaurants or similar eating or drinking establishments	1 space for every 3 seats plus 2 spaces for every 3 employees in maximum shift	1 space for every 3 seats plus 2 spaces for every 3 employees in maximum shift
Hotels, Country Inn	<u>1.25</u> spaces per <u>guest room</u>	1.5 spaces per bedroom
Office Uses	PROPOSED REQUIREMENT	EXISTING REQUIREMENT
General, professional or business offices, non-medical	<u>4.0 spaces per 1,000</u> SF of GFA	1 space per 200 SF of GFA
Medical or dental offices or clinics	<u>5.0 spaces per 1,000</u> SF of GFA	1 space per 150 SF of GFA
Automotive Uses	PROPOSED REQUIREMENT	EXISTING REQUIREMENT
Sale or rental of automobiles, trucks, boats or recreational vehicles	<u>2.5 spaces per 1,000</u> SF of GFA for sales	1 space per 400 SF of GFA for sales
Motor vehicle fueling stations with sale of convenience items/food products/snacks	<u>4.0 spaces per 1,000 SF of</u> retail space	1 space per 100 SF of retail space
Automotive repair and service facilities	2 spaces per service bay	2 spaces per service bay
Industrial / Storage Uses	PROPOSED REQUIREMENT	EXISTING REQUIREMENT
Manufacturing or research facilities	1 space per employee during daily workshop period plus parking for visitors	1 space per employee during daily workshop period plus parking for visitors
Wholesaling or distribution facilities	1 space per employee during daily workshop period plus parking for visitors	1 space per employee during daily workshop period plus parking for visitors
Lumberyards; building materials suppliers	1 space per 1,000 SF of GFA	1 space per 1,000 SF of GFA
Building, construction or landscape contractors' yards	1 space per 1,000 SF of GFA	1 space per 1,000 SF of GFA
Public warehousing and storage, excluding self-storage	1 space per 1,000 SF of GFA	1 space per 1,000 SF of G F A
Self-service storage facilities	1 space per <u>20</u> compartments	1 space per ten compartments
Education-Type Uses	PROPOSED REQUIREMENT	EXISTING REQUIREMENT
Studios of dance, photography, artistic endeavors graphic design or similar	<u>5.0 spaces per 1,000</u> SF of GFA	1 space per 200 SF of GFA

**KENT ZONING REGULATIONS
 COMPENDIUM OF POSSIBLE AMENDMENTS – For April 20 Public Meeting**

MINIMUM PARKING REQUIREMENTS – OTHER USES

Institutional Uses	PROPOSED REQUIREMENT	EXISTING REQUIREMENT
Hospitals	2 spaces per 3 beds	2 spaces per 3 beds
Nursing or convalescent homes	1 space per 3 beds	1 space per 3 beds
Civic associations, fraternal organizations, social clubs	1 space per 3 seats <u>of building capacity</u>	1 space per 3 seats in the auditorium
Places of worship; funeral homes	1 space per 3 seats, plus additional spaces as may be required by the Commission (one seat = 24 linear inches of pew bench)	1 space per 3 seats, plus additional spaces as may be required by the Commission (one seat = 24 linear inches of pew bench)
Public or semi-public buildings not otherwise listed	1 space per 3 seats <u>of building capacity</u>	1 space per 3 seats in portion of building used for services
Museums, art galleries, or similar cultural facilities	<u>2.0 spaces per 1,000 SF</u> of GFA	1 space per 500 SF GFA

Minimum parking requirements will be determined by the Commission in accordance with Section 8230.2 for uses not listed, including, but not limited to:

- Amusement and entertainment facilities with fixed seats
- Amusement and entertainment facilities, not enclosed and without fixed seats
- Amusement and entertainment facilities, enclosed but without fixed seats
- Commercial recreation facilities, enclosed, such as skating rinks, gymnasiums, tennis or racquet clubs health and fitness clubs, bowling establishments
- Commercial recreation facilities, not enclosed
- Campgrounds
- Camps
- Country clubs; golf courses
- Schools operated for profit
- Public or private schools, non profit
- Education center

8240 MINIMUM LOADING REQUIREMENT

1. Every building or complex of buildings used for commercial (except offices), industrial or service uses, or any other building or complex of buildings where large amounts of goods are received or shipped, shall make provision for truck loading and unloading in a location that will not interfere with traffic circulation or emergency access on public streets or within the site.
2. Every such building or complex of buildings in excess of 10,000 square feet shall provide at least 400 square feet of truck loading and unloading space(s) per 20,000 square feet of gross floor area (and any calculation resulting in a fractional remainder shall be rounded to the nearest whole number).
3. The Commission shall have the right to require additional loading spaces if it determines that the number of loading spaces installed are not adequate.

**KENT ZONING REGULATIONS
COMPENDIUM OF POSSIBLE AMENDMENTS – For April 20 Public Meeting**

8250 POSSIBLE PARKING AND LOADING MODIFICATIONS

1. **Reduction Of Parking / Loading** - An applicant may request the Commission reduce the minimum parking and/or minimum loading requirements and the Commission may grant such a request by Special Permit in accordance with Section 10400 of these Regulations and in accordance with the following provisions:
 - The applicant shall submit to the Commission a justification for a reduction in parking space and/or loading space requirements.
 - The Commission may require the submission of a parking demand analysis and/or a loading space analysis, suitable to the Commission in source and scope, as part of any request for a reduction of the general parking and/or loading requirements.
 - Except for a request to modify the parking requirements for a residential use, the Commission may also consider the following factors in reviewing a request to modify the parking and/or loading requirements:
 - i. The availability and adequacy of on-street and/or off-street parking spaces or loading spaces within 500 feet of the proposed development site.
 - ii. Evidence that Kent's parking requirements may overstate the actual parking need or loading need for larger developments and/or developments with shared parking / loading arrangements.
 - ~~iii. Access to a regularly scheduled transit stop, with service available during commuting hours which might reduce the need for parking at the site.~~
 - iv. The availability of a bikeway or pedestrian walkway which might reduce the need for parking at the site.
 - ~~v. Provision of a regularly scheduled, municipally supported shuttle bus service from the development to an alternate safe, secure, and convenient parking facility.~~
 - vi. The need for loading space at the proposed development and/or the availability of other loading areas in the vicinity.

