



TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION

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TOWN CLERK, KILLINGLY, CT  
2024 APR 12 AM 8:15

*Elizabeth M. Wilson*

**MONDAY – April 15, 2024**  
**Regular Meeting – HYBRID MEETING**  
**7:00 PM**

**TOWN MEETING ROOM – 2<sup>ND</sup> FLOOR**

**Killingly Town Hall**

**172 Main Street**

**Killingly, CT**

THE PUBLIC IS ALLOWED TO ATTEND THE MEETING IN PERSON  
OR THE PUBLIC MAY VIEW THIS MEETING AS DESCRIBED BELOW

**AGENDA**

THE PUBLIC CAN VIEW THIS MEETING ON FACEBOOK LIVE.

GO TO [WWW.KILLINGLY.ORG](http://WWW.KILLINGLY.ORG) AND CLICK ON FACEBOOK LIVE AT THE BOTTOM OF THE PAGE.

- I. CALL TO ORDER/ROLL CALL
- II. SEATING OF ALTERNATES
- III. AGENDA ADDENDUM
- IV. CITIZENS' COMMENTS ON ITEMS **NOT SUBJECT TO PUBLIC HEARING** (Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission)

NOTE: Public comments can be emailed to [publiccomment@killinglyct.gov](mailto:publiccomment@killinglyct.gov) or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239. All public comment must be received prior to 2:00 PM, the day of the meeting. Public comment received will be posted on the Town's website [www.killingly.org](http://www.killingly.org).

NOTE: To participate in the CITIZENS' COMMENTS– the public may join the meeting via telephone while viewing the meeting on Facebook live.

To join by phone please dial 1-415-655-0001; and use the access code **2634-571-4678** when prompted.

- V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS
- VI. PUBLIC HEARINGS – (review / discussion / action)  
NOTE: PUBLIC HEARING comments can be emailed to [publiccomment@killinglyct.gov](mailto:publiccomment@killinglyct.gov) or mailed to the Town of Killingly, 172 Main Street, Killingly, CT 06239. All public comment must be received prior to 2:00 PM, the day of the meeting. Public Hearing comments received will be posted on the Town's website [www.killingly.org](http://www.killingly.org)  
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(Continued on next page)

**PUBLIC HEARINGS CONT:**

None.

Hearings' segment closes.

Meeting Business will continue.

**VII. UNFINISHED BUSINESS – (review / discussion / action)**

None.

**VIII. NEW BUSINESS – (review/discussion/action)**

1) Special Permit Application #24-1331 - Jonathan Billias (Billias Restoration, LLC); 82 Putnam Pike, GIS MAP 106; LOT 45; 0.94 acres, General Commercial Zone; Contractor's Business, Construction of a 40' x 60'; three (3) bay metal garage for personal / company use. Storage of tools and small construction equipment. Zoning Regulations 420.2.2 (Special Permitted Uses) Subsection n. (Contractor's Business), Section 470 (Site Plan, Section 700 (Special Permits). **Receive, and schedule a hearing for Monday, May 20, 2024.**

(\*) Applications submitted prior to 5:00 PM on MONDAY, APRIL 8, 2024 - will be on the agenda as New Business, with a "date of receipt" of MONDAY, APRIL 15, 2024, and may be scheduled for action during the next regularly scheduled meeting of **MONDAY, MAY 20, 2024.**

(\*) Applications submitted by 11:30 AM on FRIDAY, April 12, 2024 - will be received by the Commission ("date of receipt") on MONDAY, APRIL 15, 2024. However, these applications may not be scheduled for action on **MONDAY, MAY 20, 2024.** as they were submitted after the Commission's deadline. This is in accordance with Commission policy to administer Public Act 03-177, effective October 1, 2003.

**IX. ADOPTION OF MINUTES – (review/discussion/action)**

- 1) Workshop Meeting Minutes – MARCH 18, 2024.
- 2) Regular Meeting Minutes – MARCH 18, 2024.

**X. OTHER / MISCELLANEOUS – (review / discussion / action)**

- 1) Election of Officers – Chair, Vice-Chair, Secretary
  - \* Current Chair turns the meeting over to the Director
  - \* The Director goes through the election process
  - \* Once new officers are chosen Director turns the meeting over to the new Chair

2) Continuation of Workshop re: Planned Residential Development, Site Plan, Special Permit, etc.

3) Workshop Schedule – Schedule another workshop for MONDAY, MAY 20, 2024 @ 6:00 pm to continue the discussion of the proposed revisions to the zoning regulations.

**XI. CORRESPONDENCE**

- 1) Zoning Practice – April 2024 Editions

**XII. DEPARTMENTAL REPORTS – (review/discussion/action)**

- A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s)
- B. Inland Wetlands and Watercourses Agent's Report

**XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT**

**XIV. TOWN COUNCIL LIAISON REPORT**

**XV. ADJOURNMENT**



**TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION**

**MONDAY – MARCH 18, 2024**

**WORKSHOP MEETING - IN PERSON**

**6:00 PM**

**TOWN MEETING ROOM – 2<sup>ND</sup> FLOOR**

**Killingly Town Hall**

**172 Main Street**

**Killingly, CT**

**MINUTES**

*Erin M. Wilson*  
2024 MAR 25 AM 9:08  
TOWN OF KILLINGLY, CT

**I. CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 6:02 p.m.

**ROLL CALL** – Brian Card, Michael Hewko, Virge Lorents, John Sarantopoulos, Keith Thurlow.  
Matthew Wendorf was absent with notice.

**Staff Present** – Jonathan Blake, Planner I/ZEO; Allison Brady, *Asst. Planning Director*; Jill St. Clair, Director of Economic Development.

**Also Present** – Ulla Tiik-Barclay, Town Council Liaison; J.S. Perreault, Recording Secretary.  
There were two additional people present in the audience.

**Present via Online** – None.

**II. WORKSHOP DISCUSSION**

- \* Review / Discussion / Action
- \* Planned Residential Development Open Space, etc.
- \* Continue this Workshop / Discussion (if needed, and if time allows) during tonight's Regularly Scheduled Meeting of **March 18, 2024**.
- \* Schedule Next Workshop Meeting on Zoning Regulation changes for **Monday, April 15, 2024**.

Brian Card explained about the need for a good definition for open space in the PRD in the Zoning Regulations. He feels that open space should not be inclusive of things like buffer zones/stormwater detention ponds/sidewalks, as they are required anyway. He feels that if higher densities are to be given, as a benefit, to developers, we need to get some open space land in return.

There was discussion with Jon Blake regarding Zone Text Change Application #24-1329, revision to multi-family zoning requirements for clarification purposes for density in LD/MD/Residential High (Borough). The Application had been withdrawn by the Applicant. Mr. Card suggested taking a look at PRD and multi-family and combining into a single district. Mr. Blake asked for a consensus of the Commission as to whether Staff should draft language. Mr. Thurlow feels that open space should be defined the same across the board. Mr. Thurlow asked the Commission, for the Record, if they agree with making these changes to the Regulations. The following stated their opinions:

- Michael Hewko – yes.
- Virge Lorents – yes, and she spoke about making the Regulations more user friendly.

- John Sarantopoulos – yes, and he spoke about a deadline to spend Open Space money within a certain period of time. Mr. Blake will research.  
Mr. Blake explained that Allison Brady is compiling a list of Town properties.

Motion was made by Virge Lorents to open the floor to discussion with the public regarding Planned Residential Open Space.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (5-0-0).

There was discussion with Ed Grandelski, Ulla Tiik-Barclay and Michelle Murphy. Mr. Thurlow suggested that the Commission give Staff a summary/guidelines of what direction they would like to go. Mr. Card stated that he had sent an email with guidelines and that he would be happy to work with Staff. Mr. Blake explained that Ms. Aubrey has been working on draft language.

- Mr. Grandelski spoke about the Open Space Land Acquisition Fund and how Ms. Brady is undertaking a huge job. He also spoke about the situation with Briarwood.  
Brian Card explained about Open Areas (PRD) vs. Open Space (subdivision)
- Ms. Tikk-Barclay and Michelle Murphy spoke of concerns regarding PRD: Independent Residential Living (20 percent open space) and Residential Life Care Community (10 percent open space). Ms. Tiik-Barclay also asked about densities.  
Mr. Blake and Mr. Card gave explanations and answered questions. Reference was made to Section 570.1. Mr. Card stated that IRL should be defined in the Regulations.  
Mr. Blake asked if the Commission wants PRD to be all-encompassing. Discussion continued.

Brian Card explained about Open Areas (PRD) vs. Open Space (subdivision). Mr. Blake stated that he has an idea of what the Commission would like and he asked if the Commission would like a provision to require open space or have someone offer open space. Ms. Lorents commented about clearly defining what is for the Community and what is to protect the environment. Mr. Thurlow expressed agreement with Ms. Lorents and referred to Section 570.5.1 and he stated that the four definitions overlap each other which confuses the issue. Mr. Blake agreed and explained about having general requirements all in one section which is simpler and he explained that Staff has been working on this (about 89 percent done). Discussion continued.

Staff will work on draft language for revisions to PRD, define IRL, similar criteria for Open Area and Open Space, Special Permit and Site Plan Review, for review by the Commission next month.

It was decided to have another Workshop before the Regular Meeting on April 15, 2024, at 6:00 p.m.

### **III. MOTION TO ADJOURN**

Motion was made by Virge Lorents to adjourn at 6:59 p.m.

Second by Michael Hewko. No discussion.

Motion carried unanimously by voice vote (5-0-0).

