



TOWN OF KILLINGLY

PLANNING & DEVELOPMENT OFFICE

172 Main Street, Killingly, CT 06239
Tel: 860 779-5311 Fax: 860 779-5381

MEMORANDUM

TO: Elizabeth Wilson, Killingly Town Clerk
FROM: Ann-Marie Aubrey, Director of Planning and Development
DATE: August 1, 2017
SUBJECT: Killingly Planning & Zoning Commission initiated Zone (Text) Change Application #1178; Town of Killingly Zoning Regulations; Section 570 Planned Residential Development; and Article III, Definitions; Section 310 Definitions; amendments to the Planned Residential Development Section of the TOK Zoning Regulations to include two classifications – Independent Residential Living and Residential Life Care Communities – and to add the necessary definitions pertaining thereto.

Elizabeth Wilson
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TOWN CLERK, KILLINGLY, CT
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In accordance with Connecticut General Statutes Section 8-3(a) the Killingly Planning and Zoning Commission notifies you that the Commission initiated a Zone (Text) Change #17-1178; Town of Killingly Zoning Regulations; Section 570 Planned Residential Development; and Article III, Definitions; Section 310 Definitions; amendments to the Planned Residential Development Section of the TOK Zoning Regulations to include two classifications – Independent Residential Living and Residential Life Care Communities – and to add the necessary definitions pertaining thereto under Section 310 Definitions.

A copy of the proposed Zoning (Text) Change is attached for your use.

A public hearing has been scheduled for: **Monday, August 21, 2017 @ 7:00 pm**
Town Meeting Room
Second Floor, Killingly Town Hall
172 Main Street, Killingly, CT 06239

All interested parties are urged to attend and be heard. Written testimony will also be accepted up through the close of the public hearing. The application file is available for review at the Planning and Development offices at the above address during our regular business hours; Monday, Wednesday, Thursday 8:00 am to 5:00 pm; Tuesday 8:00 am to 6:00 pm and Friday 8:00 am to 12:00 pm (noontime).

Notice: There may be changes made to the proposed text amendments up to and through the close of the hearing without any further publication until the commission makes its final decision.

Please post this notice for public notification a minimum of 10 days before the scheduled public hearing, excluding the day of posting and the day of the hearing. Please do not remove this posting until after the public hearing on Monday, August 21, 2017. Thank you.

Any inquiries or questions can be directed to the Planning and Development Office at 860-779-5311; voicemail is available after our normal business hours.

Items Deleted /Removed = strike-out; and Items Added are = **Bolded and Underlined**

The following definitions must be added to ARTICLE III; DEFINITIONS; SECTION 310 DEFINITONS:

Active Senior Housing: Housing designed for seniors, 55 years or older and providing several, but not all of the services and facilities required for Assisted Living and/or Congregate Living Facilities. Furthermore, it is a housing facility or community that fully complies with the provisions of the United States Fair Housing Act 42 USC Section 3601 et seq. as amended, (and Connecticut State Statutes Section 46a-64B, as amended, as it pertains to "Housing for Older Persons.") This includes compliance with any and all rules promulgated by the United States Department of Housing and Urban Development which govern implementation of such Act and compliance with all rules and restrictions promulgated by the Town of Killingly and set forth in this zoning regulation.

Adult Day Care Facility: A facility established to offer activity programs authorized by the Department of Mental Retardation **and/or the Department of Public Health** including training in one or more of the following areas; self-care, activities on daily living, personal and social adjustment, work habits and skills, speech and language development. Such a facility may also offer a recreational program involving activities which may be of a social, athletic or purely diversionary nature. This definition does not include facilities that provide overnight care and accommodations.

Assisted Living Facility: Housing designed for more fragile seniors, including such facilities licensed and designed to meet the needs of seniors with Alzheimer or other dementia-related illnesses, that provides nursing services, communal dining facilities and meal services, and/or assistance with personal care activities of daily living to clients living within a managed residential community having supportive services that encourage clients, aged 55 or older, to maintain a maximum level of independence. **These**

types of facilities are licensed by Assisted Living Services Agency (ALSA); and are inspected by the CT Department of Health.

