

## **Application PZC 2023-010 Proposed Amendments to Land Development (Zoning) Regulations**

**Applicant: Colchester Planning & Zoning Commission**

**Prepared by: Demian A. Sorrentino, AICP, CSS, Planning Director**

**Initial Draft 5/31/23**

**Second Draft 6/9/23**

**Final Draft for Public Hearing 6/16/23**

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### **EXISTING REGULATIONS:**

#### **3.3 SPECIAL PERMIT USES IN THE RU DISTRICT**

The following are eligible for Special Permit in the RU District after consideration and approval from the Commission:

1. Commercial Kennel;
2. Accessory Apartments;
3. Bed and Breakfast;
4. Golf course;
5. Institutional and municipal land uses including public utilities;
6. Day care/nursery schools in accordance with Section 8.8.9 of these Regulations and licensed by the State of Connecticut;
7. Educational Institutions;
8. Agricultural uses permitted by Special Permit pursuant to Section 8.9.

#### **3.4 RURAL USE DISTRICT DESIGN STANDARDS**

##### **1. Minimum Lot Area**

The minimum lot area for the RU district shall be 80,000 square feet. Land to be developed for residential uses in the RU District may be developed under the following development options:

- A. Conservation Subdivision:** Development as a conservation subdivision is required where new Roads or Road extensions are proposed or for any subdivision proposed with more than four (4) lots.

Conservation subdivisions provide an opportunity for greater flexibility in the design of subdivisions with a view towards preserving and enhancing the natural beauty of the Landscape; protecting areas with unique or fragile natural resources; producing more attractive, safe and healthy living environments, conserving natural resources, and to encouraging Low Impact Development (LID) methods.

The minimum lot size for calculating Gross Residential Density (GRD) for a conservation subdivision shall be 80,000 square feet. Lot Frontage shall be three hundred (300) feet on Arterial

and Collector Roads and two hundred fifty (250) feet on Local or dead-end roads. See Sections 3.8 and 3.9 for possible lot size reductions.

- B. Conventional Subdivision:** For developing residential lots fronting on existing Roads, the minimum lot size for calculating Gross Residential Density (GRD) shall be 120,000 Square Feet. Lot Frontage shall be three hundred fifty (350) feet on Arterial and Collector Roads and three hundred (300) feet on local or dead-end Roads. Minimum Lot width shall not be less than two hundred (200) feet at any point excepting Flag Lots per Section 8.11.7.

- 2. Maximum Building Coverage** for residential use on any lot shall not exceed twelve percent (12%) of the Buildable Area, and twenty percent (20%) for nonresidential uses.

- 3. Maximum Building Height** – The maximum Building Height for structures within the RU District shall be thirty-five (35) feet, except where otherwise expressly permitted. Agricultural uses are permitted to exceed thirty-five (35) feet in accordance with Section 8.9.5.E and certain architectural features are permitted to exceed thirty-five (35) feet in accordance with Section 8.11.10.

**4. Building Setbacks**

- A. Front Yard Setbacks** for land uses on existing Arterial and Collector Roads in the RU District shall preserve rural vistas to the maximum extent practicable. See Exhibit 2.

- 1. For proposed residential uses where the Road edges are cleared of trees,** the Front Yard Setback shall be a minimum of two hundred (200) feet and shall include a minimum of one hundred fifty (150) feet of Meadow or active agricultural land measured from the edge of the right of way. Significant trees, ponds or other natural features may also be included in the Front Yard.
- 2. For proposed residential uses where the Road edges are forested,** the Front Yard Setback shall be a minimum of one hundred (100) feet and a minimum forested buffer of fifty (50) feet shall be maintained. This Setback requirement may also be applied to Road edges that are cleared if the applicant demonstrates, through the use of a Landscape plan, prepared by a licensed landscape architect, that a fifty (50) foot forested buffer will be installed at the time of construction.
- 3. For proposed residential uses utilizing existing Local Roads or proposed new Roads or extensions,** the Front Yard Setback shall be seventy-five (75) feet.

- B. Side and Rear Yard Setbacks** – For proposed conservation subdivisions, side and rear Yard Setbacks shall be a minimum of twenty-five (25) feet. For Lots created within a conventional subdivision, the side and rear Yard Setbacks shall be no less than thirty-five (35) feet.