Respectfully submitted,

I.S. Perreault  
Recording Secretary



**TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION**

**MONDAY – MARCH 18, 2024**

**Regular Meeting – HYBRID MEETING**

**7:00 PM**

**TOWN MEETING ROOM – 2<sup>ND</sup> FLOOR**

**Killingly Town Hall**

**172 Main Street**

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**MINUTES**

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I. **CALL TO ORDER** – Chair, Keith Thurlow, called the meeting to order at 7:05 p.m.

**ROLL CALL** – Brian Card, Michael Hewko, Virge Lorents, John Sarantopoulos, Keith Thurlow.  
Matthew Wendorf was absent with notice.

**Staff Present** – Jonathan Blake, Planner I/ZEO; Allison Brady, Asst. Planner/Natural Resource Officer;  
Jill St. Clair, Economic Development Director; David Capacchione, Director of Engineering &  
Facilities.

**Also Present** – Ulla Tiik-Barclay, Town Council Liaison; J.S. Perreault, Recording Secretary.  
There were two additional people present in the audience.

**Present via Online** – None.

II. **SEATING OF ALTERNATES** - Michael Hewko was seated as a Voting Member for this Meeting.

III. **AGENDA ADDENDUM** – None.

IV. **CITIZENS' COMMENTS ON ITEMS NOT SUBJECT TO PUBLIC HEARING** (Individual presentations not to exceed 3 minutes; limited to an aggregate of 21 minutes unless otherwise indicated by a majority vote of the Commission)

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2024 MAR 25 AM 9:08  
TOWN OF KILLINGLY, CT  
Elyse M. Quinn

Ed Grandelski thanked the Commission for the opportunity to participate in the Workshop held prior to this meeting.

**V. COMMISSION/STAFF RESPONSES TO CITIZENS' COMMENTS – None.**

**VI. PUBLIC HEARINGS – (review / discussion / action)**

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Keith Thurlow read aloud the above information regarding public comment.

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Jon Blake stated that there are no public hearings this evening and that no public comment had been received.

1) **Zone TEXT Change Appl: 24-1329**; Lake Apartments, LLC; Zone TEXT Change – revision to multi-family zoning requirements for clarification purposes for density. **WITHDRAWN BY APPLICANT.**

**VII. UNFINISHED BUSINESS – (review / discussion / action)**

1) **Zone TEXT Change Appl: 24-1329**; Lake Apartments, LLC; Zone TEXT Change – revision to multi-family zoning requirements for clarification purposes for density. **WITHDRAWN BY APPLICANT.**

**VIII. NEW BUSINESS – (review/discussion/action)**

1) **§8-24 Review Appl. # 24-1331** – Town of Killingly; Capital Improvement Budget for 2024-2025 – presentation by the Town's Engineer, David Capacchione.

David Capacchione reviewed the draft of the Capital Improvement Budget for 2024-2025.

There was discussion with Virge Lorents regarding the PeepToad Stone Arch Bridge..

There was discussion regarding the possibility of a third floor to the Town Hall in the future.

Motion was made by Michael Hewko to approve the **§8-24 Review Appl. # 24-1331** – Town of Killingly; Capital Improvement Budget for 2024-2025, presented by Town Engineer, David Capacchione.

Second by John Sarantopoulos. No discussion.

Motion carried unanimously by voice vote (5-0-0).

**IX. ADOPTION OF MINUTES – (review/discussion/action)**

1) Regular Meeting Minutes – FEBRUARY 20, 2024.

Motion was made by Virge Lorents to adopt the Regular Meeting Minutes of February 20, 2024, as presented.

Second by Michael Hewko. No discussion.

Motion carried unanimously by voice vote (5-0-0).

**X. OTHER / MISCELLANEOUS – (review / discussion / action)**

1) Continuation of Workshop re: Planned Residential Development, Open Space, etc. – No discussion.

2) Workshop Schedule – Schedule another workshop for MONDAY, APRIL 15, 2024 @ 6:00 pm to continue the discussion of the proposed revisions to the zoning regulations.

There was discussion at the Workshop prior to this meeting at it had been decided to have another Workshop meeting on Monday, April 5, 2024, at 6:00 p.m.

**XI. CORRESPONDENCE**

1) Zoning Practice – March 2024 Edition

2) Technical Report from VITIS Energy, RE: Battery Energy Storage System (BESS), 189 Lake Road

Jill St. Clair explained that there will be a public information session at the High School on April 4<sup>th</sup> at 6:00 p.m. The Applicant will do a presentation and answer questions from the public, then they will submit an application to the Citing Council, the Killingly PZC will get a copy of the application on the same day. Jon Blake explained that it would be a joint meeting with the IWWC.

**XII. DEPARTMENTAL REPORTS – (review/discussion/action)**

A. Zoning Enforcement Officer's & Zoning Board of Appeal's Report(s) – No report, ZBA did not meet this month.

B. Inland Wetlands and Watercourses Agent's Report – No report, IWWC met this month.

**XIII. ECONOMIC DEVELOPMENT DIRECTOR REPORT**

Jill St. Clair reported that three businesses received their Certificates of Occupancy. She explained that Walgreen's Distribution is going to be shutting down on May 17th.

**XIV. TOWN COUNCIL LIAISON REPORT**

Ulla Tiik-Barclay reported on the recent Town Council meeting actions/discussions/awards.

**XV. ADJOURNMENT**

Motion was made by Virge Lorents to adjourn at 7:26 p.m.

Second by Michael Hewko. No discussion.

Motion carried unanimously by voice vote (5-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Secretary

# ZONING PRACTICE

Unique Insights | Innovative Approaches | Practical Solutions

## Equitable Zoning for Manufactured Housing



**In this Issue:** The Importance of Manufactured Housing | Negative Perceptions and Restrictive Zoning | Assessing Local Zoning | Considerations for Code Updates | Conclusion



# Equitable Zoning for Manufactured Housing

By George Frantz, AICP

In the 50 years that have passed since the National Manufactured Housing Construction and Safety Standards Act of 1974 was signed into law, manufactured housing has remained an underexploited opportunity for providing millions of Americans with decent affordable housing. Only 18 states have laws that ensure local zoning codes do not discriminate against manufactured housing ([Table 1](#)), and historic stereotypes and prejudices still inform many communities' zoning regulations.

There is, however, increasing attention being given to manufactured housing as communities around the country confront the housing affordability crisis. The American Planning Association's [Equity in Zoning Policy Guide](#) specifically calls for reforms that establish manufacturing housing as a permissible use in many residential zoning districts, allow for the

creation of new manufactured housing communities, and protect existing manufactured housing parks and their residents from displacement. Additionally, President Biden's [Housing Supply Action Plan](#) includes multiple actions to broaden manufactured housing opportunities.

This issue of *Zoning Practice* examines the persistent inequitable treatment of manufactured housing in many local zoning codes and offers considerations for code updates. It begins with brief summaries of the important role manufactured housing plays in supporting housing choice and affordability and the common stigmas and forms of regulatory discrimination that this type of housing faces in many communities, and it includes findings from a five-state analysis of zoning regulations for manufactured housing.



*A manufactured home in a retirement community in Boynton Beach, Florida (Credit: felixmizioznikov, iStock Editorial / Getty Images Plus)*

## The Importance of Manufactured Housing

Manufactured housing is a specific type of factory-built housing constructed after June of 1976 that has at least 320 square feet (30.2 m<sup>2</sup>) and is constructed on a permanent chassis in accordance with the U.S. Manufactured Home Construction and Safety Standards (42 U.S.C. §5402). The typical manufactured home comes in one of two forms: single-section (single-wide) homes transported from factory to site in one piece or two-section (double-wide) homes that are transported in two or more sections and assembled onsite. Under federal law, manufactured homes are required to be professionally installed in accordance with U.S. Department of Housing and Urban Development (HUD) installation standards.

Nearly 16.7 million people live in manufactured homes (USCB 2023a); that's approximately five percent the total U.S. population. While manufactured housing as a percentage of the country's housing stock has declined from 6.7 percent in the 2006–2010 American Community Survey five-year estimates to 5.8 percent in the 2018–2022 five-year estimates, it remains a key resource, particularly in rural areas

(USCB 2023b). In the 1,958 nonmetropolitan counties (or county equivalents) it accounted for 12.6 percent of occupied housing units (USCB 2023c; USDA ERS 2024).

In 2022, some 112,882 manufactured housing units were shipped across the U.S., with the overwhelming proportion of the top 10 recipient states being in the South and Southeast, where eight states absorbed just under 60,000 manufactured housing units, or 53 percent of total production that year (USCB 2023f). Texas alone absorbed some 19,865 new units in 2022, or almost 18 percent of the nation's production.

Contrary to the common perception of manufactured housing being sited predominantly on rented lots, in 2022, 64 percent of purchasers sited new manufactured homes on land they owned, either through a condominium arrangement in a manufactured home community or on an independent lot (USCB 2023g). Furthermore, these homes typically sell for far less, on average, than new site-built homes. In 2022, the average cost per square foot for a manufactured home was \$90.27, compared to \$168.35 for site-built homes (USCB 2023g).

*One-half of a double-wide manufactured home on its way to a homesite (Credit: constantgardener, iStock / Getty Images Plus)*



Most households who live in manufactured homes earn less than \$40,000 per year, and the percentage of that are cost-burdened is less (27.8 percent) than for households residing in duplexes (43.9 percent) and apartment buildings (46.3 percent) (USCB 2023d&e). This makes manufactured housing the largest unsubsidized source of affordable housing in the nation (Gorey 2023; USCFCB 2021).

Manufactured-home owners may finance the purchase of their homes through a real estate mortgage loan, as real property, or finance it as personal property through chattel financing. Around 42 percent of manufactured homes are financed through chattel loans. Even in cases where the homeowner also owns the underlying land, some 17 percent of homes are financed using chattel loans (USCFCB 2021).

