

PLANNING & ZONING
COMMISSION
Telephone (203) 563-0185
Fax (203) 563-0284



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

**WILTON PLANNING AND ZONING COMMISSION
PUBLIC HEARING/SPECIAL MEETING
AGENDA**

DATE: Monday, October 8, 2018
TIME: 7:15 P.M.
PLACE: Wilton Town Hall Annex, Meeting Room A, 238 Danbury Road, Wilton, CT 06897

PUBLIC HEARINGS

At this time interested persons may be heard after being recognized by the Chair of the Commission. See last page of this Agenda for more information on the Public Hearing process.

1. **REG#18369: Applicant: Wilton Planning & Zoning Commission Application:**
Amendments to Section 29-4.D.1 of Zoning Regulations for modifications to accessory dwelling units regulations

Date of Commission Receipt:	4/9/2018
Initial Public Hearing Opening Date:	5/29/2018
Public Hearing Status:	Public comment period is open. Public Hearing closure is at the discretion of the Commission.

REGULAR MEETING

- A. **CALL TO ORDER
SEATING OF MEMBERS**

- B. **APPROVAL OF MINUTES**

1. Sept 24, 2018 – Regular Meeting
2. Sept 26, 2018 – Special Meeting

- C. **ACCEPTANCE OF NEW APPLICATIONS**

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D. SITE DEVELOPMENT PLAN REVIEW

E. PENDING APPLICATIONS

1. **REG#18369: Applicant:** Wilton Planning & Zoning Commission **Application:** Amendments to Section 29-4.D.1 of Zoning Regulations for modifications to accessory dwelling units regulations *[Application status noted above]*
2. **CHZ#18370: Applicant:** Wilton Heights, LLC **Application:** For change of zone from R-1A to Wilton Center District, for properties located at 3, 7 and 11 Whitewood Lane and additional properties on Whitewood Lane known as Assessor's Map #58, Lots #37 and #39 *[Decision must be rendered by 11/26/2018]*
3. **REG#18371: Applicant:** JFM Properties II, LLC and MWD I, LLC **Application:** Proposed text amendments to Section 29-6.D. pertaining to Area and Bulk requirements for the Wilton Center District *[Decision must be rendered by 11/26/2018]*

F. COMMUNICATIONS

1. Request for administrative approval to modify an existing freestanding sign approved under the Alternative Signage Program at 5 River Road.
2. Communication from Atty. J. Casey Healy on behalf of Wilton Heights, LLC; requesting Commission consent to extend the time limits for receiving design comments from the Village District Consultant Committee pertaining to Special Permit #449 (noted below).
3. Discussion regarding upcoming Land Use Academy Training Seminar scheduled for Saturday, October 27, 2018 in Haddam.
4. Discussion concerning possible scheduling of a land use/legal seminar presented by Town Counsel.

G. PLAN OF CONSERVATION AND DEVELOPMENT (POCD) UPDATES

1. Continuing discussion pertaining to the POCD (as needed)

H. REPORT FROM PLANNER AND/OR COMMISSION MEMBERS

I. FUTURE AGENDA ITEMS

1. **SP#449: Applicant:** Wilton Heights, LLC **Application:** To allow stores and shops for the conduct of retail business, pursuant to Section 29-6.C.3.a of zoning

regulations; and to allow dwelling units located above street level stores/offices pursuant to Section 29-6.C.4.b of zoning regulations, for property located at 300 Danbury Road and at 3, 7 and 11 Whitewood Lane, and additional properties on Whitewood Lane known as Assessor's Map #58, Lots #37 and #39 [Application received 9/10/2018. Public hearing scheduled to open Oct 22, 2018]

J. UPCOMING MEETINGS

1. Monday, October 22, 2018 – Special POCD Meeting (Annex, Room A, 6:30 PM)
2. Monday, October 22, 2018 – Regular Meeting (Annex, Room A, 7:15 PM)
3. Thursday, November 8, 2018 – Special POCD Meeting (location to be determined, 7:00 PM)
4. Tuesday, November 13, 2018 – Special POCD Meeting (Annex, Room A, 6:30 PM)
5. Tuesday, November 13, 2018 – Regular Meeting (Annex, Room A, 7:15 PM)

K. ADJOURNMENT

How the Public Hearing Process Works

Pursuant to Connecticut General Statutes, applications that require a public hearing are administered in three distinct phases. It is important to recognize that public comment, either written or oral communication, cannot be received by the Commission once a public hearing is closed.