2. **Shared Parking** - Where a site development plan proposes shared parking by different uses on a single parcel or by uses on adjacent separate parcels, the Commission may reduce the minimum parking and/or minimum loading requirements by Special Permit in accordance with Section 10400 of these Regulations and the following standards shall apply:
 - a. All shared parking spaces shall be located within 500 feet of the main building entrance of the recipient use.
 - b. A parking demand analysis shall demonstrate the adequacy of any proposed reduction in required spaces.
 - c. A legally enforceable shared parking agreement assuring access to and use of such parking by all parties to such agreement for the term of the approved uses for which the parking is required, satisfactory to the Commission and legal counsel, shall be executed as a condition of any approval of shared parking under this Section.
 - d. Shared parking spaces shall not be reserved for the exclusive use of individuals or groups.

Enabled reduction of loading requirements

Criteria updated

**KENT ZONING REGULATIONS
 COMPENDIUM OF POSSIBLE AMENDMENTS – For April 20 Public Meeting**

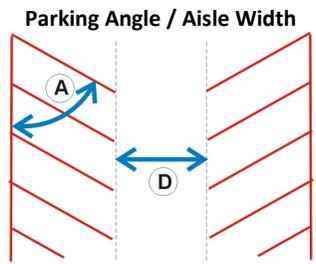
- e. The site development plan shall demonstrate safe and convenient pedestrian access to the uses for which the parking is proposed and between and among parking areas including well marked pedestrian crossings, signage, and adequate lighting.
- f. The site development plan shall include such landscaping, lighting, and other improvements as may be required by these Regulations.
- g. When the preceding standards have been met, the Commission may reduce the number of required parking spaces when a site development plan proposes shared parking meeting the standards above, as follows:
 - i. up to 25% reduction in required spaces where uses occur during the same time of day and on the same days;
 - ii. up to 50% reduction in required spaces where uses occur at different times of day or on different days; and
 - iii. up to 75% reduction in required spaces for theaters and public assembly that are used primarily in the evening or on weekends where other uses are operated primarily during daytime or only on weekdays, respectively.

8260 DIMENSIONAL REQUIREMENTS

Except as otherwise specified herein, the requirements for parallel, angled, and perpendicular parking shall be as follows:

1. Each **off-street** parking space shall measure at least nine feet in width by eighteen feet in depth (9' by 18') except for:
 - a. handicapped spaces which shall conform to State regulations, and
 - b. parallel parking spaces which shall measure at least eight feet in width by twenty-two feet in length (8' by 22').
2. Driveways and access aisles for other than single-family dwelling and two-family dwellings shall be adequate for the expected intensity of usage and the specific location (such as the Kent Village Overlay District). The Commission may require that driveways and access aisles be designed and constructed as follows:

Parking Angle (A)	Aisle Width (D)	
	One-way Circulation	Two-way Circulation
Parallel parking	13 feet	24 feet
45 degree angle parking	13 feet	24 feet
60 degree angle parking	16 feet	24 feet
90 degree angle parking	20 feet	24 feet



**KENT ZONING REGULATIONS
COMPENDIUM OF POSSIBLE AMENDMENTS – For April 20 Public Meeting**

3. The number, size, designation, location, and markings of parking spaces for the handicapped shall be in conformance with CGS Section 14-253a, as may be amended, and the Connecticut Building Code (Section 29-252, as may be amended).
4. Site design shall make every effort to preserve as much of the native vegetation as possible.
5. All parking lots as defined by these Regulations shall provide adequate drainage by the following standards:
 - a. Adequate data shall be submitted basing calculations and capacity on a 25 year storm.
 - b. Runoff shall not cross sidewalk or direct lines of pedestrian walkways.
 - c. Surface pitch shall be shown and parking lots shall have no greater than a 5% slope.
6. For new development or redevelopment of buildings and/or parking areas:
 - a. In paved parking areas, parking lot striping shall be provided and maintained in good condition.
 - b. In non-paved parking areas for commercial and other non-residential uses, concrete or similar wheel-stops shall be provided and maintained in good condition for each required parking space (except that wheel-stops are not required for temporary events).

8270 ADDITIONAL REQUIREMENTS

1. No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within the required front yard setback, except:
 - a. a driveway in accordance with Section 8300 progressing directly from the street to a garage or parking area, or
 - b. driveways that serve as parking areas for one and two-family dwellings provided that not more than one-half of the area of the required front yard shall be occupied by driveways or parking facilities.

**The Commission recommends, when possible,
that all parking be located behind the plane
established by the front of the building.**

2. No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within 10 feet of any side or rear property line except as written below:
 - a. Shared driveways and shared access aisles between adjoining properties shall not have a setback requirement along the shared property line.
 - b. Driveways within a rear lot accessway shall not be located within 5 feet of any side or property line.
 - c. As part of the approval of a Site Plan or a Special Permit, the Commission may allow encroachments within the above-defined setbacks provided that adequate visual screening (such as trees, shrubs, fences, walls, and/or berms) is provided.

**KENT ZONING REGULATIONS
 COMPENDIUM OF POSSIBLE AMENDMENTS – For April 20 Public Meeting**

3. No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within six feet of any portion of a building other than for garage entrances or loading area aprons. Such six-foot clear area shall be used for walkways, plantings or other landscaping.
4. All driveways, parking and loading areas shall have an all-weather surface suitable to the use intended, capable of providing free and safe movement of all vehicles customarily using the facility.
5. In multi-family developments or multi-businesses, group mailboxes shall be so located as to not interfere with normal vehicular movement.