### **Negative Perceptions and Restrictive Zoning**

In May of 2022 the White House announced a set of policy actions to address high housing costs. Included in the package of proposals were new financing mechanisms through Freddie Mac for manufactured housing to reduce the cost of personal property financing that many manufactured housing purchasers must rely on. Another policy proposal was for the federal government to develop incentives for local governments to enact zoning reforms to reduce regulatory barriers to manufactured housing and increase the amount of land zoned to permit both individual homes as well as for developing new manufactured home communities.

The reality is that the potential for manufactured housing to take a larger role in resolving the affordable housing crisis is hobbled by prejudicial zoning regulations and legal case law. As Daniel R. Mandelker has noted, “The courts have largely upheld unequal treatment in a variety of zoning regulations. Zoning is economic regulation and the rational basis standard of judicial review that applies to economic regulations supports these decisions. In applying this judicial review standard, however, the cases make assumptions about manufactured housing that are no longer true” (2016).

Despite the dramatic improvement in quality of construction after National Manufactured Housing Construction and Safety Standards Act of 1974 and the Manufactured Housing Improvement Act of 2000, and the more recent implementation of state energy codes mandating increase energy efficiency, the “mobile” home continues to be treated as inferior housing at best, and too often undesirable housing, to be heavily restricted if not completely zoned out of communities.

**Even though the manufacture of mobile homes effectively ceased with the advent of the Manufactured Home Construction and Safety Standards, the perceptions associated with it continue to influence land-use and housing policies.**

Even though the manufacture of mobile homes effectively ceased with the advent of the Manufactured Home Construction and Safety Standards, the perceptions associated with it continue to influence land-use and housing policies. The old prejudices—perceptions that manufactured housing is aesthetically inferior and incompatible with the American ideal of what constitutes “good” neighborhood character; that not restricting the location of manufactured housing would depreciate the market value of traditional stick-built housing and threaten the community’s tax base; that manufactured housing is of low-quality construction that can attract “low quality” residents—persist.

Lack of knowledge by the public is a significant obstacle to manufactured housing being accepted as a legitimate residential architecture. In a recent survey conducted for Freddie Mac, 53 percent of respondents had either never heard of manufactured housing or were not very familiar with it (2022). Another misperception identified in the survey is that “manufactured homes are only available in rural communities and are not a good option if you want to live in the city or suburbs.” Some 47 percent of respondents



*Mobile homes at a work camp in New York State in 1964  
(Credit: atlantic-kid, iStock / Getty Images Plus)*

strongly or somewhat agreed with this statement, and 15 percent responded that they did not know. Some 50 percent of respondents either believed that manufactured homes are only for temporary housing and not for long-term living or did not know.

In light of persistent prejudices and a basic lack of understanding, it is, perhaps, unsurprising that many residential zoning districts are designed primarily to segregate manufactured housing and its occupants. Manufactured housing may be carefully defined in a variety of ways but is still referred to in many jurisdictions as a *mobile home*. Manufactured homes are also rarely provided protections against incompatible uses and indeed are often confined to zoning districts where other less desirable land uses, such as commercial and industrial uses, are permitted or are relegated to special-purpose districts adjacent to those uses.

The design and mobility of pre-1974 mobile homes, which facilitated their use by itinerant workers in the construction and energy industries, was quickly imprinted in the American public's perception. Mobile homes became synonymous with poorly designed and constructed camps. Aesthetic issues with these early communities were seized upon as a rationale for regulating and segregating first mobile homes and today, despite the

huge improvements in quality and energy efficiency, regulating and segregating manufactured housing. As Mandelker notes, aesthetic concerns have been upheld by the courts, in almost half of U.S. states, aesthetics can be the only justification advanced to support restricting manufactured housing.

In some case zoning can mandate that manufactured homes must comply with what Mandelker refers to as "look alike" code requirements to pass as being compatible with the character of the surrounding neighborhood architecture. An extreme example is a community that not only restricts the 59 manufactured homes that exist in the city of almost 11,000 to three tiny manufactured home parks, but mandates that they "...shall be of a color and placed or landscaped in such a way as to be visually unobtrusive..."

The question of visual compatibility often zeroes in on architectural characteristics, such as flat roofs and metal or vinyl siding, the gap between the bottom of a manufactured home and ground level, and the visibility of axles and other chassis components. Ironically, the flat roofs of manufactured housing evolved as an issue for planners at the same time flat roofs on architect designed homes were seen (briefly) as the future of residential design. Fortunately for those who can afford the traditional looking "double-wide"

manufactured housing that is typically constructed in the classic American ranch home style, these “look alike” restrictions are not as large an obstacle.

### Assessing Local Zoning

For this issue, I analyzed a sample of 136 local zoning ordinances across five states: Florida, Michigan, New York, Texas, and Wyoming. Florida, Michigan, and Texas are three of the top five states in manufactured home deliveries in 2022, together accounting for 30 percent of manufactured housing units produced that year. Texas and Florida also continue to have substantial population growth. I selected New York because it is a state with a strong home rule tradition that has devolved planning and zoning powers to cities, towns, and villages. Moreover, many local governments, especially suburban

governments in New York, have historically been hostile to manufactured housing. Wyoming was selected because it ranks relatively high (in per-capita terms) in the placement of manufactured homes (15<sup>th</sup> in the nation in 2022) and it has a predominantly rural population.

In all five states, zoning is implemented at the county level or lower, and of the 136 zoning codes sampled, 127 were sub-county municipalities. Eight of the nine sampled counties are in Wyoming, and in several of these counties, the zoning does not cover all unincorporated areas. My analysis involved reviewing areas of the zoning codes related to manufactured housing: definitions for dwellings, mobile homes, manufactured homes, and manufactured home parks; lists or tables of permissible uses by district; and specific design parameters applied to this type of residential architecture.

**Table 1. States That Preempt Aspects of Local Zoning for Manufactured Housing**

State	Limit on Local Zoning Authority
Arkansas	Municipalities must permit manufactured homes on individually owned lots in at least one residential district and cannot subject them to standards that don't also apply to other single-family dwellings (§14-54-1604).
California	Cities and counties must permit manufactured homes sited on foundations on all lots zoned for conventional single-family residential dwellings and cannot subject them to standards that don't also apply to other homes (Government Code §65852.3(a)).
Colorado	Municipalities may not enact zoning, subdivision, or other regulations that affectively exclude manufactured housing or subject them to standards that don't also apply to other homes (§31-23-301(5)(b); §31-23-303(3)).
Connecticut	Municipalities may not impose conditions and requirements on manufactured homes built under federal standards over 22 feet wide that are substantially different from those imposed on other single-family dwellings (§8-2(d)(3)).
Florida	Municipal and county regulations regarding housing must be reasonable and uniformly applied and enforced without any distinction as to whether a building is a conventionally constructed or manufactured building (§553.38).
Idaho	Municipalities and counties must permit manufactured homes on all lands zoned for single-family residential uses, except for lands falling within an area defined as a historic district, subject to maximally restrictive placement standards (§67-6509A).
Iowa	Cities and counties cannot apply more restrictive standards to a manufactured home than those which apply to a site-built, single-family dwelling on the same lot and must comply with maximally restrictive construction and design standards (§414.28; §335.30).
Maine	Municipalities must permit manufactured homes on any lot where single-family dwellings are allowed, subject to the same standards as single-family dwellings and must comply with maximally restrictive standards for manufactured housing communities (§30-A-4358(2)).

■ **Table 1 (continued).** *States That Preempt Aspects of Local Zoning for Manufactured Housing*

State	Limit on Local Zoning Authority
Nebraska	Municipalities and counties must permit manufactured homes on any lot where single-family dwellings are allowed, subject to maximally restrictive standards (§14-402(2); §15-902(2); §23-114(3)).
New Hampshire	Municipalities must permit manufactured homes on individual lots in most, but not necessarily all, areas zoned to permit residential uses (§674:32.I).
New Jersey	Municipalities may not exclude or restrict the use, location, or placement of manufactured homes on individual lots that are at least 22 feet wide and sited on a foundation, unless such regulations are equally applicable to all buildings and structures of similar use (§40:55D-104).
New York	Municipalities must permit manufactured homes affixed to a permanent foundation that conform with identical standards applicable to site-built single-family dwellings, as a conforming single-family dwelling (Executive Code §615 et seq.).
Oregon	Within urban growth boundaries, municipalities and counties must permit manufactured homes in all zoning districts that allow single-family dwellings and cannot subject them to standards that would not apply to a site-built detached dwelling and must accommodate manufactured housing communities, subject to a needs assessment (§197.478; §197.480).
Pennsylvania	Municipalities must provide for the use of land within the municipality for residential housing of various dwelling types, including “mobile homes” and “mobile home parks” (Municipalities Planning Code §604(4)).
Texas	Municipalities shall permit manufactured housing “in any area determined appropriate by the municipality, including a subdivision, planned unit development, single lot, and rental community or park” (Occupations Code §1201.008).
Vermont	Municipalities may not exclude “mobile homes,” except upon the same terms and conditions as conventional housing may be excluded (§24-4412(1)(B)).
Virginia	Municipalities and counties must permit manufactured homes on permanent foundations in agricultural districts, subject to development standards that are equivalent to those applicable to site-built single-family dwellings (§15.2-2290(A)).
Washington	Municipalities and counties must permit manufactured homes in the same manner as site-built homes, factory-built homes, or homes built to any other state construction or local design standard, subject to maximally restrictive standards (§35.21.684; §36.01.225).