1. *Application Receipt Phase:* An application to the Commission is considered “received” at the first regularly-scheduled meeting of the Commission following submittal of the application to the town offices or thirty-five days; whichever date occurs first. The public hearing must open within sixty-five (65) days following the application receipt date.
2. *Public Hearing Phase:* Once opened, a public hearing must be heard and close within thirty-five (35) days. This stage is when the applicant presents the application to the Commission and interested party are allowed to comment on application. Again, public comment cannot be received once the hearing is closed.
3. *Deliberations Phase:* Once a public hearing closes, the Commission is provided sixty-five (65) days to deliberate the merits of an application and render a decision. Though public comment is not taken at this point, these meetings are open to public.

Time Extensions: Note, the Connecticut General Statutes provides up to sixty-five (65) days of additional extension time which can be applied to any of the three referenced phases. This is to encourage a complete and thorough review of applications before the Commission and to allow for full public participation.

Continuances: Public hearing matters are subject to requests for continuation or withdrawal at any time prior to a scheduled hearing. Inquiries regarding late changes may be made to the Planning and Zoning Department during business hours at (203) 563-0185.

June 7, 2018 version

Amend Section 29-4.D.1 of the Zoning Regulations by deleting text shown in strikethrough font, retaining text depicted in black print and adding text depicted in red print. Recent edits appear in green print:

D. USES PERMITTED IN ALL DISTRICTS

1. Accessory Dwelling Units in Single-Family Residences:

~~A single-family dwelling unit in any district may be converted to allow the inclusion of one additional dwelling unit per lot, subject to the issuance of a zoning permit in accordance with 29-12D; and the following conditions:~~

a. Purpose: The Commission recognizes the high cost of living throughout the region has made it increasingly more difficult for people to secure suitable and affordable housing; particularly for Wilton's younger and senior population. In response, the Commission has adopted these regulations as a measure of recognizing and addressing these challenges; but doing so in a manner that protects the health, safety and character of the community.

b. General Requirements: Not more than one accessory dwelling unit may be established on a lot used exclusively for single family residential purposes. The regulations provide for two types of accessory dwelling units: "attached" units and "detached" units. An attached accessory dwelling unit constitutes a living area that is internally integrated within an existing or proposed single family dwelling. An attached arrangement shall be deemed permitted by right, subject to adherence to the below criteria and the issuance of a zoning permit. A detached accessory dwelling unit represents a living area that is physically detached from a single family dwelling unit. Detached accessory dwelling units may be allowed subject to the approval of a special permit from the Commission as provided in Section 29-10 of these regulations, compliance with the below criteria and the issuance of a zoning permit. An accessory dwelling unit connected by means of an open porch or deck, roof connection or attached by an unheated corridor, for purposes of these regulations, shall constitute a detached accessory unit.

1. Maximum Size: The floor area of the accessory dwelling unit ~~may~~ **shall** not exceed ~~one-fourth~~ **one-third** of the gross floor area of the building or ~~750~~ **850** square feet, whichever **area** is greater. **(Recommend further discussion regarding possible size limitation)** Only habitable portions of the principal residence shall be considered when calculating the allowable area of an accessory dwelling unit. Permissible area shall not be based on unfinished basement space, areas used exclusively as utility rooms, garages or other unheated areas, such as open decks, porches or porticos. ~~No more than two bedrooms are permitted in the accessory dwelling unit.~~

2. b. Occupancy: ~~One of the dwelling units shall be owner-occupied at all times.~~ **(Recommend further discussion regarding occupancy)**

3. Bedrooms: No more than two bedrooms shall be permitted in an accessory dwelling unit.

4. Location of Units: At least one side of each dwelling unit ~~must~~ shall be at or above grade level and shall be fully compliant with building and fire code requirements at time of construction. ~~Each unit shall have separate entrances, which can be from a common hall. Both units shall be contained within one building, attached by a common wall, floor or ceiling. A Special Permit, issued in accordance with the requirements of 29-10, shall be required if the accessory unit is to be within an accessory building, or attached to the principal structure only by a breezeway or porch.~~

5. Adequacy of Facilities: Certification shall be required from the Town Sanitarian that the sewage disposal system is adequate to serve both dwelling units.