8280 ELECTRIC VEHICLE CHARGING

8283 Permitted / Required

1. Subject to the provisions of Section 8284, Electric Vehicle Charging Stations are **allowed** as:
 - a. A principal use only in the Village Business zone and only by Special Permit, and
 - b. An accessory use in other zoning districts as follows:

	When Accessory To Residential Dwellings	When Accessory To Non-Residential Uses
Level 1 EVCS Level 2 EVCS Level 3 EVCS	Allowed	Special Permit

Installers are encouraged to plan ahead for the future demand for EV chargers and to provide sufficient space and expansion capacity in underground conduits, junction boxes, electrical equipment, and other components of the system.

2. In all districts, Level 2 EVCS-capable and/or Level 3 EVCS-capable charging stations **panel capacity, underground conduits to parking spaces, etc.** meeting or exceeding 10 percent of all **new** parking spaces are required as part of new construction, expansion of parking areas, and/or significant change in use which will result in the addition of 10 or more parking spaces. **Such spaces are subject to the provisions of Section 8284.**

EDIT EXISTING SECTION

This text shows possible edits to the recently adopted provisions related to EV charging facilities.

3500 VILLAGE MIXED USE OVERLAY DISTRICT

3540 SPECIAL PROVISIONS

4. Off street parking and loading shall be provided in accordance with Section 8200, ~~except that the parking standards for mixed residential and commercial use within the same building shall be as follows:~~

Minimum Number Of Spaces Required

Multi-family dwellings	1.5 spaces per dwelling unit
Any business use allowed in the underlying district	1 space per 250 SF of gross floor area

EDIT EXISTING SECTION

This amendment changes the parking requirements for mixed use developments in the Village Center to align with Section 8200.

8100 SIGNS

SIGN TYPES

Sign Types - Function

IDENTIFICATION SIGN - a sign, located on the premises, that indicates the name, address and/or identifying symbol of:

- a development containing two or more occupants such as a professional office building, a residential development, an industrial park, or commercial ~~shopping~~ center; or,
- a school, park, church, hospital, or other public or semi-public facility.

EDIT EXISTING SECTION

The changes to the parking regulations removed “shopping center” and this amendment removes the term “shopping center” from the regulations.

Here, the resulting term will be “commercial center”

2. SENIOR LIVING

2200 DEFINITIONS

Senior Living Development

One or more of the following types of facilities within a single development where such facilities are primarily intended for, designed for, and occupied by senior citizens (persons age 62 and older).

INDEPENDENT LIVING – Residential facilities for self-sufficient seniors offering the security and social activities of a community living environment. Such facilities may offer or provide accessory services to assist with daily living including but not limited to meals, light housekeeping, laundry / linen service, transportation, social activities, etc.

ASSISTED LIVING - Residential facilities for seniors that offer or provide 24-hour staffing for assistance with activities of daily living, including but not limited to eating, bathing, dressing, and using the bathroom, but excluding 24-hour medical services. Such facilities may offer or provide accessory services including but not limited to personal assistance (such as medication assistance), housekeeping, laundry/ linen service, transportation, social activities, etc.

SKILLED NURSING – Facilities generally consisting of private and/or shared rooms where doctors, nurses, and therapists which provide 24-hour nursing / medical care to seniors suffering from, or afflicted with, or convalescing from, any disease, condition, or ailment including, but not be limited to, hospice/ end of life services.

NEW TEXT

These are proposed definitions of alternative forms of senior living developments so they may be permitted in Kent.

PERMITTED PRINCIPAL USES

	VR	RU-1	RU-2	VC	BH	Ind.
	3124	3224		4124		4324
<u>Senior Living Development offering independent living, assisted living, and/or skilled nursing care</u>	<u>SP</u>	<u>SP</u>	x	<u>SP</u>	x	<u>SP</u>

EDIT EXISTING SECTION(S)

This amendment indicates how alternative forms of senior living developments may be permitted in different districts in Kent.

3. REASONABLE ACCOMMODATIONS

8100 DIMENSIONAL SPECIFIC EXCEPTIONS

8111 9160 APPLICATION OF STATE OR FEDERAL LAW

Certain provisions of state or federal law or regulations may, under certain circumstances, be deemed to supersede the requirements of these Regulations (Americans with Disabilities Act, etc.). If a landowner or applicant for any form of Zoning Permit or Zoning approval claims a right under any such law or regulation to approval of a use, building, structure, or location / configuration thereof that would not or does not conform to the requirements of these Regulations, the Commission or the ZEO may grant such approval if the landowner or applicant provides sufficient evidence to establish:

1. That a provision or provisions of state or federal law or regulations apply to the proposed use, building, structure, or location / configuration thereof;
2. That a departure from the requirements of these Regulations is appropriate to address such provisions of state or federal law or regulations;
3. That any departure from the requirements of these Regulations is no more than reasonable or necessary to address such provisions of state or federal laws or regulations;
4. That reasonable strategies have been employed to mitigate any impacts to abutting properties.

NEW SECTION

This amendment is intended to enable “reasonable accommodation” as may be provided in state and/or federal law .

Propose to rename Section 9100 from “Dimensional Exceptions” to “Specific Exceptions”

4. CAMPS / SPECIAL EVENTS

- These possible amendments are intended to explore ways to:
- Enable Club Getaway to become a conforming use in the RU-1 District by:
 - Establishing a new definition of “Camp/Resort”
 - Allowing “Camp/Resort” by Special Permit in the RU-1 District
 - Club Getaway applying for, and receiving, that Special Permit
 - Establish a requirement for a “master plan of improvements” (physical improvements) at a Youth Camp or a Camp / Resort so that, once approved by the PZC as part of the Special Permit, a camp would have the ability to evolve / expand in accordance with the approved master plan (i.e., subject to parameters approved by the Commission) which might include a less formal review (Zoning Permit or Site Plan)
 - Establish a framework for two categories of activities at Club Getaway:
 - A baseline of customary, subordinate, and/or incidental activities which may be conducted as part of the approved principal use without further PZC review
 - Special events outside of the authorized baseline activities based on individual permits from the Town or approval of an overall “management plan” addressing possible public policy concerns

2200 DEFINITIONS

CAMP - Any parcel of land on which are located non-winterized living quarters or structures for recreational or educational purposes and accommodating, for profit or under philanthropic or charitable auspices, five or more people children under 18 years of age.