Although manufactured housing is permitted as of right in many single-family neighborhoods throughout the country, exclusionary zoning practices are still commonplace. In the five states sampled, the percentage of local zoning ordinances that permit single-wide manufactured housing in all residential zoning districts (including agricultural districts) was only 49 percent in Wyoming and 38 percent in Michigan, the two most accommodating states, and just registering on the scale at seven-, eight-, and nine percent in Florida, New York, and Texas, respectively. Surprisingly, 50 years after its supposed demise, some 59 percent of zoning codes still use

*mobile home*, compared to just 49 percent that use *manufactured home*, while many codes retain both definitions.

#### Florida

Florida law broadly preempts local zoning regulations that single out manufactured housing; however, many local jurisdictions in the state still have exclusionary provisions in their codes. In the codes sampled in Florida, zoning regulations for manufactured housing lean more toward segregation than all states except New York.

Single-wide, standalone manufactured homes on individual lots were permitted in all residential districts in only seven

percent of the 31 jurisdictions sampled, and only 10 percent permitted them in some, but not all, residential zoning districts. The zoning codes in 59 percent of the Florida communities also restrict manufactured housing to mobile home/manufactured home park districts. These developments can be in the form of leasehold enterprises, where the park owner leases out sites to homeowners, or they can be organized as condominium or cooperative housing, but, nonetheless, segregated from stick-built neighborhoods.

### Michigan

In Michigan, 38 percent of the 22 municipalities sampled permit manufactured housing in all conventional residential zoning districts, while only seven restrict them solely to manufactured or mobile home parks. Ten municipalities treat manufactured housing the same as stick-built homes, provided units are at least 22 or 24 feet wide (i.e., “double-wide” homes). Common additional thresholds in the Michigan zoning codes include the following:

- Minimum floor area requirements (generally 1,080 square feet) for the district in which it is located
- Design requirements stipulating the manufactured home “shall be aesthetically compatible in design and appearance with other dwellings in the general vicinity with either a roof overhang of at least six inches on all sides, or alternatively with window sills or roof drainage systems that concentrate roof drainage at collection points along the sides of the dwelling”
- Design requirements stipulating that manufactured homes “have a sloped roof of a pitch of not less than 3:12 for and on the principal or main portion of the mobile (sic) home.”

As Mandelker notes these “look alike” code requirements can increase the cost and erode the affordability of manufactured housing.

### New York

In 2015, New York became the latest state to adopt a law preempting aspects of local zoning for manufactured housing. This law clearly states that any manufactured home

“affixed to a permanent foundation,” which “conforms with the identical development specification and standards, including general aesthetic and architectural standards, applicable to conventional, site-built single-family dwellings in the residential district in which the manufactured home is to be sited, shall be deemed to be a conforming single-family dwelling for purposes of the applicable local zoning law or ordinance” (Executive Law §616). Unfortunately, it appears to have had little or no impact on local zoning regulations in the state.

**In 2015, New York became the latest state to adopt a law preempting aspects of local zoning for manufactured housing.**

A survey of zoning regulations in 24 municipalities in two Upstate New York metro areas revealed that 57 percent of local governments restrict manufactured housing to leasehold manufactured housing communities; 30 percent prohibit them outright; and only 20 percent of local governments permit them in conventional residential zoning districts. Two of the more rural municipalities in the New York sample permit double-wide manufactured housing in all residential zoning districts.

The approval process for leasehold manufactured housing parks in New York is also often a discretionary action on the part of local government, often through required special use permit/conditional use reviews. Under New York’s Town Law, a special use permit is defined as “...an authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met” (§274-B). This process can quickly become an expensive gamble by a prospective developer.

Even though the New York courts ruled in the 1950s that a special use permit cannot be denied without substantive



evidence, the common perception on the part of municipal officials is that a special use permit is akin to a use variance. Proposed projects are exposed to often vague and arbitrary standards and the vagaries of New York's environmental impact review process especially in the face of public opposition.

As commonly noted in the literature on zoning restrictions and manufactured housing, the nine municipalities in the sample that outright prohibit manufactured housing are the more affluent ones: Their median household incomes, averaged together, were just under \$90,000, or 120 percent of the statewide median household income in New York.

### **Texas**

Texas is home to a high percentage of manufactured housing units and, since 1994, has accounted for the largest number of new manufacturing homes placed in the U.S., some 545,535 or 12 percent of total shipments nationwide. Texas also has a law in place that requires accommodation for manufactured housing in local land-use regulations, but only "in any area determined appropriate by the municipality." It is the weakest of the 18 laws that preempt aspects of local zoning for manufactured housing.

In Texas the power to adopt zoning and regulate the location of manufactured housing is (almost exclusively) vested in incorporated cities. Much of the land in the state, however, is located outside incorporated municipalities, in unincorporated areas of counties. Counties in Texas have very little authority to regulate land-use, with their jurisdiction limited to adoption and application of design standards for streets and other infrastructure within manufactured housing parks.

A study of manufactured housing and zoning in 33 local governments in the Houston metropolitan area revealed that 42 percent of local governments sampled only permit manufactured housing in manufactured housing communities; 51 percent prohibit them outright; and only 18 percent of local governments permit them in at least one, but not all, conventional residential zoning districts. Six municipalities restrict where manufactured housing is permitted simply by excluding it from the definition of "dwelling" or "single family dwelling" within the zoning. While the remaining municipalities may not explicitly ban manufactured homes or manufactured home parks, de facto bans may exist in some municipalities because they do not provide for any process for approving such development, or the zoning

*An older manufactured housing community south of Houston, near the Gulf Coast of Texas (Credit: Art Wager, iStock / Getty Images Plus)*





regulations do not specifically reference manufactured housing or manufactured housing parks as an allowable use within their jurisdictions, or do not have definitions of such uses (Rumbach et al. 2022).

For manufactured housing parks, the obstacles in the Houston area echo those in New York: discretionary approval by a local board of council with associated costs and potential for a politicized review environment, such that, even if the developer wins approval, the burdensome costs incurred by the review process drive up the cost of the development and erode the affordability of manufactured housing.

### Wyoming

Wyoming has not adopted legislation that bars local governments from discriminating against manufactured housing. It is largely un-zoned due to its very low population density and the prevalence of small cities with low governmental capacity for implementing land-use controls. The average population of the 10 counties in the sample, which are also home to the largest cities in the state, is just 32,680 persons, and two of the 10 counties have no zoning at the county level. The average population of the 22 incorporated cities and towns in the sample counties is 10,144 persons, and six out of the 22 have no zoning in place. Of the 27 county and municipal zoning regulations in Wyoming that were surveyed, only four, or 15 percent, restrict manufactured housing to manufactured housing communities (including leasehold communities and subdivided lots); only one municipality prohibits them outright, while one other county and its largest municipality have de facto prohibitions, since their zoning districts that permit manufactured housing parks are fully developed. Overall, Wyoming's counties and cities are much more welcoming than New York, with 58 percent permitting manufactured housing as of right in one or more residential zoning districts (though 19 percent require these to be double-wide units) and 33 percent permitting them in all residential zoning districts.

While local government in Wyoming is in general more welcoming of manufactured housing, several cities and towns in Wyoming also have placed aesthetic-related restrictions aimed at

protecting community character. Five have in place definitions that define manufactured homes for zoning purposes, as being more than 20 feet or 24 feet wide, in effect a double-wide manufactured home. Several have design standards for manufactured housing, such as requiring a pitched roof with a minimum slope; non-reflective roof materials similar to those used on stick-built homes; a roof overhang of not less than eight inches; and siding composed of wood or wood products, stucco, brick, horizontal lap metal, or vinyl siding.

### Considerations for Code Updates

There are three key questions for planners, local officials, and other community stakeholders to answer when reviewing local zoning regulations for manufactured housing:

1. Do they comply with state zoning enabling laws, with regard to manufactured housing?
2. Do they regulate manufactured homes as a form of residential architecture differently from stick-built homes and, if so, is there a legitimate, rational planning basis for why they are regulated differently?
3. Are outdated restrictions on and design standards for manufactured homes impeding efforts to address the critical housing affordability crisis in your community?

**Planners need to take a critical look at all options in addressing housing affordability in their communities and the potential for manufactured housing to provide decent affordable housing.**

### Compliance With State Laws

With one in three states now having laws curbing local government powers to restrict manufactured housing, planners need to be alert to this trend and ready to respond should their states consider



*A contemporary manufactured home sited on an individually owned lot (Credit: ucpage, iStock / Getty Images Plus)*

enacting similar regulations. In our pursuit of equity in zoning, we planners have an obligation to support such legislation, as well as provide cities, towns, and counties with the tools to ensure their zoning is in conformance with such legislation if it is adopted. Planners in states that have enacted such curbs have a critical role in ensuring that local governments are in conformance with state law. In local governments that may not be compliant, planners have a responsibility to advocate for amending local zoning codes, provide needed technical support to local officials, and educate local officials and the public about the potential for manufactured housing to provide high-quality affordable options that can help address our housing crisis.

### **Equal Treatment With Site-Built Homes**

Historically, design controls on homes were through deed covenants and restrictions placed on lots by developers, with the acquiescence of the original and subsequent homeowners. Zoning regulations were traditionally limited to control of land use, density, and scale.

For site-built homes, compliance with construction codes, not style, continues

to be the primary focus of permit reviews. However, with manufactured housing, the character of the architecture itself, is often the regulatory focus. There are rational public policy reasons for some. For example, the requirement for a shingled roof with 3:12 pitch may be based on aesthetic compatibility, however such roofs can also promote energy efficiency, shed rain better, and are more suited to snowy climates. But minimum width standards for manufactured housing units and siding materials appearance standards, while upheld by the courts as legitimate, need to also be considered in the light of housing affordability and equity.