6. Accessory Unit Lot/Ownership Requirements: An accessory dwelling unit shall, at all times, be maintained on the same lot as the principal single family dwelling unit.

7. Outdoor Stairway: No outdoor stairways serving the accessory unit on any floor other than the ground floor shall be visible from a public street.

8. Driveways: No additional driveways shall be created for the purpose of serving an accessory unit. ~~An existing driveway may be extended for purposes of providing convenient and safe access to and from an accessory dwelling unit.~~

9. Minimum Lot Size and Yard Requirements: Accessory units shall be located only in structures on lots which are in conformance with minimum area and dimensional requirements of the zoning district within which they are located with the exception that accessory dwelling units may be located on any undersized lot within a two-acre zone that was approved for subdivision or re-subdivision by the Planning and Zoning Commission at a time when lot averaging was permitted under the zoning regulations and the lot was created as a result of lot averaging. ~~Accessory units shall not be permitted by action of the Zoning Board of Appeals. The structure which contains the principal accessory unit shall meet all current applicable setback, coverage and bulk requirements. Said exception shall not apply to conservation subdivisions or undersized lots created by way of variance. The undersized lot must be at least 1.8 acres.*~~ An accessory dwelling shall be constructed as a detached building or contained within a structure that meets all current applicable setback, coverage and bulk (land area) requirements. The prescribed minimum lot area requirement shall not apply to those lots approved as part of a conservation subdivision or created by way of variance; provided such lots comprise a land area of no less than 1.8 acres.

9. Minimum Lot Size and Yard Requirements: Accessory dwelling units shall be located only in structures on lots which are in conformance with minimum area and dimensional requirements of the zoning district within which they are located. Accessory dwelling units shall not be prohibited on undersized lots approved under the following circumstances: 1. Any undersized lot within a two-acre zone that was approved for subdivision or re-subdivision by the Planning and Zoning Commission at a time when lot averaging was permitted; provided such lot comprises a land area of no less than 1.8 acres and the structure in which the accessory dwelling unit is located meets all other dimensional requirements of the underlying district. 2. Any lot approved as part of a Conservation Subdivision; provided the structure in which the accessory dwelling unit is located meets the prescribed density and dimensional requirements for a Conservation Subdivision. (Note, this is intended to rephrase Paragraph 9. depicted above in black and red print.)

~~h. Certification of ownership: The owner of the property shall certify to the Commission, in the form of an affidavit that the owner is in residence in one of the dwelling units on the property. Such certification shall be made at the time of the initial application for the Zoning Permit and subsequently on an annual basis.~~

Amend Section 29-8.B.5.a (1) of the Zoning Regulations by retaining text depicted in black print and adding text depicted in red print.

5. Minimum Parking Requirements: The following requirements shall be considered the minimum number of parking spaces required for each use. Where the number of parking spaces is calculated to be a fraction, it shall be rounded up to the nearest whole number.

a. RESIDENTIAL USES; PUBLIC AND REQUIRED SEMI-PUBLIC USES	MINIMUM NUMBER OF SPACES REQUIRED
(1) Single-family dwellings	2 per principal dwelling unit, plus 1 per guest sleeping room for roomer and boarders or living area designated as an accessory dwelling unit

Amend Section 29-2.B.46 of the Zoning Regulations by deleting text shown in strikethrough font, retaining text depicted in black print and adding text depicted in red print:

~~DWELLING UNIT, ACCESSORY*: A separate dwelling unit, whether or not it contains cooking facilities, which is in conjunction with, and accessory to, a single-family dwelling, including but not limited to, an in-law apartment, a guest cottage, a studio, or a cabana.~~

DWELLING UNIT, ACCESSORY: A fully-habitable and ancillary living area internally integrated within a single family dwelling unit (attached) or existing as a freestanding structure (detached), occupied in conjunction with a single family dwelling unit and having separate and independent provisions for sleeping, sanitation, personal hygiene and cooking facilities; whether cooking facilities are provided or not. Such units shall be subordinate to and located on the same lot as a principal residence. An accessory dwelling unit may commonly be referred to as an "in-law apartment", "guest cottage", "studio" or "cabana". Accessory dwelling units shall not be construed to include travel trailers, mobile homes, boats, recreational vehicles or similar structures, whether mounted on wheels or not.