CAMP, YOUTH – A camp for children under 18 years of age operated primarily during school vacations or on weekends and which is regulated and licensed in accordance with CGS Chapter 368r (CGS Section 19a-420 et seq).

CAMP / RESORT – A camp which is not a youth camp as defined in these Regulations.

SPECIAL EVENTS (CAMP / RESORT) – Use of a camp / resort property for activities other than those approved under Section 6620.

YOUTH CAMP – See “Camp, Youth”.

EDIT EXISTING TEXT

The definitions of camp are proposed to be modified to distinguish between a youth camp and any other type of camp (Camp / Resort).

In addition, a definition is added of Special Events at a Camp / Resort.

3200 RURAL RESIDENTIAL DISTRICT (RU-1)

3220 PERMITTED PRINCIPAL USES

3224 Permitted By Special Permit (Commission With Public Hearing)

10. Youth camp as defined in these Regulations in accordance with Section 6600 provided that:
- the property contains at least 70 acres,
 - there shall be no more than one person (camp occupant and staff) accommodated per 8,000 square feet of lot area, and
 - all athletic and other camp facilities shall be located at least 200 feet from any street line or other lot line.

15. Camp / Resort as defined in these Regulations in accordance with Section 6600 provided that:

- the property contains at least 70 acres,
- there shall be no more than one person (camp occupant and staff) accommodated per 8,000 square feet of lot area unless otherwise authorized by the Commission as part of the Special Permit required by Section 6620 and/or, on a temporary basis, as part of the Special Permit For Camp / Resort Special Events as provided by Section 6640, and
- all athletic and other camp facilities shall be located at least 200 feet from any street line or other lot line.

3230 PERMITTED ACCESSORY USES AND STRUCTURES

3234 Permitted By Special Permit (Commission With Public Hearing)

16. Special events accessory to a Camp / Resort in accordance with Section 6640.

EDIT EXISTING SECTION

A "Youth Camp" will continue to be allowed in the RU-1 District by Special Permit.

In addition, a "Camp / Resort" will be allowed in the RU-1 District by Special Permit with some flexibility for size of the operation / activities

Special events are limited to Camp / Resort uses

6600 CAMPS

6610 PURPOSE AND INTENT

This Section of the Regulations is intended to provide standards and guidelines for youth camps and camp / resorts as defined in these Regulations. ~~land containing living quarters or structures for recreational or educational purposes (such as a camp).~~

6620 APPLICABILITY

All youth camps and camp / resorts, including those in existence as of May 4, 1984, shall not be expanded in either area, additional structures or number of sites unless permitted in the zoning district and unless a Special Permit in accordance with the requirements of these Regulations has been approved by the Commission.

6630 STANDARDS

1. All youth camps and camp / resorts shall maintain on-site management and provide 24-hour supervision ~~in-season while campsite occupants are on the premises and/or events for guests are being conducted~~.
2. All youth camps shall:
 - a. maintain an up-to-date register indicating the names of campsite occupants, and the assigned camp number, the name of the occupants, and the location on the property, permanent address, dates of arrival and departure, and registration numbers of all motor vehicles and trailers on the property, and
 - b. keep a current copy of said register available for inspection by the Commission or its duly appointed agent at all times the youth camp or camp / resort is open.
3. Except as may be authorized as part of the Special Permit approved by the Commission in accordance with Section 6620 or as approved by the Commission in accordance with Section 6640, uses ~~Uses~~ accessory to seasonal living quarters or structures for recreational or educational purposes at camps (i.e., customary, subordinate, and incidental) are limited to the following:
 - a. management headquarters and maintenance facilities,
 - b. cooking and eating facilities,
 - c. toilets, showers, and bath areas,
 - d. swimming facilities,
 - e. ~~coin-operated~~ laundry facilities, and
 - f. general stores and snack bars.

EDIT EXISTING SECTION

Added “Youth Camp” and “Camp / Resort” into existing sections for clarification

Propose to modify standards with regard to:

- need for registering occupants
- accessory uses allowed without Special Permit approval

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4. Except as may be authorized as part of the Special Permit approved by the Commission in accordance with Section 6620 or as approved by the Commission in accordance with Section 6640, uses accessory to youth camps and camp / resorts are subject to the following restrictions:
 - a. Such establishments and the parking areas primarily related to their operations shall not occupy more than 10 percent of the area of the property exclusive of the roadways, building space, overflow fields, sites and buffers.
 - b. Such establishments shall be restricted in their use to occupants of the campground, youth camp, or camp / resort.
 - c. Such establishments shall present no evidence of their commercial character visible beyond the borders of the camp.
 - d. **There shall be no sale of alcoholic beverages.**
5. Minibikes, motorcycles, snowmobiles, all-terrain-vehicles, motorboats, general and outside public address systems shall not be operated on premises except:
 - a. in emergencies declared by the Town, State or Federal Government,
 - b. in emergency situations involving life or property, or
 - c. unless approved by the Commission by Special Permit.
6. A buffer strip of not less than 200 feet on front, side, and rear lot lines shall be maintained except on designated swimming and boating areas and this area shall:
 - a. be naturally wooded or planted in such a way as to provide appropriate screening, and ~~shall~~
 - b. be posted as to the boundaries of the campsite on the inner side of such buffer strip.
7. No campsite shall be established or maintained within 100 feet of a lake or river.
8. As part of any Special Permit application under Section 6620:
 - a. A master plan of improvements shall be submitted identifying existing physical improvements and activity areas at the youth camp or camp / resort. An A-2 survey shall not be required for the entire property as part of the master plan of improvements provided the submitted materials provide sufficient information, in the sole judgement of the Commission, to document compliance with the provisions of these Regulations.
 - b. Such master plan of improvements may also identify possible future physical improvements and activity areas at the camp and, if such future physical improvements and activity areas are authorized by the Commission as part of the Special Permit per Section 6620 or a modification of such Special Permit, such improvements may be constructed at a later date subject to issuance of a Zoning Permit or a Site Plan as determined by the Commission based on the adequacy of the information provided as part of the master plan of improvements. Any such future improvements shall be completed in accordance with CGS Section 8-3(i).
9. In addition, as part of any Special Permit application under Section 6620 for a Camp / Resort, the applicant shall prepare and submit information regarding the proposed uses and activities at the Camp / Resort for review and approval by the Commission. As part of the review of the Special Permit, the Commission may authorize certain uses as part of the Special Permit (the “baseline” activities) and may authorize other activities as being “special events” subject to approval under Section 6640.