### **Overall Effect on Housing Affordability**

Planners need to take a critical look at all options in addressing housing affordability in their communities and the potential for manufactured housing to provide decent affordable housing. Especially in older cities where residential parcels often do not meet minimum lot dimensional requirements, single- and double-wide manufactured homes could provide affordable infill housing without triggering variance reviews, or the expense of homes individually designed to fit local zoning.

Of the five larger cities (pop. 100,000+) in this study, however, one bans manufactured housing outright, and three limit it to manufactured home parks, while only two permit it in some single-family zoning districts. By looking beyond manufactured housing as low-density suburban and rural housing, planners can institute zoning reforms in cities that can also stimulate the development of new forms of manufactured housing adapted specifically to urban markets.

### Conclusion

While the analysis above is not comprehensive, it does indicate that planners in the U.S. need to review and reassess zoning regulations and land-use policies that have been applied to, not a particular land use, but to one particular type of residential architecture. Manufactured housing has evolved over the past 50 years, from the low-quality, energy-inefficient mobile home of the 1960s to the well-built, energy-efficient, and durable manufactured home of today. It can be an alternative and affordable home for low- and middle-income residents in communities across the country.

Despite this, it seems many planners and local officials have not shaken off old prejudices: Just one-third of the zoning codes reviewed in this sampling permit single-wide manufactured homes in all single-family residential zoning districts, while 61 percent restrict them to mobile/manufactured housing zoning districts. It is for good reason that APA's Equity in

Zoning Policy Guide calls on planners across the country to work with municipal officials and local residents to eliminate prohibitions and other restrictions on manufacturing housing that are grounded in old misperceptions and biases.

The answers to the three key questions above can be the starting point for reforming local land-use regulations pertaining to manufactured homes. They can also provide a framework that planners can utilize in educating elected officials and their constituencies on a key issue affecting housing affordability and in promoting a community dialogue on zoning and its purposes, and its unintended impacts on housing affordability.

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### About the Author



George Frantz, AICP, is an associate professor of the practice in the Department of City and Regional Planning at Cornell University and principal of George R. Frantz

& Associates in Ithaca, New York. He has over three decades of planning experience in the public and private sectors, primarily in land-use planning and zoning, with particular expertise in zoning for agriculture as well as the protection of agricultural and environmentally sensitive lands and scenic resources. He has a BS in landscape architecture and an MRP in regional planning, both from Cornell University.

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**TOWN OF KILLINGLY, CT  
PLANNING AND ZONING COMMISSION**

2024 APR 12 AM 8:15  
Elizabeth M. Wilson

**MONDAY – APRIL 15, 2024**

**WORKSHOP MEETING - IN PERSON  
6:00 PM**

**TOWN MEETING ROOM – 2<sup>ND</sup> FLOOR  
Killingly Town Hall  
172 Main Street  
Killingly, CT**

**WORKSHOP AGENDA**

**I. CALL TO ORDER/ROLL CALL**

\* PLANNING ZONING COMMISSION

**II. WORKSHOP DISCUSSION**

\* Review / Discussion / Action

\* Planned Residential Development – Section 570

\* Site Plan Review – Section 470

\* Special Permit – Section 700

\* Continue this Workshop / Discussion (if needed, and if time allows) during tonight's Regularly Scheduled Meeting of **APRIL 15, 2023**

\* Schedule Next Workshop Meeting on Zoning Regulation changes for **Monday, May 20, 2024,**

**III. MOTION TO ADJOURN**

**NOTE: Must end the workshop before 7:00 pm – so Planning Zoning Commission can start their regular meeting.**

## Section 570 - Planned Residential Development

### 570.1 - Definition

A parcel of land, minimum of one (1) acre, to be developed in the Rural Development, Low Density, or Medium Density zones as a single entity for not less than five (5) dwelling units. The development may include any combination of detached and/or attached residential units to meet the densities permitted by these regulations. A portion of, or the entire development may be designated as Active Senior Housing, age 55 and over in accordance with state and federal law.

### 570.2 – Interchangeable Terms Used Within This Zoning Regulation Section

- a. Planning and Zoning Commission shall be referred to as “Commission”.
- b. Planning and Development Staff shall be referred to as “Staff” and shall include but not be limited to the Director, Planner, and Assistant Planner.

### 570.3 - Intent

The intent of this Planned Residential Development regulation is to:

- a. Provide for controlled flexibility in land development schemes.
- b. Establish performance criteria for residential development schemes, and
- c. Establish the opportunity for innovative combination of housing by encouraging the following:
  - 1. A creative neighborhood approach to the development of residential land in the Rural Development, Low Density, 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 Regulations.
  - 3. To provide a wide choice of the types of living units available in Killingly.
  - 4. To provide common amenity areas, including both passive and active recreational opportunities for the residents of the Planned Residential Development.
  - 5. An efficient use of land, allowing shorter networks of utilities and streets and greater economies in development costs.
  - 6. Residential developments which are compatible with the surrounding land use intensity.
  - 7. The PRD can either be on Town Sewer and Water systems, or through private wells and a private sewage disposal system approved by the Local Health District.

# Draft Regulations

## 570.4 – Application Submittal Requirements and Procedural Timelines

The Application Submittal Requirements and Procedural Timelines are governed by the following Sections of these Regulations – Section 470. (Site Plan Review); and Section 700 (Special Permit).

## 570.5 - Required 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 the following.

- a. The lot is maintained as a single, common property, with common amenities which preserve or enhance the appearance, character, and natural features of the 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 Planned Residential Development.
  1. There are at least three (3) common amenities within the Planned Residential Development that provide the residents with passive and/or active recreational needs and preserve natural resources where applicable.
  2. The Planned Residential Development design incorporates measures to shorten road and utility networks.
  3. The Planned Residential Development preserves and protects areas and terrain having qualities of natural features or historical significance.
  4. The Planned Residential Development protects streams, rivers, wetlands, and ponds 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.
  7. The Planned Residential Development shows the use of natural drainage systems and low impact, non-structural, storm water management techniques to the greatest extent possible. The stormwater system design shall be supported by an engineered storm water management plan, shall address the quality of the storm water runoff, and shall utilize best engineering practices and best management practices.
  8. Land shall be developed with due regard to natural, historical, and cultural resources.
  9. Green Design, Solar Design, Energy Conservation – The plans employ site design techniques which take into consideration solar design, and energy conservation. Examples of such site design techniques are but are not limited to the following: a) house orientation, b) street and residence layout, c) vegetation, d) natural and man-made topographical features, and e) protection of solar access within the development.

# Draft Regulations

## 570.6 – Classifications

There shall be two (2) classifications of Planned Residential Developments.

- a. **Independent Residential Living (IRL)** – for purposes of this section of these regulations shall refer to any type of single-family residence not classified as a Residential Life Care Community.
- b. **Residential Life Care Communities (RLCC)** – 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, 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.

## 570.7 - Independent Residential Living (IRL)

### a. Densities – IRL

The maximum allowable density for the various zones is as follows:

- (1.) Rural Development (RD) – five (5) dwelling units per acre.
- (2.) Low Density (LD) – five (5) dwelling units per acre.
- (3.) Medium Density (MD) – six (6) dwelling units per acre.

When calculating the number of units If the final number of units comes out to be anything other than a whole number, then the final unit number will be rounded down to the whole number – see examples below.

#### Example #1:

Rural Development and Low Density - (3.75 acres x 5 = 18.75 units = 18 units allowed)

#### Example #2:

Medium Density – (3.75 acres x 6 = 22.5 units = 22 units allowed)

### b. Dimensional Requirements – IRL

1. The minimum lot area, minimum lot frontage, setbacks, and the height of the structures shall be the same as those requirements listed in Table A “Dimensional Requirements” of the Town of Killingly Zoning Regulations for the underlying zone.



# Draft Regulations

2. The actual allowed lot coverage shall be as follows.
  - a. Rural Development – Up to twenty-five (25) percent lot coverage.
  - b. Low Density – Up to thirty (30) percent lot coverage.
  - c. Medium Density – Up to forty (40) percent lot coverage.

**c. Parking Space Requirements - IRL**

All PRD shall include off-street parking which meets or exceeds the design requirement of Section 530 of these regulations.

## **570.8 - Residential Life Care Communities (RLCC)**

**a. Densities - RLCC**

The maximum allowable density of fifteen (15) dwelling units per acre in the Rural Development (RD), Low Density (LD), and Medium Density (MD) zones.

When calculating the number of units If the final number of units comes out to be anything other than a whole number, then the final unit number will be rounded down to the whole number – see example below.

Example: Note the density is of 15 units in all three zones (RD, LD, and MD).  
(3.75 acres x 15 units = 56.25 = 52 units allowed)

**b. Dimensional Requirements- RLCC**

1. The minimum lot area, minimum lot frontage, setbacks, and the height of the structures shall be the same as those requirements listed in Table A “Dimensional Requirements “ of the Town of Killingly Zoning Regulations for the underlying zone.
2. The actual allowed lot coverage shall be as follows.
  - a. Rural Development – Up to thirty-five (35) percent lot coverage.
  - b. Low Density – Up to forty (40) percent lot coverage.
  - c. Medium Density – Up to fifty (50) percent lot coverage.

**c. Parking Space Requirements - RLCC**

All PRD shall include off-street parking which meets or exceeds the design requirements of Section 530 of these regulations.

## **570.9 - Common Amenities**

Common Amenities defined – Are amenities of a Planned Residential Development including land, water, or a combination thereof, proposed and designed for the active and/or passive use and for the enjoyment of the Planned Residential Development residents.