Congregate Living Facility: Housing designed for seniors, 55 years or older, **and/or adult individuals with disabilities**, who require little, if any, assistance with activities of daily living and who may have some home health care-type services provided to them by in-house staff or an outside agency, offering communal dining facilities and meal services and including, but not necessarily limited to, services such as housekeeping, organized social and recreational activities, and transportation services.

Nursing Home: A chronic and convalescent nursing home or a rest home with nursing supervision, as defined and licensed by the Connecticut State Department of Health.

Residential Life Care Communities: A service-enriched community comprised of a building or group of buildings located on one or more contiguous parcels of land containing dwelling units including such housing and facilities defined hereunder as Congregate Living Facilities, Assisted Living Facilities, and Nursing Homes, ~~with or without licensed nursing or health care facilities~~, primarily for the aged. Said category of uses shall also contain meeting rooms, dining rooms and central kitchen, and recreation rooms or areas for the use of the residents of such facility and their guests appropriate to the facility. Any facility covered by this definition may also contain offices used for the management and operation of the facility as well as services such as, but not limited to, a general store, beauty shop, and laundry for the use of the residents of such facility. In addition, other individuals having permanent and/or temporary difficulties with one or more essential activities of daily living such as feeding, bathing, grooming, dressing or transport may also be housed in any of the housing options noted herein. Dwelling units are either multi-bedroom units, single bedroom, or individual housing units. The units may be rented, leased, or purchased.

SECTION 570 PLANNED RESIDENTIAL DEVELOPMENT

570.1 Definition

A parcel of land to be developed in the **Rural Development**, Low or Medium Density zones as a single entity for not less than ten dwelling units, the lot for which meets or exceeds the minimum

requirements and specifications as provided in Section 570.5.18, and may include any combination of detached single and attached single-family dwellings or townhouses, to meet the densities permitted by the Planned Residential Development Regulations. A portion of, or the entire development may be designated as Active ~~Adult housing~~ **Senior Housing**, age 55 and over in accordance with state and federal law.

570.2 Intent

The intent of this Planned Residential Development section is to,

- A) Provide for controlled flexibility in land development schemes;
- B) Establish performance criteria for residential development, and
- C) Establish opportunity for innovative combinations of housing by encouraging:
 - (1) A creative clustering approach to the development of residential land in the Low and Medium Density zones
 - (2) A desirable community environment that would not be possible through the strict application of minimum requirements of the Zoning Regulations and Subdivision Code
 - (3) A wide choice in the types of living units available in Killingly
 - (4) Open areas and/or recreational opportunities for the Planned Residential Development
 - (5) An efficient use of land with shorter networks of utilities and streets and greater economies in development costs
 - (6) Residential developments which are compatible with surrounding land use intensity, the existing town road system, sanitary sewer system and public water system.

570.3 Findings

The Commission recognizes that one of Killingly's most important assets is its varied and unique physical features. Pursuant to the Planned Residential Development intent, the Commission must determine that:

- A) The lot is maintained as a single, common property, with common open areas which preserves or enhances the appearance, character and natural features of an area,
- B) The Planned Residential Development meets the requirements of this section, and
- C) Three or more of the following findings will be accomplished with the granting of a Special Permit for a Planned Residential Development.
- (1) Undeveloped land within the Planned Residential Development is preserved and serves park and recreation needs; the development conserves natural resources as applicable;
 - (2) The Planned Residential Development design incorporates measures to shorten road and utility networks;
 - (3) The Planned Residential Development preserves and protects particular areas and terrain having qualities of natural features or historic significance;
 - (4) The Planned Residential Development protects streams, rivers, wetlands and ponds so as to avoid flooding, erosion, filling and water pollution;
 - (5) The Planned Residential Development offers architectural styling and detailing which complements the surrounding land uses, and provides quality housing opportunities to meet the growing needs of the community; and
 - (6) The Planned Residential Development incorporates features and designs to enhance public safety and minimize potential hazards.

570.4 Special Permit Use

Planned Residential Developments are permitted only in the **Rural Development**, Low and Medium Density zoning districts as a Special Permit use. The use of the Planned Residential Development procedures contained herein are not mandatory for the development of land in the **Rural Development**, Low and Medium Density zones, nor incumbent on the Commission to grant approval to an applicant if the Commission finds that the proposal fails to meet the intent of this section, and/or cannot make the necessary Planned Residential Development findings contained in Section 570.3.

