

1 Revisions to Zoning Section 583 for Subdivision Regulations

2 Add and delete in Section 583 – Flexible and Cluster Developments:

3
4 **Additions = Bold Underlined**

5
6 Deletions = ~~strikethroughs~~

7
8
9 Section 583 – ~~Flexible and~~ Cluster Developments

10
11 **Applicability**

12 An owner or owners of land may apply to the Commission for a Special Permit,
13 as stated in Article Seven of these Regulations, for ~~Flexible or~~ Cluster
14 Development under this Section. This will exempt such land from the lot area,
15 frontage, setback and other applicable dimensional requirements set forth in the
16 dimensional requirements for the underlying zone as required by these
17 regulations. **As well, Cluster Developments using the common driveway**
18 **design detailed in Subdivision regulation Article 4, Section 12 are exempt**
19 **from the maximum two principal building limitation stated in Section 620.3**
20 **for access purposes.**

21
22 **Purpose**

23 The purpose of this regulation is to provide a ~~Flexible or~~ Cluster method for
24 development of land which permits a reduction in lot sizes without a significant
25 increase in density of population or development, while at the same time
26 providing for the protection of surrounding properties, persons and neighborhood
27 value and allow greater flexibility and creativity in the design and layout of
28 residential and/or commercial development in order to:

- 29 1. minimize alteration of or damage to the natural and cultural features and
30 topography of the land;
- 31 2. avoid undue adverse impacts of new development on existing homes and
32 neighborhoods;

- 1 3.preserve wooded areas and other undeveloped open land particularly along
- 2 Town roads;
- 3 4.reduce public costs for the maintenance of roads and other public
- 4 infrastructure;
- 5 5.reduce the amount of impervious surfaces caused by development; and,
- 6 6.preserve the existing rural appearance of the Town.

7

8 **Procedure**

9 A landowner seeking to create a ~~Flexible or~~ Cluster Development of land may file
10 with the Commission an application for a Special Permit for ~~Flexible or~~ Cluster
11 Development. The Application shall conform to the applicable requirements for a
12 Subdivision Plan as set forth in the Commission's **Subdivision** Regulations ~~for~~
13 ~~the Subdivision of Land,~~ and the ~~Flexible and~~ Cluster Development requirements
14 contained herein and all other requirements of a Special Permit.

15

16 **Dimensional Requirements**

17

18 A Special Permit for ~~Flexible or~~ Cluster Development may authorize the creation
19 and use of lots meeting the following dimensional requirements in lieu of the
20 conventional dimensional requirements

21

22 a.Lot Area. Each lot shall be at least of a size capable of supporting the
23 construction of a single-family dwelling or primary use structure and its
24 accessory structures in accordance with all applicable state and local
25 regulatory requirements and the purposes of ~~Flexible and~~ Cluster
26 Development.

27

28 b.Frontage. The frontage of each lot for a building site created in a ~~Flexible or~~
29 Cluster Development shall be that necessary, in the opinion of the

1 Commission, to provide for adequate access to the lot. Where shared
2 driveways or other circumstances provided adequate access to an individual
3 lot, frontage may not be required.

4

5 c. Setbacks. All structures shall be set back a minimum of twenty (20) feet from
6 all lot lines, provided, however, that with respect to lot lines which abut land
7 outside the ~~Flexible or Cluster Development~~, setbacks from said lot lines shall
8 conform to the setback requirements applicable to conventional development in
9 the underlying zoning district.

10

11 d. Density. The maximum number of lots for building sites in a ~~Flexible or Cluster~~
12 Development shall not exceed the number of buildable lots which could be
13 created through conventional development of the site plus any allowable
14 density bonuses allowed. The allowable maximum density shall be based upon
15 the maximum number of buildable lots which may be created through
16 conventional development of the land without substantial waivers from the
17 Commission's **Subdivision** Regulations for the ~~Subdivision of Land~~ and in
18 conformance with the conventional dimensional requirements for the
19 underlying zoning district.

20

21 e. Restrictions Against Further Development. No ~~Flexible or Cluster Development~~
22 for which a Special Permit has been issued under this Section may be further
23 subdivided. A notation to that effect shall be made on the Plan as to be
24 endorsed by the Commission and recorded with the Town Clerk. In addition, a
25 perpetual restriction, running with the land, and enforceable by the Town of
26 Killingly, shall be recorded with respect to the land within the ~~Flexible or Cluster~~
27 Development. Such restriction shall provide that no lot in the ~~Flexible or Cluster~~
28 Development may be further subdivided into additional building lots. Said
29 restriction shall be in such form and substance as the Commission shall

1 prescribe and may contain such additional restrictions on development and use
2 of the lots as the Commission may deem appropriate.

3

4 **Standards**

5

6 In reviewing an Application for a Special Permit for ~~Flexible~~ or Cluster Development, the
7 Commission shall consider the extent to which the Application meets the purposes of
8 ~~Flexible~~ and Cluster Development by satisfying the following standards:

9

10 a. The laying out of Developed Areas, roads, storm drains, sewage disposal systems,
11 and utilities shall be in conformance with the natural features of the parcel, minimizing
12 changes to the topography and maximizing the amount of preserved wooded areas
13 and other open space.

14

15 b. The amount of land to be disturbed for the construction of buildings, driveways, septic
16 systems, utilities, storm drainage systems, and roads shall be minimized.

17

18 c. Important natural and historic features of the land, as determined by the Commission,
19 shall be protected.

20

21 d. The impacts of road and utility installations for each dwelling unit served shall be less
22 than those generated by a conventional development of the same land.

23

24 e. The design, number, and location of curb cuts shall be such that any conflict with
25 existing traffic flow is minimized.

26

27 f. Provision, satisfactory to the Commission, shall be made with regard to the ownership
28 and maintenance of any and all private roads, common driveways, common land, or
29 other common facilities within the ~~Flexible~~ or Cluster Development.

30

31 g. The design shall minimize the size of Developed Areas.

32

1 h. The balance of the land not contained in the building lots shall be in condition, size
2 and shape as to be readily usable for recreation or conservation, and shall be
3 reserved by one of the following means:

- 4
- 5 1. conveyance of fee simple ownership to the Town of Killingly;
- 6
- 7 2. creation of a Conservation Easement in favor of the Town of Killingly;
- 8
- 9 3. creation of a Conservation Easement in favor of the Town of Killingly reserving
10 specific agricultural rights as approved by the Commission;
- 11
- 12 4. conveyance of fee simple ownership to a Tax-Exempt Organization approved by
13 the Commission;
- 14
- 15 5. creation of a Conservation Easement in favor of a Tax-Exempt Organization
16 approved by the Commission;
- 17
- 18 6. conveyance of fee simple ownership to a Connecticut non-stock corporation of
19 which all owners of land within the subdivision or resubdivision are members,
20 along with a conservation easement over the entire open space area; or
- 21
- 22 7. any other method which accomplishes permanent dedication in accordance with
23 the requirements set forth in this Section.
- 24
- 25

26 Additionally, **add the above amended Section 583 to the Borough of Danielson**
27 **Zoning Regulations as a new Section 585 and changing the Town reference of**
28 **Section 620.3 to Borough Section 600.4**