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NOTICE TO TOWN CLERK OF PROPOSED AMENDMENTS TO ZONING REGULATIONS AND/OR ZONING MAP

Pursuant to Section 8-3, C.G.S., the Planning and Zoning Commission is required to file proposed amendments to the Zoning Regulations and Zoning Map with the Town Clerk at least 10 days prior to the public hearing on such amendments. In accordance with this requirement, a copy of the following proposal to amend the Mansfield Zoning Regulations is attached.

- **File Number P-907-48:** Amendments to Articles 4, 6, 7, 8, 10 and 11 related to efficiency dwelling units, home occupations, accessory structures, parking, historic villages and stormwater management. The public hearing on the proposed amendments is scheduled for Monday, June 1, 2020 at 6:45 P.M.

For more information on the proposed amendment and public hearing, please email planzonedept@mansfieldct.org.

Paul Aho, Chair
Vera Ward, Secretary

Pursuant to Governor Lamont's Executive Order 7I, enacted March 21, 2020, all public notices, including but not limited to public hearing notices, notices of decision, and notices of proposed changes to adopted regulations and maps for the following entities will now be posted on the Town Website in the Legal Notices section (<http://www.mansfieldct.gov/1713/Legal-Notices>).. Until the public health emergency is over, the on-line posting of these notices shall replace publication of such notices in The Chronicle newspaper and posting of such notices in the Town Clerk's office.

OVERVIEW

This package contains proposed amendments to the Zoning Regulations related to the following uses and activities. A description of each amendment is provided in *italicized text* immediately preceding the proposed revisions, which are shown in ~~strike-through~~ and underline format.

- **Efficiency Dwelling Units** (Article 4, Rules and Definitions; Article 7, Permitting Uses in R-20, R-90, and RAR-90; Article 8, Dimensional Requirements; Article 10, Specific Requirements for Efficiency Dwelling Units)
- **Home Occupations** (Article 4, Rules and Definitions; Article 10, Specific Requirements for Home Occupations)
- **Accessory Structures** (Article 8, Dimensional Requirements; Article 11, Administration and Enforcement)
- **Parking** (Article 8, Dimensional Requirements, Article 10, Specific Requirements for Parking and Loading)
- **Historic Villages** (Article 10, Special Provisions for designated Historic Villages)
- **Stormwater Management** (Article 6, Aquifer Protection provisions and Stormwater Management provisions)

EFFICIENCY DWELLING UNITS

The following amendments are proposed to:

- *Update terminology to current usage (changing “efficiency unit” to “accessory dwelling unit”)*
- *Facilitate the addition of accessory dwelling units on owner-occupied properties by changing the review process from special permit to a zoning permit and allowing accessory dwelling units to be located in detached structures*
- *Adding specific design standards to ensure compatibility with residential neighborhoods.*
- *Strengthening owner-occupancy requirements by requiring owners to record a declaration of restrictions on the land records that cannot be modified without the consent of the Planning and Zoning Commission.*

Proposed Changes to Article 4, Rules and Definitions

Add definition for Accessory Dwelling Unit as follows and renumber subsequent definitions accordingly.

Dwelling Unit, Accessory (ADU). A dwelling unit that is associated with and incidental to a single-family dwelling on the same lot that serves as the lot’s principal use.

Proposed Changes to Article 7, Section E (Uses Permitted in the R-20 Zone)

Revise Section E.2 as follows:

2. One single-family dwelling with one ~~efficiency unit accessory dwelling unit per 30,000 square foot lot, provided municipal water and/or sewer service is utilized or one single-family dwelling with one efficiency unit per 40,000 square foot lot if municipal services are not available,~~ provided the requirements of Article X, Section L are met ~~and provided, special permit approval is obtained in accordance with Article V, Section B;~~

Proposed Changes to Article 7, Section F (Uses Permitted in the R-90 Zone)

Revise Section F.2 as follows:

2. One single-family dwelling with one ~~efficiency accessory~~ dwelling unit, provided the requirements of Article X, Section L are met ~~and provided special permit approval is obtained in accordance with Article V, Section B;~~

Proposed Changes to Article 7, Section G (Uses Permitted in the RAR-90 Zone)

Revise Section G.3 as follows:

3. One single-family dwelling with one ~~efficiency accessory~~ dwelling unit, provided the requirements of Article X, Section L are met ~~and provided special permit approval is obtained in accordance with Article V, Section B;~~

Proposed Changes to Article 8, Dimensional Requirements/Floor Area Requirements

Revise Section C.1.c as follows:

“See specific provisions for DMR, ARH, PVRA, and SC-SDD zones and for multi-family housing, conversions, accessory dwelling units and efficiency units allowed in other zones.

