

Proposed Zone Changes to be enacted with the Change to Andover Rural Design

The effective date for all the changes is Jan 1 2018. This enables us to implement the ARD, Mixed Use Zoning and Potentially the Higher Density overlay zones all at the same time. The intent is to enact them all at once but hold public hearings sequentially. By making the implementation date Jan 1 we can hope to have all the changes effective the same date.

The following are Zoning Regulation changes needed to enact the Andover Rural Design District

Changes to Section 2 of zoning regulation

2.1 Use Districts

For the purposes described in section 1 of these regulations, the town of Andover is hereby divided into the following use districts

ARD Andover Rural Design District

AL Andover Lake District

B Business district

I Industrial district

FP Flood Prone district

2.2. Boundaries of use districts

The boundaries of the above districts are established as shown on a map entitled Zoning Districts- Andover Connecticut Prepared for the Planning and Zoning commission **Adopted Jan 1 2018** Scale 1"=1000 ft. This map is on file in the office of the town Clerk and which map with all explanatory matter thereon is hereby declared to be a part of these regulations.

Changes to Section 4.9 of the Subdivision Regulations

Change all references to **R-80 and R-40 to ARD** in sections 4.9.1 and 4.9.3

4.9.0 Unchanged

4.9.1 Change **R-80 and R-40 to ARD**

4.9.2 Unchanged

4.9.3 Requirements Each rear lot will comply with the dimensional requirements established by section 11.2

a. All rear lots in conventional subdivisions shall have a minimum of forty (40) feet of frontage on an accepted Town Road

b. All rear lots in open space subdivisions shall have a minimum of twenty-five (25) feet of frontage on an accepted Town Road

c. Minimum Lot areas shall be as follows:

ARD- *One Hundred and twenty thousand (120,000) square Feet or 2.75 acres, calculated including the Access way**

ARD open space- *Thirty thousand (30,000) square Feet Or 0.69 acres Calculated excluding the Access way**

AL- One Hundred and twenty thousand (120,000) square Feet or 2.75 acres, calculated including the Access way

AL- open space- *Thirty thousand (30,000) square Feet or 0.69 acres Calculated excluding the Access way**

d. There shall be a maximum of one (1) single family dwelling with permitted accessory dwelling

e. Rear lot setbacks are established by section 11.2

Section 4.9.9 Deleted

SECTION 5 ARD – Andover Rural Design District (ARD)

The following uses are permitted in ARD District subject to the stated requirements:

5.0 Permitted Uses and Use Categories Use Permitted as of Right. The following uses are permitted upon the issuance of a Certificate of Zoning Compliance, per Section 21.3 of these Regulations:

5.0.1 Dwelling, single-family. (Revised effective 8/1/89).

5.0.2 Farming and agriculture. As defined by these regulations (See Section 24.3 Definitions) and in accordance with Section 20 (Keeping of Animals). i. Accessory uses and buildings

5.0.3 Accessory Apartments (4.11) * added 11/17/03 effective 12/17/03 *

5.0.4. Public parks, playgrounds, and athletic fields.

5.0.5 Home Occupations (4.12A) * added 11/17/03 effective 12/17/03 *

5a -Special Permit Uses. The following uses and use categories require a Special Permit with design review approval by the Town Planning and Zoning Commission, per Section 23 of these Regulations, in addition to any other review required by these Regulations: (effective 5/31/01) revised 01/01.18

5a.0.1 Schools

5a.0.2 Churches, libraries and cemeteries

5a.0.3 Golf courses

5a.0.4 Hospitals.

5a.0.5 Convalescent homes.

5a.0.6 Riding Stables, provided such uses shall be on Lots not less than three (3) acres (See Section 20, Keeping of Animals)

5a.0.7. Veterinarian and Small Animal Hospitals, provided such uses shall be on Lots not less than three (3) acres, and no dogs shall be kept in any building or enclosure within 150' of a side or rear lot line. (See Section 19, Kennels, and Section 20, Keeping of Animals)

5a.0.8 Child care centers.

5a.0.9 Wayside stands for the sale of agricultural or horticultural products, the major portion of which is raised on the premises.

5a.010 Rear Lots (See Section 4.9).

5a.0.11 Private Recreational Areas.

5a.0.12 Bed & Breakfast Establishments

5b.0 Requirements for subdivision/resubdivision based on initial parcel size. See section 11.2 for lot requirements.