- 5. Buildable Area** – Individual Lots shall contain a minimum contiguous and accessible Buildable Area that can contain a square with sides equal to one hundred fifty (150) feet or an equivalent sized rectangle with the shortest side not less than one hundred twenty-five (125) feet.

### **5.3.2 SPECIAL PERMIT USES IN THE TC DISTRICT**

The following uses are eligible for Special Permit in the TC District subject to consideration and approval of the Commission:

1. Multi-Family residential development on parcels with ten (10) acres or more of buildable area and subject to the requirements of Section 8.1, may include more than eight (8) dwelling units per building but in no event shall exceed thirty six (36).

2. Cannabis Food and Beverage Manufacturer.

### **8.3 ACCESSORY APARTMENTS**

Accessory Apartments shall be permitted in connection with all Single-Family Dwellings in accordance with the standards contained herein.

1. The Zoning Permit application and Site Plan shall be of sufficient detail, as determined by the Zoning Enforcement Officer, to determine compliance with the design standards of this Section and, in addition, the applicant for an Accessory Apartment use shall submit:
  - A. Required application form, completed, signed, and dated by the property owner.
  - B. A copy of the current deed for the subject Parcel.
  - C. A sworn notarized statement from the applicant(s) that he/she/they will reside at the subject Premises as a condition of maintaining the validity of the Accessory Apartment. This statement shall be placed on the Land Records against the name of the owner and shall only be released upon a written request to remove the Accessory Apartment or replacement with a similar statement executed by a subsequent owner. Failure to comply with the owner occupancy requirements herein shall be deemed a violation of these Regulations, and be grounds for enforcement, which may include revocation of the Zoning Permit.
  - D. A set of floor plans and Building elevations, with dimensions or drawn to scale, depicting the existing interior and exterior of the structure and clearly depicting the proposed interior and exterior of the structure after the creation of the Accessory Apartment. If no exterior Building improvements are proposed, Building elevations are not required.
  - E. A calculation of Floor Area for the existing Dwelling and Accessory Apartment.
  - F. A Site Plan prepared by a licensed surveyor that indicates the location of any existing and proposed structures on the Parcel, the existing and/or proposed utilities to service the Dwelling and Accessory Apartment, parking and Driveway areas, and any other information or reports that the Zoning Enforcement Officer may require to determine compliance with the intent and purpose of these Regulations.

## 2. Design Standards

- A. The Accessory Apartment must be created within or attached to a Single-Family Dwelling and have a common wall with living space in the primary Dwelling and there shall be only one Accessory Apartment permitted for each Single-Family Dwelling. Principal access must occur through the primary Building. Secondary access is acceptable through a common garage, rear entrance or breezeway from the primary residence. See Exhibit 10, below.
- B. The owner of the Dwelling Unit with which the Accessory Apartment is associated must occupy at least one of the Dwelling Units.

### **Exhibit 10 – Accessory Apartment – Entrance and Relationship to Primary Unit**

- C. All new construction shall meet the Building Coverage, minimum Setback requirements, and Building Height requirements applicable to the principal structures for the zoning district in which the Accessory Apartment is to be located.
- D. The Accessory Apartment shall be serviced by the same water and wastewater system serving the principal residence provided such service complies with all current requirements of the Public Health Code. The Accessory Apartment may share utilities (electric and heat) with the principal residence.
- E. The Accessory Apartment shall clearly be the secondary and subordinate use and is limited to one (1) bedroom. The maximum Floor Area of the Accessory Apartment shall not exceed 600 square feet or thirty-three percent (33%) of the combined Floor Areas of the principal Single-Family Dwelling and the Accessory Apartment, whichever is less. The definition of Floor Area in Section 20.4 of these Regulations shall be used for the purposes of calculating the size of the Accessory Apartment.
- F. Off-street parking shall be provided for all Accessory Apartments and for the principal Single-Family Dwelling Unit. Parking and access from the public right-of-way shall serve both the principal and accessory unit, and shall not be distinguishable as separate facilities.
- G. The Accessory Apartment shall have its own independent sleeping, cooking and sanitary facilities and shall comply with all other applicable building, housing and health codes.
- H. The entire Building to be converted shall comply with all current applicable, state, local, health, building and housing codes after conversion and shall maintain the exterior appearance and architectural style (roof line, roof pitch, building materials, colors, window style, and spacing, etc.) of the principal residence. Accessory Apartments created through conversion or Addition shall have a common wall with the living quarters of the principal residence and main access through the principal residence. This may be accomplished via the incorporation of one entrance to both the principal residence and Accessory Apartment to reflect the single-family architectural style.
- I. Accessory Apartments shall not be considered as “units” for the purpose of calculating the maximum residential Density.