Propose to require submittal of a “master plan of improvements” to document existing and possible future improvements

Propose to require submittal of a list of “proposed uses” for inclusion in the “baseline approval” or for consideration as special events

6640 SPECIAL EVENTS ACCESSORY TO A CAMP / RESORT

NEW SECTION

Special events accessory to a Camp / Resort may be allowed where and how so indicated in this Section when in accordance with the following provisions:

1. Special Permit For Camp / Resort Special Events Required

- a. No special events accessory to a Camp / Resort shall be conducted except:
 - At a Camp / Resort which has received a Special Permit as provided in Section 6620,
 - As an accessory use to such camp, and
 - With approval by the Commission of a Special Permit For Camp / Resort Special Events.
- b. Unless otherwise approved by the Commission (i.e., for multiple years), any Special Permit For Camp / Resort Special Events shall expire on March 31 of the following calendar year so that the Commission and the owner can (if necessary or desirable) refine the management plan, address issues which may have arisen, and/or accommodate change in ownership or management.
- c. Any special event conducted at a Camp / Resort without approval by the Commission of a Special Permit For Camp / Resort Special Events shall be considered an illegal expansion of the use and shall be subject to enforcement action by the Commission.
- d. Temporary / short-term improvements associated with a Camp / Resort special event (such as event tents, stages, etc.) may be allowed for up to XXX days with issuance of any required local permits but any longer term, successive terms, or permanent construction or expansion shall be approved separately by the Commission (such as part of the master plan of improvements) and shall not be considered part of any Special Permit For Camp / Resort Special Events.

Camp needs to have a Special Permit under Section 6620 to establish a baseline of activities

Special Permit expires on March 31

Camps have the “off season” to prepare / request a Special Permit for Camp Special Events

OPTION – PZC to select length of time that “temporary” improvements may be erected

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2. Special Permit Requirements / Provisions

- a. Any application for a Special Permit For Camp / Resort Special Events shall include a notarized statement from the owner of the Camp / Resort, and the owner of the property if different from the owner of the Camp / Resort;
- Taking full responsibility for management and oversight of any special events which may be approved under this Section.
 - Attesting to the Commission that any agreement with any other person or entity associated with any special event shall include a statement indicating that the owner has represented to the Town of Kent that any such event is subject to oversight by the owner of the camp.
- b. As part of the application for such Special Permit For Camp / Resort Special Events, a management plan for special events shall be submitted by the applicant:
- Identifying different categories of special events based on the type / size of such events.
 - The requested number of special events proposed (days per week, per month, and/or per year, number of events occurring at any one time, etc.) within each category.
 - The requested duration of any special event (days of week, hours of day, etc.) within each category.
 - Outlining how the Camp / Resort will address water supply, sewage disposal, crowd management, emergency services, parking management, traffic, noise, and any other potential impacts for different types/sizes of special events.
- c. As part the review of such Special Permit application, the Commission may seek comments on the submitted management plan from relevant organizations including but not limited to:
- First Selectman
 - State Police
 - Kent Volunteer Fire Department
 - Kent Ambulance
 - Torrington Area Health District
 - Any other entity or organization which may include, but is not limited to, the Water Pollution Control Authority, Aquarion Water, etc.
- d. In addition to the standards of Section 10440, the Commission may, as part of its review of the Special Permit for Camp / Resort Special Events, consider whether adequate provisions are in place or have been proposed so that any special event will:
- Not materially disrupt the neighborhood through amplified sound played or projected outdoors except as may be specifically approved by the Commission for specific days of the week and/or specific hours of the day.
 - Not cause or create, or result in unruly conduct, garbage, or any other activity which may be considered a nuisance.
- Owner required to take responsibility for compliance
- Must be accessory to an operating camp
- Management plan required
- Management plan to be circulated for comments / input
- Special attention shall be paid to noise

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e. The Commission may establish conditions as part of the review and approval of any Special Permit For Camp / Resort Special Events including, but not limited to:

PZC can establish conditions

- Size of events
- Number of events (days per week, per month, and/or per year)
- Duration of any event
- Month of the year,
- Days of the week
- Hours of the day
- The location, orientation, and or permissible hours for amplified sound transmission outdoors and/or noise levels
- Which special events may be conducted based on the overall management plan and which events (if any) are of such size or nature as to require an individual Zoning Permit
- Other matters relate to the conduct of special events.

f. The Camp / Resort may, at any time, apply to the Commission to modify the Special Permit For Camp / Resort Special Events by applying to the Commission and proposing a new management plan .

g. There shall be no obligation for the Commission to grant, change, or renew a Special Permit for Camp / Resort Special Events and each application shall be reviewed on its merits in relation to the Special Permit criteria in Section 10440 and in relation to past experiences with management of such special events.

Each renewal is a new application

h. If considered appropriate by the Commission, the Commission may revoke a Special Permit for Camp / Resort Special Events for any reason including non-compliance with the terms or conditions of the Special Permit For Camp / Resort Special Events or repeated non-compliance with representations made to the Commission or the Zoning Enforcement Officer with regard to special events.

PZC may revoke for due cause

i. Notwithstanding the above, the Zoning Enforcement Officer may authorize minor events conducted entirely within the Camp / Resort property which are unlikely to have external impacts on the community.