5b.0.1 On parcels greater than 10 acres, Andover Rural Design (ARD) regulation to produce Open Space / Cluster Subdivisions (See Section 5.5) is permitted As of Right.

5b.0.2 On Parcels greater than 10 acres ARD Standard Conventional Subdivisions having minimum lot sizes of 60,000 sq. ft. is permitted by Special Permit.

5b.0.3 On parcels less than or equal to 10 acers ARD, Standard Conventional Subdivision/Re-subdivision of land having minimum lot sizes of 60,000 sq. ft. is permitted As of Right.

5b.0.4 On parcels less than or equal to 10 acers (ARD) regulation to produce Open Space / Cluster Subdivisions (See Section 5.5) is permitted by Special Permit.

5b.0.5 On all parcels in the ARD an applicant may present an alternative open space proposal by Special Permit

5.1 Space Requirements (See Section 11.2) [from former Section 5.2, renumbered but not revised effective 8/1/89]

SECTION 5.2 Parking Requirements (See Section 12) [from former Section 5.3, renumbered but not revised effective 8/1/89]

SECTION 5.3 Rear Lots (See Section 4.9) [from former Section 5.4, renumbered but not revised effective 8/1/89]

SECTION 5.4 Accessory Uses (See Section 14) [added effective 8/1/89] * amended 11/17/03 effective

SECTION 5.5 Andover Rural Design (ARD) regulations to produce Open Space / Cluster Subdivisions

5.5.1 Purpose - Without increasing overall density, the purpose of ARD is to ensure that residential development in Andover, to the extent reasonably possible, preserves the natural features of the land including agricultural soils, wetlands and watercourses, wooded areas and the rural character of the community. In the interest of promoting these objectives, development shall be permitted on lots of lesser dimensions than would otherwise be required by this zone if the conditions set forth in this section are met.

5.5.2A Applicability and Suitability - The ARD is the as of right method of subdivision and re-subdivision in the ARD zone. The requirements and criteria of an ARD apply to any application for development in the ARD zone in which the parcel or contiguous parcels of land that are part of the subdivision, comprise a total area of ten (10) or more acres. For parcels less than 10 acres the elements of the ARD are strongly encouraged, but require a special permit.

5.5.2B Special Permit Conditions: The Planning and Zoning Commission may grant a special permit to the ARD subdivision requirements if the following criteria are met.

The applicant shall present a conceptual design sketch of the property showing both an as of right subdivision as well as the proposed subdivision for comparison. This shall include enough detail for the commission to understand how the development would occur.

The applicant must show any remaining undeveloped land and discuss future plans for it.

The applicant may present an alternative plan, including fee in lieu of open space

The applicant shall provide a narrative describing why the proposed design constitutes the best use of the land.

The commission will evaluate the applicant's proposal by comparing it to the as of right subdivision method.

The commission will use criteria established in sections 5.5.8, as well as section 23 to evaluate the proposal as well as:

The degree of the developments impact on immediate abutters and the surrounding neighborhood in comparison to the impacts of an as of right development.

Maintenance of agricultural activity on the site.

The Planning and Zoning Commission will grant the special permit if the commission determines the proposal is a better use of the land than an as of right subdivision.

5.5.3 Pre-Application Conference

The applicant is strongly encouraged to initiate a pre-application conference with the Commission and its staff pursuant to CGS Section 7-159b

The purpose of the conference is to discuss the conceptual aspects of the proposed development and to present a conceptual plan, for informal consideration by the Commission. The conceptual plan shall be designed to allow the Commission to make a general comparison between the ARD open space development, a conventional development plan, or any other alternative proposal. During the pre-application conference, the informal review of neither the

conceptual plan nor the Commission's suggestions shall be deemed to constitute approval of any portion of the application.

5.5.4 Application

The applicant for approval as an ARD subdivision shall file with the Commission, in the Land Use Office, the following:

5.5.4.1 A completed subdivision application form and fees in accordance with these Regulations and the Subdivision Regulations.

5.5.4.2 twelve (12) hard copies, and an electronic copy, of the proposed development plan showing the information required by the Subdivision Regulations.

5.5.4.3 Any and all information necessary to demonstrate compliance with these Regulations and the information regarding site plans set forth in these Regulations.

5.5.4.4 As applicable, a summary or general description of the proposed bylaws, rules and regulations of any association or corporation of lot owners within the proposed ARD; the proposed method by which all site utilities will be provided; the manner of ownership and maintenance of any private or public facilities and any commonly owned real property rights, including Open Space, and a description of the proposed Open Space, including the method of proposed protection of each of those areas.