A pre-application meeting with Town Staff is required and a pre-application concept review with the Planning and Zoning Commission is encouraged.

(NOTE: Reworked the numbering system to match prior sections.)

A) At the pre-application meeting, a written narrative shall be submitted which includes the following information:

- (1) A description of the site, including Assessor's parcel identification number(s), total area in sq. ft., and total developable area in sq. ft.;
- (2) The specific uses proposed including housing types, and project facilities such as community centers, recreational centers, play areas, trails, and other common use areas
- (3) The specific density and dimensional provisions proposed
 - [a] Maximum number of dwelling units to be constructed in the PRD, and
 - [b] Maximum ratio of impervious surfaces to the total developable area of the site;
- (4) The proposed maximum number of off-street parking and loading spaces, and the proposed number of parking spaces per dwelling unit by unit type;
- (5) Basic traffic information. A traffic analysis prepared by a CT licensed professional engineer may be required if requested by the Town Engineer.
- (6) An analysis of the environmental impacts of development in the proposed development, in general terms, considering wetlands, surface water and groundwater resources, wildlife habitat, air quality, and scenic views;
- (7) A current list of all abutters of the proposed PRD, including across the street
- (8) Any additional specifications the owner wishes to propose for the PRD, which specifications shall be binding;

B) Plans and drawings including:

- (1) Preliminary building plans, showing building types and their approximate locations, and floor plans and typical elevations to scale, for all proposed buildings and structures,
- (2) Any additional drawings which the land owner wishes to include for the proposed PRD, provided that such additional drawings shall be binding to the same extent as the required drawings.

570.5 Planning and Design Requirements

There shall be two (2) classifications of Planned Residential Developments; 1) Independent Residential Living (IRL); and 2) Residential Life Care Communities (RLCC); and the planning and design requirements shall be determined whether it refers to the IRL or the RLCC.

570.5.1 Common Open Areas (NOTE: The paragraphs were re-organized to make the reading flow.)

Common Open Areas are defined as: portions of a Planned Residential Development, including land, water or a combination thereof, proposed and designed for the active and/or passive use and enjoyment of the Planned Residential Development residents.

All Planned Residential Developments shall preserve Open areas in perpetuity in the amount of the minimum of 20% for IRL; and 10% for RLCC of the total lot area. Such Open areas shall be owned and maintained as common element by the Planned Residential Development Owners Association for IRL; and by the Owner/Manager for the RLCC.

Common Open areas shall be devoted to active and passive usage on the following schedule; and based upon the total acreage designated as Common Areas Only: IRL – Not less than 30% or more than 50% of the Open area land shall be dedicated to active recreation use. RLCC – Not less than 10% or more than 20% of the Open area land shall be dedicated to active recreation use.

Active Open Areas may contain complementary structures and improvements necessary and desirable for social, educational, recreational or cultural uses.

Passive Open areas shall preserve significant stands of trees, stream belts, historic, traditional or significant uses, structures, architectural elements and flood hazard areas where appropriate, and may be subject to the Town acquiring conservation rights and/or pedestrian thoroughfare rights.

Both Active and Passive Open Areas should be in locations easily accessible to the living units and where they do not impair the view and privacy of the living units. Children's informal play areas, parks, picnic areas, playgrounds, golf putting green, swimming pools, tennis courts, scenic open areas, and walking and/or biking trails are examples of the types of common open areas and recreational activities considered acceptable.

Wherever possible, the common open area(s) shall be contiguous and linked as a unit, and linked to other existing open space. The Town may require easement protection or deeding of sensitive property or resources to the town or a third party conservation group.

To ensure that common open areas and common facilities will be maintained properly, each PRD- IRL shall have a residents association in the form of a corporation, non-profit organization, or trust, established in accordance with the appropriate state law by a suitable legal instrument or instruments properly recorded in the Town Clerk's Office. Each RLCC shall have a residents' committee acting as an advisory committee to the private owner, to make suggestions to the owner on how the common open areas and common facilities can be maintained.

As part of the definitive plan submission, the proponent shall supply copies of such proposed instruments to the Planning and Zoning Commission.

570.5.2 Roadways

Topography, view sheds, tree cover, and natural drainage ways shall be treated as fixed determinants of road and site lay-out rather than as elements that can be changed to follow a particular development scheme.