## 8.9 AGRICULTURAL USES

2. Agriculture is defined as that included in CGS Section 1-1 (q), as follows: *Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.*

Notwithstanding anything herein contained to the contrary, the cultivation of marijuana, including medical marijuana, is prohibited in the Town of Colchester in all zones other than the Large Scale Indoor Agricultural Zone.

## 15.3 SITE PLAN - CLASS 1

A Site Plan Class 1 shall be required for Single-Family and Two-Family Dwellings and Accessory Buildings. Site Plans Class 1 are also required for any proposed change in use, Addition or accessory Building to any other principal Building, or minor modifications to a previously approved site plan, provided that the use is subordinate and customarily incidental to the principal use and provided that:

1. For an accessory building on the same lot as a single-family or two-family dwelling:
  - A. a Site Plan Class 1 may be approved by the Zoning Enforcement Officer provided that the footprint of such accessory building does not exceed seventy-five percent (75%) of the footprint of the associated primary building or one thousand (1000) square feet, whichever is less.
  - B. the Commission may, after review of a Site Plan Class 1, authorize an accessory building having a footprint greater than seventy-five percent (75%) of the footprint of the associated primary building or one thousand (1000) square feet, when such building is situated on the property in such a way as to minimize visibility from the street and to minimize any adverse impacts on neighboring properties.

2. For any other accessory building, building addition or site improvement, such accessory building, building addition or site improvement does not exceed twenty-five percent (25%) of the Floor Area of the associated primary building or fifteen hundred (1500) square feet, whichever is less.
3. Such building or site improvement conforms to all requirements of the district in which it is located.
4. The Zoning Enforcement Officer may refer any Site Plan Class 1 application to the Commission for review and determination of the proper application process.
5. Copies of the Site Plan Class 1 shall be submitted to the Zoning Enforcement Officer at the required scale on sheet size prescribed by the Zoning Enforcement Officer and shall show the following:
  1. Boundaries, dimensions and area of the property.
  2. Locations of all existing and proposed Buildings and uses, including but not limited to Driveways, parking areas, and abutting Streets, and locations of light and telephone poles or other utility appurtenances.
  3. Dimensions of all Yards, as required by these Regulations
  4. Location and description of water supply and sewage disposal facilities.
  5. Square footage of proposed structure and number of stories.
  6. Wetland and/or Floodplain limits.

#### **20.4 DEFINITIONS**

**ACCESSORY APARTMENT:** A Dwelling Unit which is clearly secondary to the principal use as a Single-Family Dwelling, which meets the criteria in these Regulations and is intended to provide affordable housing for young individuals or older persons who no longer can, or wish to, maintain a traditional Dwelling. Access is provided through the primary Dwelling.

## **PROPOSED REGULATION AMENDMENTS:**

### **3.3 SPECIAL PERMIT USES IN THE RU DISTRICT**

The following are eligible for Special Permit in the RU District after consideration and approval from the Commission:

1. Commercial Kennel;
- ~~2.~~ Accessory Apartments;
- ~~3.~~ **2.** Bed and Breakfast;
- ~~4.~~ **3.** Golf course;
- ~~5.~~ **4.** Institutional and municipal land uses including public utilities;
- ~~6.~~ **5.** Day care/nursery schools in accordance with Section 8.8.9 of these Regulations and licensed by the State of Connecticut;
- ~~7.~~ **6.** Educational Institutions;
- ~~8.~~ **7.** Agricultural uses permitted by Special Permit pursuant to Section 8.9.

### **3.4 RURAL USE DISTRICT DESIGN STANDARDS**

#### **1. Minimum Lot Area**

The minimum lot area for the RU district shall be 80,000 square feet. Land to be developed for residential uses in the RU District may be developed under the following development options:

- A. Conservation Subdivision:** Development as a conservation subdivision is required where new Roads or Road extensions are proposed or for any subdivision proposed with more than four (4) lots.