5.5.5 An ARD shall consist of parcels of land containing no less than ten (10) contiguous acres. Smaller parcels may be allowed by special permit, see section 5.5.2.a.

5.5.6 An ARD must provide for the preservation of Open Space in accordance with the requirements of these Regulations.

5.5.7 Open Space and Development Densities.

5.5.7.1 In all ARD's a minimum of 40% of the parcel being subdivided shall be preserved as open space. At least 30% of the property preserved as open space must be free of wetlands, watercourses, water bodies, 100-year flood plain, and slopes in excess of 25% that extend 50 linear feet or more. The subdivision is exempt from the 30% requirements where the applicant can demonstrate that the percentage of wetlands, watercourses, water bodies, flood plain, and excessive slopes that exist on the total property is equal to or greater than the percentage of such areas that is proposed for the open space area.

5.5.7.2 For the purposes of Section 5.5, Open Space is an area covered by a restriction, which permanently prohibits development in a manner consistent with the conditions and requirements set forth in Section 5.5.

5.5.7.3 The Commission, in its sole discretion, may permit non-commercial recreational uses within the open space, provided that such uses are not inconsistent with or harmful to the preservation of the restricted area or to the character of the neighborhood. The Commission may also permit activities and accessory structures necessary to support open space and agricultural uses or historic or archaeological preservation.

5.5.7.4 The Commission may modify any application so as to designate Open Space in locations other than those proposed if such modification will further the conditions and requirements set forth in Section 5.5.8.

5.5.7.5 To determine the maximum number of lots permitted in a ARD, the total area to be developed shall be reduced by subtracting 75% of the wetlands, watercourses, water bodies and flood plain, 100% of slopes in excess of 25% or more that extend 50 linear feet or more, 10% of the total area for roadways and 10% for required open space.

The remaining area shall be divided by the minimum lot size permitted in the zone in which the subdivision is proposed.

Example

Total acreage minus 75% of wetlands, watercourses, waterbodies and flood plain, 100% of qualifying slopes, and 20% of the total acreage for roads and required open space = "X".

"X" divided by the minimum lot size = number lots permitted.

Notwithstanding the number of lots produced by this formula, an ARD must not result in the creation of more lots than would occur in a standard subdivision. A conceptual standard design plan must be prepared for this purpose. The final lot count shall be determined by the Commission.

5.5.7.5A Density Bonus - A density bonus may be granted for the provision of excess high quality open space, meaning the amount of any open space acreage that is greater than the minimum amount that would be required. The additional open space may be within the parcel to be subdivided or elsewhere within the Town of Andover. For each three acres of excess open space accepted by the Commission, one additional building lot shall be allowed. An additional density bonus may be allowed by the Commission for the construction of "starter homes" less than 1,500 sq. ft. in size (as defined in section 11), which floor area maximum shall be maintained for forty (40) years by a declaration of covenants and restrictions to the satisfaction of the Commission's attorney. For each 5 homes meeting this requirement the development shall be entitled to one (1) additional building lot in excess of the density calculation in 5.5.7.5.

5.5.7.6 Minimum Lot Area, Frontage and Yard Requirements for ARD development.

Lot Area ARD zone - 30,000 sq. feet

Minimum Lot Frontage - 50 feet

Minimum Front Yard - 20 feet

Minimum Side Yard - 10 feet

Minimum Rear Yard - 20 feet

For the purpose of this Section, frontage means frontage on a public street that either exists currently or is proposed as part of the subdivision.

5.5.7.6.1 There shall be a maximum of one curb cut per 100 ft. of frontage on existing town roads. Rear lots with adjacent frontage shall have a single curb cut and combined driveway for at least the first 50 ft.

5.5.7.6.2 On new streets there shall be a maximum of one curb cut per 100 ft. of frontage unless there is a 2/3rds majority affirmative vote of the commission to allow closer curb cuts.

5.5.7.7 Community wells and community septic systems may be permitted within the Open Space, provided that they are in accordance with the guidelines set forth in Section 5.5.8, section 23.2F and provided that they are in accordance with the State of Connecticut Department of Health Regulations and the State Department of Energy and Environmental Protection, as applicable.