# Draft Regulations

Examples of appropriate common amenities include, but are not limited to, children's informal play areas, parks, picnic areas, playgrounds, golf putting green, swimming pools, tennis courts, pickleball courts, scenic open areas, and walking and/or biking trails. Other common amenity areas may include significant stands of trees, stream belts, historic, traditional, or significant uses, structures, architectural elements, and flood hazard areas where appropriate.

Number of Common Amenities – Each PRD shall contain at least three (3) of the above listed common amenities.

Access – Common amenities should be in locations easily accessible to the living units and where they do not impair the view and privacy of the living units. Whenever possible, the common amenities shall be contiguous and linked to other existing similar / like areas.

Set-Back Areas Not Included – Common amenities should not be placed in building setback areas., Natural areas such as groves of trees, landscaping, etc. are allowed to be part of the set-back area, as they provide a natural buffer between the Planned Residential Development and its neighbors. For the purpose of these regulations those natural areas solely inside setbacks do not count toward the required number of common amenities.

Conservation Easement may be required – The Commission may allow or require open space / passive areas which may include critical habitat areas, or sensitive natural or historical resources, which must be preserved by a conservation easement to either the Town of Killingly or a third-party conservation group. Such areas should be consistent with the open space acquisition checklist as demonstrated with a report from the P&D Staff and/or the Open Space Land Acquisition Committee.

Maintenance – to ensure that common amenities will be maintained properly, the Commission may request the following:

- a. Independent Residential Living (IRL) shall have a resident's association in the form of a corporation, non-profit organization, or trust, established in accordance with appropriate state law by a suitable legal instrument(s) properly recorded in the Town Clerk's Office.
- b. Residential Life Care Community (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 amenities can be maintained.

# Draft Regulations

## 570.10 - Additional Requirements of Planned Residential Developments

- a. Where a Planned Residential 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 neighborhood.
- b. The Commission may permit/require phased construction of the Planned Residential Development dwelling structures and shall require that the common amenities areas be completed before the final phase of the project begins construction.
- c. The Commission may require 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.
- d. The Commission may require stubbing of sewer and water lines at property lines for future use on adjacent properties.
- e. Waivers - The Planning Zoning Commission may for formal applications made to the Commission, waive certain requirement(s) of these regulations by a three-quarters ( 3/4) vote of all the members of the Commission 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 by the applicant that strict compliance with such regulations will cause an exceptional difficulty or unusual hardship. The Commission will not consider financial difficulty or hardship when considering a waiver.
  1. In granting a waiver, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety, and general welfare, and to ensure continued compliance with the remainder of these regulations.
  2. The Commission shall state upon its records the reasons for which a waiver is granted in each case.
  3. A request for a waiver shall be submitted in writing by the applicant at the time application for the PRD is made.
  4. The Commission may require that a separate public hearing be held in conjunction with a request for a waiver.

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

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

## Section 470 – Site Plan Review

### 470.1 – Purpose

The Site Plan approval process is intended to assure that all aspects of industrial and commercial development in the Town of Killingly, as well as other specialized uses, comply with the requirements and standards of these regulations and that adequate provision is made in such developments for vehicular and pedestrian access and circulation, parking, landscaping, buffers, signage, lighting, drainage, utilities, and other aspects of the proposed development and use of the land.

### 470.2 – Interchangeable Terms Used Within This Zoning Regulation Section

- a. Planning and Zoning Commission shall be referred to as “Commission.”
- b. Planning and Development Staff shall be referred to as “Staff” and shall include but not be limited to the Director, Planner, and Assistant Planner.

### 470.3 – Authority

The Connecticut General State Statutes Section 8-3(g)(1) to 8-3(g)(3) (Site Plans, etc.); states the zoning regulations may require that a site plan be filed with the commission or other municipal agency or official to aid in determining the conformity of a proposed building, use or structure with specific provisions of such regulations. (CGS §8-3(g)(1))

- a. Permitted by Right Use – Uses that are permitted by right and require only a site plan approval may be referred to Staff by the Commission, once that is done the Staff becomes the Commission’s Designee and is required to follow the regulations as if they were the Commission.
- b. Special Permitted Use – All site plans that are submitted with a special permit application are considered part of that special permit application; the site plans are not a separate application. Therefore, the regulations regarding special permits will apply as to time frames and hearing requirements; however, the site plan must still conform with the specific requirements listed in this site plan review regulations.

### 470.4 – Pre-Application Technical Meeting

As stipulated by CGS Section 7-159b (Pre-application review of use of property), any comments or suggestions on the pre-application plan by the Commission or Staff shall not be construed as a form of approval and shall not be binding upon the Commission should a subsequent formal application for the site be officially filed.

- a. Pre-Application Technical Meeting – Prior to submission of a formal site plan application, the applicant shall meet with Staff to discuss the application requirements and review pre-application plans.
- b. Pre-Application Plan – A pre-application plan may also be submitted to the Commission for the purpose of preliminary discussion. The plan may be general in nature but should be sufficiently clear to indicate all proposals; however, the applicant may choose to only complete the pre-application technical meeting with the staff prior to submitting their formal application.

**470.5 – Application Submittal Requirements**

**a. Site Plan Requirements**

(i.) A-2 Survey Required; The Site plan shall be based upon an accurate and up-to-date Class A-2 Survey of the property prepared in accordance with the standards as defined in the Code of Recommended Practice for Standards of Accuracy of Surveys and Maps, as prepared and adopted by the Connecticut Association of Land Surveyors, Inc., on September 29, 2019, as may be amended. The survey map shall be certified, signed, and sealed by a registered land surveyor licenses to conduct business in Connecticut. If a separate survey map is used, a copy shall be attached to the Site Plan.

(ii.) The Site Plan shall be prepared, signed, and sealed by an engineer, architect and/or landscape architect, whichever shall be appropriate. Each such professional shall be registered and licensed to conduct business in Connecticut.

(iii.) The Site Plan shall indicate all existing and proposed features of the property and shall contain such information as required by these Regulations and by the Commission. The Commission shall establish administratively a checklist of information to be included on all Site Plans, including but not limited to the following: general information concerning the property and the Site Plan; topography and other natural features; buildings, structures and uses; parking, loading and circulation; utilities; signs and lighting; and landscaping.

(iv.) Number of Paper Plan Copies Required – The applicant shall submit four (4 ) full size (24" x 36") paper copies of the proposed site plans.

(v.) Electronic / Digital Copies – In addition to the submission requirements above, the applicant shall submit in digital format (PDF or JPEG, as deemed appropriate by Staff) all application materials, and any supplemental information requested by the Commission through to the final action by the Commission. These materials shall include, but not be limited to, the application form, cover letter, plan narrative, site plan and architectural plans, reports, easement or deeds to roads, and any other information submitted to support their application throughout the process.

**b. Exceptions** – Upon written request by the applicant, the Commission may waive or modify one or more of the site plan requirements of the Site Plan application if:

1. The proposed improvement or development will not affect existing parking, circulation, drainage, building relationships, landscaping, signs, lighting, or any other consideration of Site Plan approval; or,
2. The information required is unnecessary for the application and the lack of such information would not impair the Commission's determination as to the Site Plan's conformance with these Regulations.

c. Application Documents – All applications for Site Plan approval shall be submitted in writing to, and in a format prescribed by the Commission to the Planning and Development Office. The Commission shall adopt administrative procedures, including but not limited to, application forms, site plan map requirements, number of copies, and filing deadlines. Failure on the applicant's part to comply with the application submission requirements of these Regulations may be grounds for the Commission to deny such application.

d. The application and any additional reports (such as Stormwater Drainage Reports) must be completed, and payment received in full at the time of submittal.

e. Submittal Date – A complete plan application must be submitted a minimum of seven (7) calendar days before a regularly scheduled meeting to be received by the Commission at that meeting.

g. Additional Information – At any time during its consideration of an application for a Site Plan Review, and in accordance with the requirements of these regulations, the Commission may require the submission by the applicant of such additional information as the Commission deems necessary to determine compliance with these regulations.

h. Inland Wetlands and Watercourses Act - If a Site Plan application involves an activity regulated pursuant to CGS Section 22a-36 to 22a-45 (Inland Wetlands and Watercourses Act), inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Agency not later than the day such application is filed with the Commission. If a decision from the IWWC is required, then the Commission cannot make their final decision until the IWWC has made their final decision.

#### **470.6 – Procedural Timelines**

Procedural Timelines are governed by the Connecticut General Statute Section 8-3(g)(1) to 8-3(g)(3) (Site Plans, and Section 8-7(d) (Hearings, and decisions, etc.). Please see Appendix \_\_\_\_\_ for an outline of same.

#### **470.7 – Miscellaneous**

Various other sections of the Killingly Zoning Regulations shall apply in the consideration of a Site Plan review, such as, but not limited to parking, signage, soil erosion and sediment control, and other general design standards. It is up to the applicant to verify that all zoning regulations that apply are complied with.

#### **470.8 – Architectural Plans**

The Commission may require the applicant to submit preliminary architectural drawings that show the building height relative to the ground plane, exterior wall elevations, roof lines, and facade materials of proposed buildings and structures.

#### **470.9 – Phasing Plan**

In cases where the development of the property is proposed to be undertaken in phases, the Commission may grant Site Plan approval limited to each phase of development. Each phase must be capable of independent existence without the completion of succeeding phases. Buffer and setback requirements shall not apply to the common line between phases of development. The proposed phases must be clearly shown on the site plan map.