Proposed Changes to Article 10, Section L (Efficiency Units)

Delete existing section in its entirety and replace with the following:

1. Unit Types and Design Standards. Accessory Dwelling Units shall comply with the following requirements:
 - a. Accessory Dwelling Unit Types. An accessory dwelling unit may be created only through the following methods:
 - Converting existing living area within a principal dwelling, such as basement or attic space.
 - Adding floor area (i.e. addition).
 - Constructing a new principal dwelling with an internal or detached accessory dwelling unit.
 - Converting or adding onto an existing accessory structure on a lot, such as a garage or other outbuilding.
 - Constructing a new accessory dwelling unit within a separate detached structure.

- b. Prohibition on Use of Recreational Vehicles as ADU. Recreational vehicles, travel trailers and any other wheeled or transportable structure shall not be used as an accessory dwelling unit.
- c. Maximum Size. The ADU shall not exceed 50% of the livable floor area of the principal dwelling or 1,000 square feet, whichever is less.
- d. Floorplan. The ADU shall include a distinct kitchen or kitchen area containing a sink, refrigerator, stove or stovetop, oven, cabinets, and adequate counter space for food preparation and serving; and a bathroom containing toilet, sink and shower or bathtub.
- e. Entrances.
 - The ADU must have an entrance separate and distinct from any entrance used to access portions of the building that are not part of the ADU.
 - No new entrances for an accessory dwelling unit may be added to the front façade of a principal dwelling.
- f. Nonconforming Structures. Accessory dwelling units may be located in existing principal or accessory structures that are nonconforming to height and/or setback requirements provided the structure is not altered in any manner that would increase the degree of noncompliance.
- g. Parking
 - A minimum of three off-street parking spaces shall be provided to serve the single-family dwelling and accessory dwelling unit.
 - Unobstructed access from the street to each required parking space shall be provided and no parking space shall be located on lawn areas.
- h. Utilities. Accessory dwelling units may be connected to the water, wastewater, electric, gas, and other utilities of the principal dwelling or may have separate services. No ADU shall be approved for a property with an on-site wastewater disposal system until the applicant has demonstrated to the satisfaction of the local health department that the septic system can accommodate the additional flow and a code complying area identified that complies with DPH requirements.

2. Owner Occupancy Required.

- a. Declaration of Restrictions. The property owner shall file a declaration of restrictions on the land records stating:
 - Either the principal dwelling unit or accessory dwelling unit shall be occupied as a primary residence by a record owner of the property at least six months per calendar year. "Owner" shall be as defined in Article 7, Section G.2.a.
 - Occupancy of the accessory dwelling unit is limited to two adult persons. Children under the age of 18 that are the legal responsibility of an adult occupant may also reside in the ADU, provided that total maximum occupancy of the unit shall be not exceed 1 occupant per 100 square feet of combined living room and dining room space. For example, if the combined size of the accessory dwelling unit's living and dining areas is 400 square

feet, occupancy would be limited to a total of two adults and up to two children, or 1 adult and three children.

- The accessory dwelling unit shall not be sold separately from the principal dwelling unit, nor shall the lot be subdivided to provide a separate lot for the accessory dwelling unit.
- These restrictions shall run with the land and are binding upon any successor owner of the property.
- These restrictions shall not be modified or removed without the consent of the Town of Mansfield.

b. *Modification of Restrictions.* No deed restriction shall be modified unless approved by the PZC.

c. *Release of Restrictions.* Upon verification that an accessory dwelling unit established pursuant to this Section has been removed, the Zoning Enforcement Officer shall record appropriate documentation to release the encumbrance. Any fees associated with such release shall be borne by the property owner.

d. *Certification of Owner Occupancy.* The property owner shall submit a notarized statement by the first of January of each year ending in a zero or five, certifying that:

- One of the units is the primary residence of the owner;
- The owner meets the requirements of an owner-occupant as required by this section; and
- The accessory dwelling unit continues to comply with all applicable requirements.

A certification of owner occupancy shall also be required upon property transfer to a new owner.

3. **Application Requirements.** The following documentation shall be submitted with applications for an ADU:

- A draft declaration of deed restrictions pursuant to Section 10.L.2 in a form acceptable to the Town Attorney.
- Any other documents needed to determine compliance with the Regulations.
- A Zoning Permit shall not be issued until the declaration has been approved by the Zoning Enforcement Officer and Town Attorney and recorded on the land records by the property owner.