5.5.8 Design Guidelines - The development shall be laid out to protect and preserve the open space and to protect adjoining property owners. The development shall also be laid out to achieve any one, or a reasonable mix, of the following objectives:

5.5.8.1 That all or part of any existing forests, fields, pastures and other land in agricultural use be preserved and maintained, especially the preservation of land mapped as prime or statewide significant farmland soils, together with sufficient buffer areas, of not less than 50 feet, to minimize conflict between residential and agricultural use. The commission, by a ¾ majority vote, may waive the minimum buffer requirement where the Commission determines that existing features such as topography and vegetative screening exist which provide an acceptable buffer at less than the required minimum.

5.5.8.2 That consideration be given to the preservation, creation, and connection of areas used for wildlife habitat, recreational corridors and trails within subdivision open space.

5.5.8.3 That a provision be provided for pedestrian access between properties and for a perimeter design concept intended to facilitate the networking of trails for pedestrian and/or equine use to ensure recreational access to resource lands as provided for in the Subdivision Regulations.

5.5.8.4 That the location of the open space areas be primarily in areas, which are contiguous to existing open space areas, or in areas of the site with the highest probability of connecting with future open space areas.

5.5.8.5 That the scenic views and vistas, particularly as seen from public or scenic roads, as well as the Hop River Rail trail be preserved.

5.5.8.6 That historic and prehistoric sites; and their environs, insofar as needed to protect the character of the site, be preserved.

5.5.8.7 That the visual integrity of hilltops and ridge lines be maintained by siting development so that building silhouettes will be below the ridgeline or hilltop or, if the area is heavily wooded, the building silhouettes will be at least ten (10) feet lower than the average canopy height of trees on the ridge or hilltop.

5.5.8.8 That consideration be given to the protection of existing residential areas, which shall include the creation of sufficient buffer areas, of not less than 50 feet to any existing residential dwelling, to minimize conflict between existing residential use and the proposed ARD. The Commission may require that the buffer area be kept in its natural state or suitably landscaped. The Commission, by a $\frac{3}{4}$ majority vote, may waive the minimum buffer requirement where existing features exist which provide an acceptable buffer at less than the required minimum or where the proposed lots which abut the existing residential use are at least 60,000 sf

5.5.8.9A **Right of Review:** The Commission reserves the right to seek professional opinion and review from independent experts without limitation in the areas of traffic engineering, environmental impact and design, planning and zoning law, historic and agricultural preservation, soil erosion and sediment control, and similar areas of specialized knowledge.

5.5.9.2 The permanent preservation of open space shall be accomplished by deeding the property, granting preservation easements or any other method which accomplishes irrevocable preservation in accordance with the requirements set forth in this Section to one of the following entities:

- The Town of Andover;
- The State of Connecticut;
- An approved Home Owners Association;
- At the option of the applicant, The Nature Conservancy or other similar land conservation organization reasonably acceptable to the Commission;

5.5.9.3 The preservation as outlined in Sections 5.5.9.2 regardless of the method used, shall be completed within one year of the date of approval.

5.5.9.5 In determining which of the entities should own or control the proposed Open Space, or whether to require Open Space in locations different from those proposed, the Commission shall consider the following factors:

- The ownership of any existing open space on adjacent properties or the proximity to non-adjacent open space, which might reasonably interconnect, with the proposed Open Space in the future.
- The proposed use of Open Space for active or passive uses and the extent of maintenance, supervision, or management required.
- The potential benefits which the Open Space might provide to residents of the Town or the State, if it were accessible to them.
- The size, shape, topography and character of the Open Space.
- The recommendations, if any, of the Andover Plan of Conservation and Development.
- The reports or recommendations of any State or Town agencies, including, but not limited to, the Andover Recreation Commission, the Connecticut Capitol Regional Council of Governments and the Connecticut Department of Energy and Environmental Protection.

5.5.9.6 Regardless of the manner of ownership of the Open Space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure:

- The continued use of such land for the intended purposes;
- The continuity of proper maintenance for those portions of the Open Space requiring maintenance; and
- When appropriate, the availability of funds required for such maintenance.
- Commonly Owned Land and Facilities;

5.5.10.1 If dedicated open land or community recreation facilities are to be owned jointly or in common by the owners of lots or dwelling units, maintenance of the common land or facilities shall be permanently guaranteed through the establishment of an incorporated homeowners' association. The documents creating such homeowners' association shall be to the satisfaction of the Commission's attorney; shall be fully executed prior to the endorsement of final subdivision mylar plans; and shall be filed in the office of the Town Clerk simultaneously with the filing of the endorsed subdivision mylar.