ZEO can allow minor events unlikely to have major impacts on the community

5. ACCESSORY DWELLING UNITS

6200 ACCESSORY DWELLINGS / GUEST HOUSES

EDIT EXISTING SECTION

1. Accessory dwelling units (ADUs) and/or guest houses may be permitted ~~by the Commission~~ as follows:

These provisions are being considered to:

- Implement the 2022 Affordable Housing Plan
- Clarify existing provisions related to accessory dwelling units

Zoning District	
<u>VR-1 and VR-2</u>	<p>Accessory to a single-family dwelling:</p> <ul style="list-style-type: none"> • <u>First ADU:</u> <ul style="list-style-type: none"> ○ Within or attached to the principal building (Zoning Permit) ○ Detached from the principal building (Special Permit) • Second ADU provided a unit is deed-restricted as per Section 6200.8 <ul style="list-style-type: none"> ○ Within, attached, or detached except that two detached ADUs are not permitted (Special Permit) • <u>Detached Guest House in lieu of a detached ADU (Special Permit)</u> <p>Accessory to a two-family dwelling:</p> <ul style="list-style-type: none"> • <u>One ADU provided one of the units on the property is deed-restricted as per Section 6200.8 (Special Permit)</u> • <u>Detached Guest House in lieu of an ADU (Special Permit)</u>
<u>RU-1</u>	<p>Accessory to a single-family dwelling:</p> <ul style="list-style-type: none"> • <u>One ADU</u> <ul style="list-style-type: none"> ○ Within or attached to the principal building (Zoning Permit) ○ Detached from the principal building (Special Permit) • <u>Detached Guest House in lieu of a detached ADU (Zoning Permit)</u>
<u>RU-2 (Birch Hill)</u>	<p>Accessory to a single-family dwelling:</p> <ul style="list-style-type: none"> • <u>One ADU</u> <ul style="list-style-type: none"> ○ Within or attached to the principal building (Special Permit)
<u>VC / BH</u>	<p>Accessory to a single-family dwelling:</p> <ul style="list-style-type: none"> • <u>One ADU</u> <ul style="list-style-type: none"> ○ Within or attached to the principal building (Zoning Permit) ○ Detached from the principal building (Special Permit) • <u>Detached Guest House in lieu of an ADU (Special Permit)</u>

2. Such units shall be permitted only when ~~accessory to a single-family dwelling and when:~~
- Sanitary arrangements are approved by the Sanitarian or the Kent Town Sewer Commission.
 - Water supply is approved by the Health Department.

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3. The owner of the premises shall reside in the principal dwelling unit or ~~the~~ an accessory dwelling unit or the Special Permit shall become invalid. If the owner does not reside in one of the units, such situation shall be deemed a violation of these Regulations and subject to all enforcement penalties available under the law, including fines for each day the violation exists.

4. ~~(reserved) Only one accessory apartment or guest house shall be permitted on any premises.~~

5. Any accessory dwelling or guest house shall be provided with adequate parking in accordance with Section 8200 ~~two off-street parking spaces.~~

6. For accessory dwellings which are internal to or attached to the principal dwelling:
 - a. The accessory dwelling shall have means of egress separate from that of the principal dwelling.
 - b. The accessory dwelling shall have at least one (1) operable door on a common wall connecting the accessory dwelling to the principal dwelling.
 - c. Any addition or modification to the principal dwelling to accommodate the accessory dwelling shall be located to the side or rear of said principal dwelling unless otherwise permitted by the Commission by Special Permit.
 - d. No accessory dwelling shall be located in a basement unless such basement constitutes a walkout basement or such accessory dwelling unit is permitted by the Commission by Special Permit.

7. A detached accessory unit or a guest house shall not be located in the front yard (between the principal building and the street) unless:
 - a. approved by the Commission by Special Permit, and
 - b. visually screened from public view and from adjoining properties by existing vegetation, distance, fences, walls, or evergreen plantings.

8. When a unit is required to be deed-restricted as an affordable unit, the property shall be subject to a binding recorded deed containing covenants or restrictions which require that such accessory dwelling unit be sold or rented at, or below, prices which will preserve the units as housing for which, for a period of not less than ten years, from the issuance of the Certificate of Occupancy, persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income. If a deed-restricted unit is sold or rented at a price not in compliance with these provisions, such situation shall be deemed a violation of these Regulations and subject to all enforcement penalties available under the law, including fines for each day the violation exists.

Clarified enforcement provisions

Calibrated parking to Section 8200 where it is determined by the number of bedrooms

This requirement for an operable door on a common wall is being investigated further

- CGS 8-30g(k) states that an ADU can be deed-restricted for 10 years and such unit:
- Will count to the affordable housing appeals list (10% exemption threshold)
 - Will not count to a housing moratorium based on housing unit equivalent points

The PZC could consider requiring automatic renewal of the deed restriction for successive 10-year periods unless the owner proposed and the PZC accepted an alternative approach (otherwise the deed restriction disappears at the end of 10 years and all that is left is a market rate unit)

6. CONSERVATION DEV. (VR)

3100 VILLAGE RESIDENTIAL DISTRICT (VR)

3100 PERMITTED PRINCIPAL USES

3124 Permitted By Special Permit (Commission With Public Hearing)

1. Conservation developments, in accordance with Section 6700, may be permitted subject to the following provisions:
 - a. Applicable to a subdivision of five (5) lots or more or a parcel of land which is ten (10.0) acres or larger.
 - b. Unless a lower set-aside is authorized by the Commission, a minimum of 40 percent of the area of the parcel which is not designated as wetlands, watercourse, steep slopes (> 25%) , or 100-year floodplain shall be preserved as open space, preferably in one continuous parcel. A greater percentage of open space may be provided. The open space shall be deeded to the Town, a land trust or other conservation organization, or a homeowner’s association if acceptable to the Commission. Priority for open space preservation designation shall be given first to Primary Conservation Areas and secondarily to Secondary Conservation Areas as designated in Section 6700.
 - c. Maximum number of units / lots shall be calculated by:
 - i. Step 1 - The applicant shall take the total area of the parcel and deduct all areas categorized as watercourses, wetlands, vernal pools, steep slopes (25 percent or more), and 100-year floodplain.
 - ii. Step 2 - The applicant shall take the land area resulting after Step 1 and reduce it by 40% or the percentage approved by the Commission as noted in 3124.1.b. above.
 - iii. Step 3 - The applicant shall divide the land area resulting after Step 2 in square feet by the minimum lot size of 5,000 square feet in the VR-1 Zone and 15,000 square feet in the VR-2 zone. The resulting sum shall be multiplied by 0.85 to reflect the open space set-aside requirement in the subdivision regulations.
 - iv. The result of this calculation shall be the maximum number of units / lots permitted in the Conservation Development.
 - d. The number of units / lots permitted in a Conservation Development may be laid out as:
 - i. a subdivision of lots,
 - ii. as a common-interest-ownership community with detached units on common land or with multiple units in one or more structures, or
 - iii. as a planned unit development.