4. **Violations.** In addition to penalties for violation identified in Chapter 11 of these Regulations and Chapters 134 and 189 of the Mansfield Code of Ordinances, the Certificate of Compliance for an Accessory Dwelling Unit may be revoked for non-compliance with these Regulations or if there are two or more noise and/or nuisance violations associated with the property on which such unit is located within a 12 month period. Special Permit approval shall be required for reinstatement of any Accessory Dwelling Unit permit that has been revoked.

HOME OCCUPATIONS

The following amendments are proposed to:

- Codify a previous interpretation that applied home occupancy requirements to Airbnb uses as well as bed and breakfast operations
- Extend the period for which a home occupation permit is granted by changing the renewal deadline from January 1 of even numbered years to January 1 of years ending in 0 or 5.

Proposed Changes to Article 4, Rules and Definitions

Add definition for Transient Overnight Accommodations as follows and renumber subsequent definitions accordingly.

Transient Overnight Accommodations. Property that offers overnight lodging to guests for periods of less than 30 days, either as a principal or accessory use. Overnight lodging uses include but are not limited to hotels, motels, tourist homes, bed and breakfasts, inns, and other short-term rentals.

Proposed Changes to Article 10, Section N.1 (Home Occupations-Permitted Uses)

Revise Section N.1 as follows:

1. Permitted Uses

A home occupation may include, but not be limited to, the following uses for the zones indicated:

- R-20 and R-90 residential zones: Art studios, barber shops, beauty salons limited to one operator, dressmaking, teaching, ~~bed and breakfast operation~~transient overnight accommodations, provided no more than 3 bedrooms are utilized for guests, office of a recognized profession, such as physician, lawyer, engineer, architect, real estate or insurance agent, contractor or tradesman and similar such uses, but specifically excluding the sale of any goods on the premises.
- All other zones: All the uses permitted in 1.a. above and in addition, the sale of antiques, the sale of handcrafted items produced on the premises, the assembly, repair and sale of small retail goods, home baking and limited food preparation/catering operations, and the limited storage or parking of vehicles, equipment and/or materials associated with a contractor, tradesman or other home occupation use.

Proposed Changes to Article 10, Section N.3 (Home Occupations-Permit)

Revise Section N.3 as follows:

3. Permit

a. A Home Occupation Permit, issued by the Zoning Agent, shall be valid for a period ending January 1 of ~~an even-numbered year~~the next year ending in a zero or five and may, upon application by the holder of such permit, be renewed for additional periods of ~~two-five~~ years each, provided the requirements and intent of this Section are continually met. Such permit shall not be transferable.

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d. A Home Occupation Permit shall not be renewed and an outstanding Permit may be revoked if, in the opinion of the Zoning Agent and the Commission:

1. The use has clearly altered the residential character of the premises and neighborhood through the generation of traffic or noise substantially in excess of that normally generated by a residential dwelling unit;
2. Changes in the lot or the occupied building have been made altering the residential character of same, or
3. Other conditions prohibited in subsection N.2 above have been created.

e. Any uncertainty regarding the issuance or renewal of a Home Occupation Permit shall be resolved by the Mansfield Planning and Zoning Commission.

4f. The granting of a permit for a home occupation shall not constitute the establishment of a legal non-conforming use.

5g. Prohibited Uses - A home occupation shall not be construed to include restaurants, or other eating and drinking places, kennel, animal hospital, automotive repairs, small engine repair, or any other use which in the opinion of the Zoning Agent or the Commission would create conditions prohibited in Section N.2 above.

ACCESSORY STRUCTURES

The following amendments are proposed to:

- *Authorize 10 foot side and rear yard setbacks for all small accessory structures (current regulations limit use of this setback to storage sheds)*
- *Exempt one-story sheds that are 200 square feet or smaller from zoning permit requirements, consistent with the current building permit exemption for such structures established in the state building code.*
- *Exempt swimming pools that are accessory to one-family dwellings and are no more than 24 inches deep from zoning permit requirements. This exemption would be consistent with the current building permit exemption for such structures established in the state building code.*

Proposed Changes to Article 8, Section B.1.d (General Provisions-Storage Sheds)

Revise Section 1.d as follows:

- d. ~~Storage sheds~~**Accessory Structures** - Accessory ~~storage sheds~~structures shall meet applicable setbacks from front lot lines but setbacks from side or rear lot lines may be reduced to ten feet provided the ~~storage shed~~structure does not exceed 10 feet in height or 200 square feet in area; ~~provided the shed is not utilized as a garage for motor vehicles and provided the shed is not utilized to house animals or humans. This exception provision.~~The setback reduction shall not apply to:
- Accessory structures for which more specific setback requirements are established elsewhere in these Regulations.
 - Accessory structures for which a larger setback was required by the PZC as part of a Site Plan or Special Permit approval.
 - ~~S~~subdivision lots and associated building area envelopes approved after February 20, 2002. On a subdivision lot approved after February 20, 2002, the Commission may grant an exception for a storage shed that is not within an approved building area envelope, provided the standards cited above in this subsection are met, the shed is within a Commission-approved development area envelope, and the shed location is consistent with subdivision standards regarding the protection of significant natural and manmade features and/or scenic views and vistas. See Article VIII, Section B.5 and applicable provisions of Mansfield's Subdivision Regulations.