Roadways shall be provided on the site where necessary to furnish traffic-ways for access to the living units and other facilities on the property.

A roadway is any paved street which provides vehicle access within the Planned Residential Development, and serves more than ten (10) dwelling units. All Planned Residential Development roadways shall be constructed in accordance with the procedures and design standards and specifications of the Killingly Subdivision Regulations.

The developer shall clearly specify and/or supply appropriate legal documents assuring the Commission of permanent private ownership, and adequate and continuing maintenance to the standards contained herein. Planned Residential Development roads shall enter public streets at safe locations.

570.5.3 Common Driveways

A common driveway is a paved driving surface within the Planned Residential Development which serves **ten (10)** or fewer dwelling units, and shall be constructed in accordance with the procedures and design standards and specifications of the Killingly Subdivision Regulations.

The minimum separation distance between public street curb cuts and/or internal driveway intersections shall be 35'.

570.5.4 Pavements

Pavements shall be constructed in accordance with the Pavement Structure requirements of the **Town of Killingly** Subdivision Regulations, as amended.

570.5.5 Storm Drainage

Roadway storm drainage shall be based on a 25-year return Storm Frequency, with 100 year storm design retention/detention areas, and shall be constructed in accordance with the procedures and design standards and specifications of the Killingly Subdivision Regulations.

The Planning and Zoning Commission shall encourage and may require the use of nonstructural storm water management techniques, such as swales, and other drainage techniques that reduce impervious surface and enable infiltration where appropriate. When curbing is proposed, it shall be of materials consistent with the Town requirements, as amended.

570.5.6 Parking

All PRD shall include off-street parking which meets or exceeds the design requirements **of Section 530.2 et. seq.** of the Zoning Regulations.

A) Independent Residential Living (IRL) – Must provide at least 2.3 spaces for each dwelling unit. (i.e.: 10 units x 2.3 spaces = 23 spaces)

B) Residential Life Care Communities (RLCC) – Must provide at least 1.75 spaces for each dwelling unit; said 1.75 spaces includes parking for visitors and staff. (i.e.: 10 units x 1.75 spaces = 17.5 spaces)

570.5.7 Public Transportation

In the event regular public passenger transportation is available to residents of the development, a shelter shall be provided by the applicant at a location convenient to said residents and readily serviceable by the public transportation operator. A convenient and reasonable shelter location shall be reserved and indicated on site plans of developments. ~~In areas that, in the opinion of the Commission, may receive public transportation services within ten (10) years.~~

570.5.8 Fire Safety

Each structure shall be within 200' of a fire hydrant, or as specified by the Town Fire Marshal after consultation with the Fire District Chief.

All dwelling structures shall be separated by **a minimum of 30' on all sides from all other dwelling** structures, except that the minimum separation distance may be reduced with the use of fire-rated materials **and/or** the approval of the Building Official and Fire Marshal.

Each dwelling unit and cluster shall be clearly identified. At the entrance to the PRD from the Town Road (a) cluster directory (ies) shall identify the direction to each cluster and building, and shall be externally lit.

570.5.9 Lighting

Outside lighting shall be provided on the site, as appropriate to the project, in order to illuminate building entries and sidewalk approaches, as well as parking areas. Motion detectors and/or timing devices are to be used on all lighting in visitor parking areas. Lighting shall be arranged to minimize glare, to not shine beyond the perimeter of the site, and to prevent light pollution by using Dark Sky methods.

570.5.10 Sidewalks

Sidewalks shall be provided, and shall interconnect all dwelling units, off-street parking areas, Planned Residential Development facilities, and the Town Road where frontage(s) is/are calculated. Additional frontage sidewalks constructed to Town specifications may be required by the Commission. Where appropriate, the Commission may require such sidewalks within the development to serve pedestrian movements to nearby off-street community facilities such as existing public facilities, conservation areas, recreation facilities, sidewalks or bicycle plans, streets, transportation systems or utility systems.

It is noted that all sidewalks are mandated to comply with ADA (American with Disabilities Act) requirements.

570.5.11 Lot Coverage

Lot coverages in the PRD shall not exceed the following:

IRL - 25% in Rural Development; 30% in Low Density Zone, and 35% in the Medium Density Zone.