EDIT EXISTING SECTION

These provisions are being considered to clarify how “conservation developments” in the VR zones will be regulated

Considering removing designation of primary / secondary conservation areas

Considering requiring that certain areas be deducted from calculation of number of lots

OPTION - Could move everything from 3124.10.b onwards over to 6700?

OPTION – The PZC may modify the 40% open space requirement given the removal of the 0.85 factor

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- e. Roads within the Conservation Development may be public or private. Public roads ~~Roads~~ shall be constructed to ~~conform to~~ Town specifications and requirements. Private roads shall be constructed to Town specifications and requirements to the greatest extent practical and in accordance with, at a minimum, the 2001 AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400), 2001 or as amended. Turning templates shall be provided to demonstrate suitable access for emergency vehicles including but not limited to ambulance and fire apparatus.
- f. ~~The Units in the~~ development shall be served by public sewer and underground utilities.
- g. Common community facilities to be utilized by the owners within the associated development may be approved by the Commission as part of the Special Permit.

6700 VR CONSERVATION DEVELOPMENT

6710 PURPOSE AND INTENT

Conservation development within the VR-1 and VR-2 Zone is intended to ~~encourage preservation of open space, farmland and farmland soils, and community character,~~ encourage variation in the village residential developments that would not otherwise be possible; to encourage or require the use of flexible site design so that development will be constructed in harmony with natural resources and the natural capability of the land, ~~and to permit residential developments that are sensitive to parcel configuration, topography, natural resources, historic resources, character resources, solar access, and the surrounding area.~~

Edited purpose and intent

6720 OVERALL DESIGN OF DEVELOPMENT

1. ~~Within the VR Districts, priority for open space preservation shall be given to: Unless not required by the Commission, any application for a Conservation Development per Section 3124 shall include a site inventory / analysis map prepared by a qualified professional (including, but not limited to, a landscape architect, civil engineer, or surveyor licensed to practice in Connecticut) and such site inventory / analysis map shall identify: a. Primary Conservation Areas—important environmental resources such as:~~
 - a. Watercourses ~~and areas within 100 feet thereof,~~
 - b. Wetlands ~~and areas within 50 feet thereof,~~
 - c. Vernal pools ~~and areas within 100 feet thereof,~~
 - d. Steep slopes (25 percent or more), ~~and~~
 - e. 100-year floodplain,
 - f. Ridgelines, scenic views and vistas,
 - g. Areas identified as “town character areas” in the Kent Character Study (copy available at town hall),
 - h. Natural diversity database ~~resources sites~~ or wildlife corridors,
 - i. Notable individual trees (>18” diameter measured four feet above ground level) and/or mature woodlands,
 - j. Stone walls and /or farm hedgerows, and
 - k. Possible open space and trail connections between conservation areas on the site and adjacent protected and unprotected open space.
2. ~~An informal discussion with the Commission (also called a Pre-Application Review) is strongly encouraged in order to assist applicants in the preparation of applications.~~

Eliminated requirement for inventory / analysis map (is more appropriate in the RU-1 area than the village area)

Eliminated distinctions related to “primary” and “secondary” conservation areas

Removed some resources not likely to exist in the village area

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6730 DEVELOPMENT STANDARDS

	VR-1	VR-2
<u>Minimum Lot Size in A Conservation Development (subject to requirements of the Health Code)</u>	<u>5,000 SF</u>	<u>15,000 SF</u>
Minimum Square	N/A	100 feet
Minimum Front Yard Setback	20 Feet	20 Feet
Minimum Side Yard Setback	10 Feet	10 Feet
Minimum Rear Yard Setback	30 Feet or as modified by the Commission	30 Feet
Maximum Coverage		
• Principal Building	20 %	15 %
• Principal Building and Accessory Buildings	25 %	20 %
Maximum Building Height		
• Principal Building	30 Feet	30 Feet
• Accessory Buildings	25 Feet	25 Feet

7. CONSERVATION DEV. (RU-1)

5200 CONS. DEV. OVERLAY DISTRICT (CDOD)

5210 PURPOSE AND INTENT

The Conservation Development Overlay District (CDOD) is intended to encourage preservation of open space, farmland and farmland soils, and community character, encourage variation in residential developments that would not otherwise be possible; to encourage or require the use of flexible site design so that development will be constructed in harmony with natural resources and the natural capability of the land; and to permit residential developments that are sensitive to parcel configuration, topography, natural resources, historic resources, character resources, solar access, and the surrounding area.

5220 APPLICABILITY

1. The Conservation Development Overlay District (CDOD) overlays the Rural Residential (RU-1) District.
2. Unless the Commission finds that a Conventional Subdivision is the preferred approach due to neighborhood character, parcel configuration, topography, open space dedication, or other considerations, the provisions of this Section:
 - a. shall apply to any residential subdivision within the Conservation Development Overlay District (CDOD) on a subdivision of five (5) lots or more or a parcel of land which is twenty (20.0) acres or larger.
 - b. may be utilized for any residential subdivision proposed within the Conservation Development Overlay District (CDOD).
3. An informal discussion with the Commission (also called a Pre-Application Review) is strongly encouraged in order to assist applicants in the preparation of applications.