Proposed Changes to Article 11, Section C.1 (Zoning Permits-Applicability)

Revise Section 1.b as follows:

- b. A Zoning Permit is not required for:
- ~~R~~Repairs or alterations to existing buildings or structures, provided the repairs or alterations are for maintenance purposes and will not alter the square footage of the subject building or structure, and provided the repairs or alterations will not conflict with any associated Planning and Zoning Commission or Zoning Board of Appeals actions.
 - One-story storage sheds that are 200 square feet or smaller in size. Such sheds shall comply with the setback provisions of Article 8.
 - Aboveground swimming pools accessory to single-family dwellings provided said pool is no deeper than 24 inches. Such pools shall comply with the setback provisions of Article 8.

PARKING

The following amendments are proposed to exempt school parking lots from front setback requirements and to make the Town's accessible parking space requirements consistent with state requirements.

Proposed Changes to Article 8, Section B.1 (Exceptions to the Schedule of Dimensional Requirements)

Revise Section B.1 to add new section j and renumber subsequent section accordingly:

- j. Schools. Parking areas for schools shall be exempt from the minimum front yard setback requirements of the Schedule of Dimensional requirements provided the following conditions are met:

- This exemption shall only apply to existing school facilities and those that are constructed through redevelopment of a previously developed site.
- A landscape strip shall be provided between the parking area and the abutting street to screen the parking lot from view using plantings and/or physical elements such as a low fence or wall. Wherever possible based on existing conditions, minimum depth of the required landscape area shall be 25 feet on arterial roads, 30 feet on collector roads, and 35 feet on local roads as measured from the edge of pavement. Landscape and screening elements shall not be located within the right-of-way unless authorization is granted by the agency controlling the right-of-way.

Proposed Changes to Article 10, Section D.11 (Required Off-Street Parking and Loading-Accessible Parking Spaces)

Revise Section D.11 as follows:

11. **Accessible Parking Spaces** - All proposed commercial, industrial, governmental and multi-family residential land uses shall provide accessible parking spaces for ~~handicapped individuals~~persons with disabilities. At minimum, Ssaid spaces shall conform with Section 14-253a(h) of the State Statutes and the State Building Code in number, location and design. ~~At a minimum, accessible parking spaces shall be provided in the number required by the State Building Code.~~ However, additional handicap spaces may, depending on the number of entrances and the nature of the population served, be required by the Commission. ~~Wherever feasible, the parking spaces located closest to a primary entrance shall be designated as accessible parking spaces. Appropriate access ways to and from the adjacent primary entrance shall be developed in association with all accessible parking spaces. All accessible parking spaces shall be clearly designated with signs situated approximately 5 feet above grade and, wherever possible, with pavement markings. The required crosshatch area shall be located on the right hand side of each accessible space.~~

HISTORIC VILLAGES

The proposed amendments would retain the historic village design guidelines for any project requiring site plan/special permit approval, but eliminate the need for PZC review for alterations to properties that only require a Zoning Permit.

Proposed Changes to Article 10, Section J (Special Provisions for Plan of Conservation and Development Designated Historic Village Areas)

Revise the first paragraph of Section J.2, Special Historic Village Area Review Criteria, as follows:

All exterior construction within the ten (10) historic village areas noted above in Section 1, including but not limited to new primary or accessory structures, building additions, swimming pools, signs and site work or site improvements, that require site plan or special permit approval pursuant to Article V, Sections A or B of these regulations ~~and/or Zoning Permit approval pursuant to Article XI, Section C of these regulations~~ shall comply with the following provisions:

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STORMWATER MANAGEMENT

The following amendments are proposed to:

- Update requirements related to deicing materials in aquifer areas as the current language promotes the use of sand, which conflicts with other stormwater management provisions that encourage the use of low impact development practices such as natural infiltration.
- Update stormwater management plan requirements to address conformance with the CTDEEP Water Quality Manual.¹
- Establish maintenance requirements for stormwater systems