#### **470.10 – Off-Site Information**

The Commission may require the applicant to submit off-site information including but not limited to location of buildings, parking areas and curb cuts on adjoining properties (including those across the street), traffic lights and controls, public trees, catch basins, manholes, hydrants, utility poles and utility lines located in adjacent streets, and zoning district boundary lines. This requirement is to provide the Commission with the necessary information to show that the safety of ingress and egress to the proposed development was carefully considered.

#### **470.11 – Impact Analysis**

In those cases where the Commission believes that public facilities or the environment may be adversely affected by the proposed development, the Commission may require the applicant to submit an impact analysis of the development upon storm drainage, sanitary sewerage, site conditions and/or water, air, or noise pollution.

#### **470.12 – Referrals and Expert Consultants**

To assist with its consideration of an application for Site Plan approval, 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.

- a. The Commission may engage the services of an outside third-party consultant to assist in its review of a Site Plan application. If such services are engaged, the Commission will procure an estimate for those services and the applicant shall submit a deposit for the full amount of the estimated fee to the Town of Killingly.
- b. The Commission should decide at the time of receiving an application if an outside consultant will be required prior to scheduling future review, hearings, or other actions.
- c. An application will be denied as incomplete if the payment for the third-party is not paid in full by applicant in a timely manner.

**470.13 – Standards for Approval**

In reviewing and acting upon an application for Site Plan approval, the Commission shall take into consideration the health, safety, and welfare of the public in general and the immediate neighborhood in particular, as well as the following factors:

- a. The general conformity of the Site Plan with the intent of the Plan of Conservation and Development; however, the Plan of Conservation and Development shall not take precedence over specific provisions of these Regulations,
- b. The arrangement of buildings, structures, and uses on the site,
- c. The adequacy of design of the interior vehicular circulation system to provide safe and convenient access to all structures, uses, parking spaces, and loading spaces,
- d. Provision for safe pedestrian movement within and adjacent to the site,
- e. The adequacy of access for fire, police, and ambulance services,
- f. The adequacy of design of the storm drainage system to accommodate any increase in storm water runoff and to minimize soil erosion and sedimentation,
- g. The adequacy of water, sewer, and other public facilities to accommodate the development,
- h. The location, intensity, and direction of outdoor lighting and the proposed times for its use,
- i. The size, location, and type of any outdoor storage facilities, including dumpsters,
- j. The size, location, and type of signs, and their appropriateness to the neighborhood; and,
- k. The adequacy of the landscaping treatment, including any buffers and other screening.

**470.14 – Conditions and Safeguards**

In granting Site Plan approval, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety, and general welfare, and to ensure continued compliance with these Regulations.

**470.15 – Financial Guarantee Requirements (CGS 8-39g)(1), 8-3(g)(2))**

**THIS SECTION MUST BE REVIEWED  
BY THE TOWN ATTORNEY**

The Commission may, as a condition of approval of a site plan or modified site plan, require a financial guarantee.

a. Classifications - Said financial guarantee(s) shall be classified as one of the following:

(1.) Performance Bond – Is a financial guarantee that the contractor will meet its obligations under the approved site plan, and any modifications thereto. It includes the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality.

A performance bond may also be requested for the implementation of any erosion and sediment controls, including landscaping, which are required during or at the completion of construction.



The amount of a performance bond shall be calculated (by the applicant) so as not to exceed the anticipated actual costs for the completion of such site improvements, or the implementation of such erosion and sediment controls, plus a contingency amount not to exceed ten percent (10%) of such costs and must be submitted to the Town Engineer and/or Staff for approval.

(2.) Maintenance Bond – A maintenance bond may be required for the maintenance of roads, streets, retention or detention basins or other improvements approved under the site plan to be retained for a period of one year after the date said improvements were completed to the satisfaction of the Town Engineer.

The amount of a maintenance bond shall be determined by the Town Engineer.

b. Acceptable Forms - The Commission and/or Staff may, in their sole discretion, require the financial guarantee to be in one of the following forms: (1.) cash, or a certified check payable to the Town of Killingly to be placed on deposit with the Town; or (2.) a surety bond from a surety company licensed to conduct business in the State of Connecticut; or (3.) an irrevocable letter of credit from a bank chartered to conduct business in the State of Connecticut. The preferred form is the cash or certified check.

c. Release of all or a portion of the financial guarantee – If the person posting said financial guarantee requests a release of all or a portion of such financial guarantee, said request for a reduction or release must be done by a written submission to the Commission. The Commission, or its designee, shall no later than sixty-five (65) days after receiving such request shall complete the following.

- 1) The appropriate Town Official must conduct an inspection of the site to determine if the required site improvements were satisfactorily completed in accordance with the approved site plan. Said Town Official is to report back to the Commission with their findings.
- 2) If the required site improvements were satisfactorily completed, then the Commission, or its agent, may authorize the release of any such financial guarantee or a portion thereof.
- 3) If the required site improvements were not satisfactorily completed, then the Commission, or its agent, shall provide the person requesting the reduction, release, with a written explanation as to the additional site improvements that must be completed before such financial guarantee or portion thereof will be released.

d. Before the release of a financial guarantee the Commission may do the following.

1. May require the applicant to submit "as-built" drawings in accordance with Section 470.22.
2. May require that the applicant post a maintenance bond to be retained for a period of one year after vegetative cover and plantings have been installed to guarantee the survival of landscaping and to ensure any other relevant improvements.
3. Maintenance bonds may be required for the maintenance of roads, streets, retention or detention basins or other improvements approved under the site plan to be retained for

a period of one year after the date said improvements were completed to the satisfaction of the Town Engineer.

**470.16 – Amendments or Modifications to Approved Plans**

- a. Minor Amendments – Amendments to the approved plan which do not substantially change the concept of the planned development may be approved by the Staff. 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. Notice of such changes shall be provided to the Commission at the next regularly scheduled meeting.

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 amended.

- b. Major Amendments – Amendments to the approved plan which Staff determines to be substantial deviations from the concept of the approved site plan shall require an application to and a review by the Commission.

**470.17 – Continuance**

All conditions and improvements shown on the approved Site Plan shall remain with the site and continue in full force for as long as the use indicated on the approved Site Plan shall be in operation, regardless of any change in ownership of the property.

**470.18 – Certificate of Zoning Compliance**

A Certificate of Zoning Compliance shall be issued by the Zoning Enforcement Officer after all the site improvements have been completed in accordance with the approved Site Plan.

**470.20 – Certificate of Occupancy**

A Certificate of Occupancy shall not be issued by the Building Official until the Zoning Enforcement Officer has determined that the site improvements have been completed in accordance with the approved Site Plan and has issued a Certificate of Zoning Compliance.

**470.21 – As-Built Drawings**

- a. "As-built" drawings may be required prior to the issuance of a Certificate of Zoning Compliance. The "as built" is to be submitted to the Zoning Enforcement Officer and Town Engineer and are determined by them to be in substantial compliance with the approved Site Plan.
- b. The "as-built" drawings shall:
  - 1. Be prepared at the same scale as the Site Plan by an engineer and/or surveyor, as appropriate, registered and licensed to conduct business in Connecticut,
  - 2. Show the actual installation of all site improvements, the exact location of buildings, and other required items at a level of detail at or exceeding that of the approved Site Plan,
  - 3. Include a certification as to substantial compliance with the approved Site Plan, and,

4. List or show all deviations from the approved Site Plan.
- c. The Zoning Enforcement Officer shall submit all "as-built" drawings which substantially deviate from the approved Site Plan to the Commission for its determination of acceptance or need for plan amendment.

## Section 700 – Special Permits

### 700.1 – Purpose

The Special Permit process is intended to ensure that additional standards as required by these Regulations are conformed to, in addition to all other requirements of these Regulations. Uses requiring a Special Permit are declared to possess characteristics of such unique and special form that each specific use shall be considered on its individual merits on a case-by-case basis.

### 700.2 – Interchangeable Terms Used Within This Zoning Regulation Section

- a. Planning and Zoning Commission shall be referred to as “Commission.”
- b. Planning and Development Staff shall be referred to as “Staff” and shall include but not be limited to the Director, Planner, and Assistant Planner.

### 700.3 – Authority

- a. The Connecticut General State Statutes Section 8-2(a)(3) (Regulations), Section 8-3c (Special permits, exceptions and exemptions, Hearings. Filing requirements. Expiration and Extensions), Section 8-3d (governs recording of decisions), Section 8-3i (Notice to Water Company), Section 8-3k (Expirations and extensions), Section 8-7d (Hearings and decisions, etc.) manage various aspects of a special permitted use application.

### 700.4 – Pre-Application Technical Meeting

As stipulated by CGS Section 7-159b (Pre-application review of use of property), any comments or suggestion on the pre-application plan by the Commission or Staff shall not be construed as a form of approval and shall not be binding upon the Commission should a subsequent formal application for the site be official filed.

- a. Pre-Application Technical Meeting – Prior to submission of a formal special permit application, the applicant shall meet with Staff to discuss the application requirements and review pre-application plans.
- b. Pre-Application Plan – A pre-application plan may also be submitted to the Commission for the purpose of preliminary discussion. The plan may be general in nature but should be sufficiently clear to indicate all proposals; however, the applicant may choose to only complete the pre-application technical review meeting with Staff prior to submitting their formal application.

### 700.5 – Application Submittal Requirements

- a. A Special Permit application shall be submitted in accordance with this Section for any activity designated in the regulations as requiring a Special Permit. The application shall be submitted in writing, and in a format prescribed by the Commission, to the Planning and Development Office. The Commission shall adopt administrative procedures, including but not limited to, application forms, site plan map requirements, number of copies, and filing deadlines. Failure on the

applicant's part to comply with the application submission requirements of these Regulations may be grounds for the Commission to deny such application.