EDIT EXISTING SECTION

These provisions are being considered to clarify how “conservation developments” in the RU-1 zone will be regulated

Since 2016 or so, the CDOD has overlain the RU-1 District

The CDOD applies to any residential subdivision in the RU-1 unless the Commission finds that a Conventional Subdivision is the preferred approach

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5230 DETERMINATION OF MAXIMUM NUMBER OF LOTS

The maximum number of lots that may be approved in a Conservation Development in the Conservation Development Overlay District (CDOD) shall be determined by one of the following methods:

1. Soil-based approach:
 - a. The applicant shall estimate the area of the soil classes on the parcel (utilizing the soil classes as categorized in Section 3240 of these Regulations) by either:
 - on-site soils investigation, or
 - utilizing the soil delineations from the Natural Resources Conservation Service.
 - b. The applicant shall divide the estimated area of each soil class by the minimum lot size requirement for that soil class as specified in Section 3240 of these Regulations and sum the results together.
 - c. The resulting sum shall be multiplied by 0.85 to reflect the open space set-aside requirement in the subdivision regulations.
 - d. The result of this calculation shall be the maximum number of lots permitted in the Conservation Development.
2. Design-based approach - Alternatively, the developer may conduct on-site soil testing and prepare a sketch plan of a conventional subdivision design for review by the Commission.

In the soil categorization table in Section 3240 of the Regulations, the following resources “shall not contribute to the calculation of minimum lot area” and this means that these soil types cannot be used to determine the number of lots in a subdivision either

- Wetlands
- Water
- 100-year floodplain
- Unknown soils
- Slopes > 25%

**KENT ZONING REGULATIONS
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5240 OVERALL DESIGN OF DEVELOPMENT

1. Unless not required by the Commission, any application for a Conservation Development shall include a site inventory / analysis map prepared by a qualified professional (including, but not limited to, a landscape architect, civil engineer, or surveyor licensed to practice in Connecticut) and such site inventory / analysis map shall identify important environmental resources such as:
 - a. Watercourses and areas within 100 feet thereof,
 - b. Wetlands and areas within 50 feet thereof,
 - c. Vernal pools and areas within 100 feet thereof,
 - d. Steep slopes (25 percent or more), ~~and~~
 - e. 100-year floodplain and 500-year floodplain,
 - f. Prime farmland soils and farmland soils of statewide significance,
 - g. Existing farm fields and farm structures,
 - h. Areas within 100 feet of existing streets or roads (including state highways),
 - i. Ridgelines, scenic views and vistas,
 - j. Areas identified as “town character areas” in the Kent Character Study (copy available at town hall),
 - k. Natural diversity database resources,
 - l. Protected forest corridors, wildlife corridors, and greenways
 - m. Notable individual trees (>18” diameter measured four feet above ground level)
 - n. Core forest areas and/or mature woodlands,
 - o. Stone walls and /or farm hedgerows, and
 - p. Possible open space and trail connections between conservation areas on the site and adjacent protected and unprotected open space.

Removed categorization of
Primary Conservation Areas or
Secondary Conservation Areas

If the Commission is not satisfied with the quality of the analysis submitted with the application, it may hire another landscape architect, civil engineer, or surveyor licensed to practice in Connecticut to prepare such analysis and charge the applicant for the cost of such services. ~~The overall lot / roadway layout plan for the Conservation Development shall reflect the site inventory / analysis map:~~

2. Unless modified by the Commission through granting of a Special Permit, a minimum of 50 percent of the area of the parcel which is not designated as wetlands, watercourse, steep slopes (> 25%), or 100-year floodplain of the ~~Conservation Development area~~ shall be preserved as open space, preferably in one continuous parcel. A greater percentage of open space may be provided.
3. Areas of the site which are considered for preservation as open space shall be deeded to the Town, a land trust or other conservation organization, or a homeowners association if acceptable to the Commission.
4. To assist with its consideration of a Conservation Development, the Commission may refer the plan to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

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5250 DEVELOPMENT STANDARDS

1. Subject to approval by the Commission and compliance with the Health Code, the number of units permitted in a Conservation Development may be laid out as:
 - a. a subdivision of lots,
 - b. as a common-interest-ownership community with detached units on common land or with multiple units in one or more structures, or
 - c. as a planned unit development.

2. Any lot created as part of a Conservation Development shall comply with the following requirements:

Conservation Development In CCOD

Minimum Lot Area	<p>No land designated as a Primary Conservation Area shall be utilized to meet the minimum lot area requirement of any lot created in a Conservation Development after July 1, 2018.</p> <p>1.0 acre minimum if: excluding any areas designated as wetlands, watercourses, steep slopes (25 percent or more), or 100-year floodplain.</p> <ul style="list-style-type: none"> • no part of the lot is identified as a “Secondary Conservation Area” as per Section 5240. <p>2.0 acre minimum if:</p> <ul style="list-style-type: none"> • any part of the lot is identified as a “Secondary Conservation Area” as per Section 5240.
Minimum Square	Each lot created in a Conservation Development after July 1, 2018 shall be of such shape that a square with 150 feet on each side will fit on the lot.
Minimum Front Yard Setback	40 Feet
Minimum Side Yard Setback	20 Feet
Minimum Rear Yard Setback	20 Feet
Maximum Coverage	
<ul style="list-style-type: none"> • Principal Building 	15 %
<ul style="list-style-type: none"> • Principal Building and Accessory Buildings 	20%
Maximum Building Height	
<ul style="list-style-type: none"> • Principal Building 	30 Feet
<ul style="list-style-type: none"> • Accessory Buildings (if guest house or detached accessory dwelling) 	30 Feet
<ul style="list-style-type: none"> • Other Accessory Buildings 	20 Feet

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5260 ROAD AND DRAINAGE STANDARDS

1. Roads within the Conservation Development may be public or private.
2. Roads shall be constructed to conform to Town specifications and requirements except that an existing farm lane or farm road may be used and/or improved to service no more than four lots provided that said roadway shall be at least 18 feet wide, shall be kept passable during all months of the year, and shall not exceed 10 percent grade.