5.5.11 Boundary Lines To prevent trespassing on adjacent lands, the boundary lines of all Open Space shall be identified and marked in such reasonable manner as may be required by the Commission to insure the identification of the Open Space.

5.5.13 Approval The Commission shall approve the ARD proposal or approve it with conditions necessary to protect the public health, safety, convenience and property values, if it finds that

the development plan on balance will better serve the Town of Andover and the neighborhood surrounding the development than a conventional subdivision development.

5.5.14 Conditions The Commission may establish additional conditions, including but not limited to the following:

5.5.14.1 Granting of a covenant or easement to ensure that existing fields or pastures will be plowed or mowed periodically with attention given to the requirements of existing animal and plant species.

5.5.14.2 Granting of an easement providing and defining rights of public access.

5.5.14.3 Designation of no-cut or limited-clearing areas on lots.

5.5.14.5 Requiring written evidence that at least two (2) organizations are willing to accept the responsibility for the preservation and maintenance of the Open Space.

5.5.15 Recording

The applicant shall record on the Andover Land Records all legal documents required to ensure the permanent preservation of the open space prior to the Commission's endorsement of the final mylars, unless otherwise noted within the Commission's approval, and all such documents shall be filed simultaneously with the filing of the endorsed mylars in the Town Clerk's Office.

Changes to section 6

Delete Section 6 Entirely

Changes to section 7

Add section 7.0.10 Section 5.5 (Andover Rural Design) shall apply to subdivisions in the Lake Zone.

Change Section 11

Section 11.1 Minimum floor Requirements

11.1.1 In all districts, Single Family Dwellings shall contain the following Minimum Floor Areas:

One Story Dwellings **500** Square Feet

Two Story Dwellings **400** Square Feet on the Ground Floor Total of **500** Square Feet

11.1.2 **Delete-** it is now redundant

11.2 space requirements	Minimum Requirements							Maximum Requirements		
	Lot	Lot	Front	Side	Total side	Rear	Floor	lot	Bldg.	Dwelling
	Area SF	Width	Yard	Yard	Yard	Yard	Area	Coverage ⁵	Height	Units
District	Sq. Feet	Feet	Feet ⁵	Feet	Feet	Feet	SF	%	ft./ stories	
ARD (Andover Rural Design)	60000	200	50	25	50	50	500	10	35/2	1
ARD Rear Lot	120000 ²	40	75	37.5	75	75	500	10	35/2	1
ARD Open Space Lot	30000	50	20	10	20	20	500	15	35/2	1
ARD Open Space Rear Lot	30000 ³	25	40	10	20	20	500	18	35/2	1
Andover Lake (seasonal)	30000	100	50	15	40	75 ¹	500	10	35/2	1
Andover Lake (Year-Round)	60000 ¹	200	50	25	50	75 ¹	500	12	35/2	1
Andover Lake (rear lot)	120000 ²	40	75	37.5	75	75	500	10	35/2	1
Andover Lake Open Space	30000	50	20	10	20	20	500	15	35/2	1
Andover Lake Open Space rear lot	30000 ³	25	40	10	20	20	500	18	35/2	1
Business ⁴	20000	100	45	10	20	35	1000	50	40	
Business Adjacent to ARD ⁴	20000	100	10	25	100	50	1000	50	40	
Industrial ⁴	40000	200	100	35	75	35	1000	50	40	
Industrial Adjacent to ARD ⁴	40000	200	100	50	100	50	1000	50	40	

Revised effective 1

Jan 2018

¹50 ft. where property does not abut lake

² calculated including of access way

³ calculated excluding access way

⁴ section 11.3 for details

⁵ See section 24.3 for definition of building setback line and Lot coverage

Section 15

Section 15.6 Signs Permitted in the **ARD** and Lake District

Section 24.3 Add a new definition

Lot Coverage

The portion of a building lot containing impervious surfaces, including dwellings, carports, garages, accessory buildings, pools, driveways and patios, and excludes decks.

Changes to Andover Subdivision Regulations that will be needed

Section 7

7.3.3 Deleted entirely redundant and not necessary

7.11.2 Area The Maximum Required Area of open space shall **be 40%** of the total area of the land to be subdivided or resubdivided for an ARD open space/ cluster subdivision or 10 % for a conventional subdivision.