- b. The application and any additional reports (such as Stormwater Drainage Reports) must be completed, and payment received in full at the time of submittal.
- c. Number of Plan Copies Required – The applicant shall submit four (4) full size (24" x 36") paper copies of the proposed plans (See Site Plan Review Section 470, etc.).
- d. Electronic / Digital Copies – In addition to the submission requirements above, the applicant shall submit in digital format (PDF or JPEG, as deemed appropriate by Staff) all application materials, and any supplemental information requested by the Commission through to the final action by the Commission. These materials shall include, but not be limited to, the application form, cover letter, written narrative of application, site plans, architectural plans, reposts, easement or deeds to roads, and any other information submitted to support the application throughout the process.
- e. Written Narratives Required - Each application for a Special Permit shall be accompanied by written narratives or reports that address all off-site and on-site impacts, requirements, improvements, and considerations including but not limited to building location, traffic, storm drainage, sanitary sewerage, water supply, parking and circulation, landscaping, and environmental and aesthetic considerations. Sufficient information to address these major impacts shall be provided by the applicant, but such information may be generalized or shown in preliminary form except as hereafter noted. Detailed plans for facilities, structures and improvements shall not be required at this time.
- f. Site Plan Required – Each application for a Special Permit shall be accompanied by a Site Plan conforming to the requirements of Section 470 of these regulations unless Staff finds that there are no physical changes proposed to the site or any building or structure and the submission of a Site Plan application is not necessary for the Commission to evaluate the proposal.
- g. Additional Information – At any time during its consideration of an application, and in accordance with the requirements of these regulations, the Commission may require the submission by the applicant of such additional information as the Commission deems necessary to determine compliance with these regulations, including but not limited to information regarding soils, storm drainage, sanitary sewerage, water supply, streets, or traffic circulation.
- h. Submittal Dates – A complete Special Permit application, fee included, must be submitted a minimum of seven (7) calendar days before a regularly scheduled meeting to be received by the Commission at that meeting. Nothing in this section shall be construed to extend the time limits for action as specified in the CGS.
- i. Amendment / Modification of Application – The Commission may choose not to accept any amendments / modifications to an application after it has been received and may determine that modifications are so significant that a new application is required.

#### **700.8 – Procedural Timelines**

Procedural Timelines are governed by the Connecticut General Statutes Section 8-3c (Special Permits), Section 8-3 d (governs recording of decisions), Section 8-3i (Notice Water Company), Section 8-3k (Expirations and extension), Section 8-7d (Hearings and decisions, etc.). Please see Appendix \_\_\_\_\_ for an outline of same.

#### **700.7. – Miscellaneous**

Various other sections of the Killingly Zoning Regulations shall apply in the consideration of a Special Permit Application, such as, but not limited to parking, signage, soil erosion and sediment control. It is up to the applicant to verify that all zoning regulations that apply are complied with.

#### **700.8 – Referrals and Expert Consultants**

To assist with its consideration of an application for a Special Permit, the Commission may refer such application 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.

- a. The Commission may engage the services of an outside third-party consultant to assist in its review of a Special Permit application. If such services are engaged, the Commission will procure an estimate for those services and the applicant shall submit a deposit for the full amount of the estimated fee to the Town of Killingly prior to opening of a public hearing on the application.
- b. The Commission should decide at the time of receiving an application if an outside consultant will be required prior to scheduling future review, hearings, or other actions.
- c. An application will be denied as incomplete if the payment for the third-party consultant is not paid in full by the applicant in a timely manner.

#### **700.9 – Standards for Approval**

Except as otherwise provided herein, a use allowed by Special Permit shall conform to all requirements of the zoning district in which it is proposed to be located and the standards contained herein. The Commission may grant a Special Permit after considering the health, safety, and welfare of the public in general and the immediate neighborhood in particular, as well as the following factors:

- a. Plan of Conservation and Development – The general conformity of the Special Permit with the intent of the Plan of Conservation and Development; however, the Plan of Conservation and Development shall not take precedence over specific provisions of these regulations.
- b. Purposes of Regulations – The proposed use or activity is consistent with the purposes of the Regulations.
- c. Environmental Protection and Conservation – Appropriate consideration shall be given to the protection, preservation, and/or enrichment of natural, scenic, historic, and unique and environmental resources and features.

d. Suitable Location for Use – with respect to:

1. The size of the lot,
2. The nature and intensity of the activities involved in or conducted in connection with the use,
3. The streets giving access to it are such that the use shall be in harmony with the appropriate and orderly development in the neighborhood in which it is located; and,
4. The impact on neighboring properties and residences or the development of the district.

e. Appropriate Improvements

1. The design elements shall be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and probable future density of development and intensity of uses of the neighborhood.
5. The location, nature and height of buildings, walls, fences, planned uses, and the nature and extent of landscaping on the lot shall not hinder or discourage the appropriate development and use of land and buildings in the neighborhood or impair the value thereof.
6. The proposed use shall have no material adverse impact upon the neighborhood.

f. Suitable Transportation Conditions

7. The design, location, and specific details of the proposed use or activity shall not:
  - i. adversely affect safety in the streets,
  - ii. unreasonably increase traffic congestion in the area,
  - iii. interfere with the pattern of vehicular circulation in such a manner as to create or increase unsafe traffic conditions.
8. Parking area or areas shall:
  - i. be of adequate size for the particular use,
  - ii. be suitably screened from adjoining residential uses, and
  - iii. have entrance and exit drives laid out to prevent traffic hazards and nuisances.
9. Streets and other rights-of-way shall be of such size, condition capacity, width, grade, alignment, and visibility to adequately accommodate the ~~additional~~ traffic to be generated by the proposed use.

g. Adequate Public Utilities and Services

10. The provisions for water supply, sewage disposal, and storm water drainage shall:
  - i. conform to accepted engineering practices,
  - ii. comply with all standards of the appropriate regulatory authority; and
  - iii. not unduly burden the capacity of such facilities.
11. The proposed use or activity shall:
  - i. provide ready accessibility for fire apparatus, rescue, and police protection, and
  - ii. be laid out and equipped to further the provision of emergency services.

h. Nuisance Avoidance

The use shall be appropriate for the area, shall not create a nuisance, and shall not hinder the public health, safety, convenience, and property values.

i. Long Term Viability

Adequate provision shall be made for the sustained maintenance of the proposed development including structures, streets, and other improvements.

**700.10 – Decision Considerations**

- a. On a Special Permit application involving an activity regulated pursuant to CGS Section 22a-36 to 22a45, inclusive, the Commission shall:
  1. Wait to render its decision until the Inland Wetlands and Watercourses Agency has submitted a report with its final decision; and
  2. Give due consideration to any report by the Inland Wetlands and Watercourses Agency when making its decision.
- b. On a Special Permit application involving notice to adjoining municipalities or notice to water companies, the Commission shall give due consideration to any report or testimony received.
- c. Before the Commission approves a Special Permit application, the Commission shall determine in its sole discretion that the application:
  1. Has satisfied the Special Permit criteria in Section 700.6 of these regulations,
  2. Conforms with all other applicable provisions of these regulations; and
  3. Is in harmony with the purposes and intent of these regulations.
- d. Before approving a Special Permit, the Commission shall determine that any accompanying Site Plan application is in conformance with the applicable provisions of these regulations. In approving a Special Permit, the Commission may stipulate such conditions as are reasonable and necessary to protect or promote:
  1. Public health, safety, or welfare,
  2. The environment,
  3. Improved land use, site planning and land development, and sound planning and zoning principles,
  4. Property values; or
  5. Better overall neighborhood compatibility.
- e. Any condition or safeguard attached to the approval of a Special Permit shall:
  1. Continue in full force and effect regardless of any change in ownership of the lot; and
  2. May only be modified through approval by the Commission of an application to modify the Special Permit.



**700.11 – Conditions and Safeguards**

In granting a Special Permit, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety, and general welfare and to ensure continued compliance with these Regulations. Such conditions and safeguards may include, but shall not be limited to:

- a. Hours of operation,
- b. Periodic review and renewal of the Special Permit by the Commission to determine continuing compliance therewith,
- c. A date of expiration of a Special Permit associated with a Site Plan that is consistent with the Site Plan expiration date,
- d. Conservation restrictions necessary to protect and permanently preserve unique natural site features,
- e. Soil erosion and sediment control measures in accordance with the provisions of Section 590; or,
- f. A bond in accordance with the provisions of Section 470.16.

**700.12 – Limit of Special Permit**

A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.

**700.13 – Effective Date**

No Special Permit shall become effective until it has been filed in the Town land records in accordance with the provisions of the Connecticut General Statutes.

**700.14 – Duration of Special Permit**

Unless otherwise established by the Commission, a Special Permit, along with any conditions and safeguards attached thereto, shall remain with the property.

**700.15 – Non-Compliance with Special Permit**

Failure to strictly comply with the documents, plans, terms, conditions and/or safeguards approved by the Commission as a part of the Special Permit shall be a violation of these Regulations. The Zoning Enforcement Officer shall notify the applicant in writing of the specifics of the non-compliance and shall provide a reasonable time for compliance therewith. Unless there is full compliance within such time, the Commission may, following a duly advertised public hearing, rescind, and revoke such Special Permit.

**700.16 – Amendments or Modifications**

An approved Special Permit may be amended or modified if the application is made in the same manner as the original application and subject to the same procedures for approval. Amendments to the Special Permit which would substantially alter the Special Permit or increase the existing building coverage or gross floor area of the use by 10% or more may be approved by the Commission only after a public hearing.