RLCC – 30% in Rural Development; 40% in Low Density Zone, and 50% in the Medium Density Zone.

570.5.12. Utilities

All PRD, **both IRL and RLCC**, shall be serviced by Municipal Sewer System, and Public Water. Satellite or Community water systems are prohibited. Sanitary Sewers shall be designed and installed to meet the minimum Town requirements. All utilities including sewer, water, gas, telephone, C.A.T.V. and electric shall be installed underground. Sewer and water lines shall be installed in the roadway, where possible. Gas lines may be installed in the roadway.

At the time of application submission, a letter shall be provided from the Killingly Water Pollution Control Authority and the Public Water Company stating the adequacy of the design and the ability of the utility to service the PRD proposal as designed. Easements shall be provided to the Town where sewers are proposed to be owned by the Town.

570.5.13 Landscaping

A comprehensive aesthetic plan shall be provided which establishes planting zones in and around parking areas, in front of, alongside, and behind structures, and along street lines and drives. Street trees not less than 2" caliper d.b.h. may be required at a rate of not less than 1 per 50' of a PRD road length. Preserved interior stands of trees may be substituted for the street tree requirement at the Commissions discretion. Insofar as practicable, the site shall be preserved in its natural state by minimizing tree and soil removal, and manmade features such as stone walls shall be maintained with minimal alteration or disruption. Awareness of the existence of a development, particularly a higher-density development, shall be minimized by screening views of the development from nearby streets or single-family neighborhoods, by the effective use of existing land forms, or alterations thereto, such as berms, and by existing vegetation or supplemental planting.

Landscaping shall be composed of non-invasive, drought-resistant plantings that may include trees, flowers, shrubs, succulents and ornamental grasses. High-water use turf shall not exceed twenty (20) percent of all landscaped areas or open areas on the site.

Visual relief from buildings and hard materials shall be accomplished with landscape treatments such as shrubs, trees, flower boxes and other greenery around buildings or in recessed places.

Facilities such as storage, refuse disposal, utility buildings, and structures for recreational activities shall be located and screened to minimize visibility from public ways and adjacent residential areas.

570.5.14 Architecturals

Architectural drawings showing styling and detailing shall be provided at the time of application submission. Drawings shall show front, side and rear elevations and typicals of proposed structures. Without specifying any particular architectural style, the scale, massing and detailing of buildings should be compatible with other buildings prevalent in the neighborhood. Where a PRD development is

located adjacent to a neighborhood of single-family dwellings, the massing scheme and selection of exterior development shall maintain or enhance the character and appearance of the Town.

570.5.15 Soil Erosion & Sediment Control

The proposed PRD, **both IRL and RLCC**, shall meet at least the minimum requirements of Section 590 (Soil Erosion and Sediment Control) of the Zoning Regulations.

570.5.16 Densities (based upon units per acres)

A) For IRL – the maximum allowable density is four (4) dwelling units per acre in Rural Development; five (5) dwelling units per acre in Low Density; and six (6) dwelling units per acre in the Medium Density Zone.

B) For RLCC – the maximum allowable density is fifteen (15) dwelling units per acre in Rural Development, Low Density and Medium Density Zones.

Failure to meet both the density requirements and the necessary Planning Requirements contained in this PRD section shall result in denial of the application.

570.5.17 Structures

For ILR – Structures shall be limited to not more than six (6) attached dwelling units per structure in the Low Density Zone.

For ILR – Structures shall be limited to not more than eight (8) attached dwelling units per structure in Medium Density Zone.

For IRL – The Maximum height of Structures is 35' and no more than two stories.

For IRL – Setbacks

The setbacks shall be equivalent to those regulated setbacks for the underlying zone, set forth in Table A of the Zoning Regulations.

Front Setback from a Town Road – Medium Density – 40' minimum; Low Density – 40' minimum

Front Setback from Private or PRD Road, or PRD common driveway – Medium Density – 25' minimum; Low Density – 25' minimum.

Side Setback from an interior corner (i.e. PRD common driveway/PRD road intersection or PRD common driveway/PRD common driveway intersection) – 12' minimum

From side and rear property lines – 35' minimum

For RLCC – Structures shall be limited to not more than _____ attached dwelling units per structure in the Low Density zone.