PROPOSED CHANGES TO ARTICLE 6, PROHIBITED USES, PERFORMANCE STANDARDS, AND BONDING

Proposed Amendments to Article 6, Section B.4.m (Aquifer Areas)

Revise Section B.4.m.5 as follows:

5. All ~~commercial, industrial or multi-family~~ developments ~~and other land uses with cumulatively more than 1/2 acre of impervious surface shall incorporate best management practices for storm water controls in accordance with State Department of Environmental Protection Best Management Guidelines, and shall prohibit or restrict the use of salts and chemicals for ice removal in order to minimize the risks of ground water contamination. A~~ required to submit a storm water management plan detailing proposed provisions shall be submitted for Commission approval pursuant to Article 6, Section B.4.t.3 and B.4.t.4 shall identify specific methods that will be used for snow and ice removal. Such methods shall be designed to minimize potential for ground water contamination from salts and other deicing chemicals. Refer to the CT DEEP Best Management Practices for Disposal of Snow Accumulations from Roadways and Parking Lots (https://www.ct.gov/deep/cwp/view.asp?a=2721&q=325692&deepNav_GID=1654%20) and the 2018 Pass the Salt: Efficient Snow and Ice Management publication prepared by Axiomatic (https://www.uvm.edu/seagrant/sites/default/files/uploads/Santoso_GreenSnowProHandouts_sm.pdf) for additional guidance on Best Management Practices.

Proposed Amendments to Article 6, Section B.4.t (Stormwater Management)

Revise Section B.4.t.4 to include new bullet regarding how the stormwater management plan conforms to the CT Stormwater Quality Manual Add new Section B.4.t.5 as follows and renumber existing Section 5 (Conflicts) to Section 6:

4. **Stormwater Management Plan.** A Stormwater Management Plan (SWM) shall be included in any application that requires the submission and approval of a Site Plan or Subdivision Plan and shall be consistent with the purpose set forth in subsection 2 above, the Mansfield Standards and Specifications, and the principles set forth in the Manual.

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- b. The design report shall include:
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- Description of existing site and relevant off-site conditions that may be affected by the selection of water quality measures;
- Rainfall data for the design storms as identified by the NOAA Atlas 14, as amended;
- An evaluation of existing on-site and off-site hydrology including estimates of preconstruction and post-construction development from the 1-, 2-, 10-, 25-, and 100-year, 24-hour storm events;
- A discussion of the function for the stormwater management system during typical operation and during a possible failure of a component; ~~and~~
- A discussion of the proposed treatment and control measures and their estimated effect on improving the quality; and
- A description of how the stormwater management plan conforms to the 2004 Connecticut Stormwater Quality Manual, as amended. Where the SWMP does not conform to the Manual the applicant shall articulate the reasons for deviation.

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5. Stormwater Management Plan Implementation.

- a. Developers, Construction Site Operators, Contractors and sub-Contractors shall implement the approved SWM in accordance with all applicable stormwater discharge permits issued by the Connecticut Department of Energy and Environmental Protection (CTDEEP) in Mansfield.
- b. Prior to issuance of a Zoning Permit, the owner of any property for which a SWM has been prepared and approved in accordance with the requirements of this Section shall execute a Stormwater Management/BMP Facilities Maintenance Agreement with the Town and record said Agreement on the Land Records. Such Agreement shall at minimum:
 1. Be applicable to the property owner as well as any successors and assigns;
 2. Assign responsibility for maintenance of stormwater management/BMP facilities constructed in accordance with the SWM to the property owner;
 3. Require regular inspection of the stormwater management/BMP facilities to ensure the safe and proper functioning of such facilities.
 4. Require submission of an annual inspection report that identifies inspection activities and results. If deficiencies are identified, the inspection report shall also include a schedule and plan to correct such deficiencies.
 5. Authorize agents of the Town to enter the property and inspect stormwater management/BMP facilities whenever the Town deems necessary for compliance with the approved SWM. The Town shall provide the property owner with copies of inspection findings and if necessary, directive to commence with repairs.
 6. Authorize the Town to correct identified deficiencies if the property owner fails to maintain the stormwater management/BMP facilities in good working condition as acceptable to the Town and charge the costs of such repairs to the property owner at a rate of 150% of the total costs incurred by the Town.
 7. Acknowledge that the Town is not responsible to routinely repair or maintain the stormwater management/BMP facilities;

8. Require the property owner to perform the work necessary to keep the facilities in good working order, including following any maintenance schedule approved as part of the SWM.
9. Require reimbursement of the Town within 30 days of receipt for all costs incurred by the Town pursuant to the Agreement; and
10. Hold the Town harmless from any liability should the stormwater management/BMP facilities fail to operate properly.