For RLCC – Structures shall be limited to not more than _____ attached dwelling units per structure in the Medium Density zone.

For RLCC – Maximum height of Structures is 35 ' and no more than two stories.

For RLCC – Setbacks:

The setbacks shall be equivalent to those regulated setbacks for the underlying zone, set forth in Table A of the Zoning Regulations.

Front Setback from Town Road – Medium Density – 40' minimum; Low Density – 40' minimum

Front Setback from Private or PRD Road, or PRD Common Driveway – Medium Density – 25' minimum;

Low Density – 25' minimum.

Side Setback from an interior corner (i.e. PRD common driveway/PRD road intersection or PRD common driveway/PRD common driveway intersection) – 12' minimum.

From side and rear property lines – 35' minimum.

570.5.18 Frontage and Lot Area

Every lot upon which a Planned Residential Development is proposed shall have, as a minimum, the minimum frontage and lot area as indicated on Table A for the district.

570.5.19 Easements & Rights of Way

All easements and rights-of-way shall be clearly identified on the plans proposing a Planned Residential Development. Prior to the filing of any Planned Residential Development approval, all easement and right-of-way documents shall be provided to the Town.

570.6 Other

Additional stipulations

1. The Commission may permit/require phased construction of the Planned Residential Development dwelling structures, and may regulate the issuance of zoning compliance approvals, contingent upon the level of completion of common areas.
2. The Commission requires Professional Certification by an independent and licensed engineering party that roads, common driveways, drainage, curbing, sidewalks and sewers are constructed in accordance with the approved plans.
3. The Commission may require stubbing of sewer and water lines at property lines for future use on adjacent properties.
4. No part of this Planned Residential Development regulation (Section 570) may be varied by the Zoning Board of Appeals. The Planning and Zoning Commission may, for formal applications made to the Commission, waive certain requirements of these PRD regulations by three-quarters vote of all the members of the commission ("Members of the commission" refers to the five seated voting members) in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area when it is demonstrated that strict compliance with such regulations will cause an exceptional difficulty or unusual hardship. No waiver shall be granted under this section that would have a significant adverse effect on adjacent property or on public health and safety. The Commission shall state upon its records the reasons for which a waiver is granted in each case. Only the minimum

waiver necessary to comply with the intent of the PRD regulations shall be granted. A request for waiver shall be submitted in writing by the applicant at the time application for PRD approval is made. The request shall detail the extent of the waiver requested and contain sufficient data for the Commission to make the findings required below. The Commission may require that a public hearing be held in conjunction with a request for a waiver.

The Commission shall not grant a waiver unless it finds all of the following conditions are met.

1. The property for which the waiver is sought is uniquely affected by these PRD regulations;
2. Physical features of the property or its location cause exceptional difficulty or unusual hardship in meeting the requirements of these PRD regulations;
3. The granting of a waiver will not have a significantly adverse effect upon adjacent property or the public health and safety; and
4. The granting of the waiver will not be in conflict with the Plan of Conservation and Development.

570.5 Amendments to the Approved Plans

1. Minor Amendments. Amendments to the approved plan which do not substantially change the Concept of the planned development may be approved by the Director of Planning and Development. Such minor changes may include, but not be limited to, small site alterations such as realignment of minor roads, or relocation of utility lines due to engineering necessity.

The developer shall request such amendment in writing, clearly setting forth the reasons for such changes. If the change is approved, the plan shall be so amended. Appeal from the decision of the Director of Planning and Development may be taken by the applicant to the Planning & Zoning Commission.

2. Major Amendments. Amendments to the approved plan which the Director of Planning and Development determines to be substantial deviations from the concept of the approved Planned Residential Development shall require application and review and modification pursuant to Section 470 of these Regulations.

~~Also:~~

~~Delete Section 575 — Elderly Housing in its entirety~~

~~In Section 300, delete the Planned Elderly Housing definition~~

~~Delete the Planned Elderly Housing definition~~

~~—Low Density Section 410.2.2m,~~

~~—Medium Density Section 410.3.2l~~

~~—General Commercial Section 420.2 and~~

~~—Residential High — Borough Section 420~~

~~Effective 11/27/89; Amendment Date of 11/9/11 at 12:01 AM~~