Conservation subdivisions provide an opportunity for greater flexibility in the design of subdivisions with a view towards preserving and enhancing the natural beauty of the Landscape; protecting areas with unique or fragile natural resources; producing more attractive, safe and healthy living environments, conserving natural resources, and to encouraging Low Impact Development (LID) methods.

The minimum lot size for calculating Gross Residential Density (GRD) for a conservation subdivision shall be 80,000 square feet. Lot Frontage shall be three hundred (300) feet on Arterial and Collector Roads and two hundred fifty (250) feet on Local or dead-end roads. See Sections 3.8 and 3.9 for possible lot size reductions.

- B. Conventional Subdivision:** For developing residential lots fronting on existing Roads, the minimum lot size for calculating Gross Residential Density (GRD) shall be 120,000 Square Feet. Lot Frontage shall be three hundred fifty (350) feet on Arterial and Collector Roads and three hundred (300) feet on local or dead end roads. Minimum Lot width shall not be less than two hundred (200) feet at any point excepting Flag Lots per Section 8.11.7.

2. Maximum Building Coverage for residential use on any lot shall not exceed twelve percent (12%) of the Buildable Area, and twenty percent (20%) for nonresidential uses.
3. Maximum Building Height – The maximum Building Height for structures within the RU District shall be thirty-five (35) feet, except where otherwise expressly permitted. Agricultural uses are permitted to exceed thirty-five (35) feet in accordance with Section 8.9.5.E and certain architectural features are permitted to exceed thirty-five (35) feet in accordance with Section 8.11.10.
4. Building Setbacks
  - A. Front Yard Setbacks for **all** land uses ~~on existing Arterial and Collector Roads~~ in the RU District shall preserve **existing vegetation, stone walls and** rural vistas to the maximum extent practicable. ~~See Exhibit 2.~~
    1. ~~For proposed residential uses where the Road edges are cleared of trees, the Front Yard Setback shall be a minimum of two hundred (200) feet and shall include a minimum of one hundred fifty (150) feet of Meadow or active agricultural land measured from the edge of the right of way. Significant trees, ponds or other natural features may also be included in the Front Yard.~~ **Required front yard setbacks for proposed development on new lots shall be one hundred (100) feet on Arterial Roads (CT State Routes) and seventy-five (75) feet on all other roads.**
    2. ~~For proposed residential uses where the Road edges are forested, the Front Yard Setback shall be a minimum of one hundred (100) feet and a minimum forested buffer of fifty (50) feet shall be maintained. This Setback requirement may also be applied to Road edges that are cleared if the applicant demonstrates, through the use of a Landscape plan, prepared by a licensed landscape architect, that a fifty (50) foot forested buffer will be installed at the time of construction.~~ **Required front yard setbacks for proposed development on improved lots shall be one hundred (100) feet on Arterial Roads (CT State Routes) and seventy-five (75) feet on all other roads, except that:**
      - a. **Existing buildings not meeting the required front yard setback can be expanded both vertically and laterally along the existing front building line, provided that the existing front yard setback is not further reduced, and all other applicable requirements are met (see Sec. 13.3.2);**
      - b. **Where the existing principal building does not meet the required front yard setback, proposed detached accessory buildings/structures and swimming pools may be built up to the existing front building line, provided that the existing front yard setback is not further reduced, and all other applicable requirements are met.**
    3. ~~For proposed residential uses utilizing existing Local Roads or proposed new Roads or extensions, the Front Yard Setback shall be seventy-five (75) feet.~~

Exhibit 2—Front Yard Setbacks **DELETE**



3. ~~Side and Rear Yard Setbacks – For proposed conservation subdivisions, side and rear Yard Setbacks shall be a minimum of twenty five (25) feet. For Lots created within a conventional subdivision, the side and rear Yard Setbacks shall be no less than thirty five (35) feet.~~ **Side and rear yard setbacks shall be thirty-five (35) feet, except that:**
1. **Side and rear yard setbacks shall be twenty-five (25) feet for lots in Conservation Subdivisions.**
  2. **Existing buildings not meeting the required side/rear yard setback can be expanded both vertically and laterally along the existing side/rear building line, provided that the existing side/rear yard setback is not further reduced, and all other applicable requirements are met (see Sec. 13.3.2).**
  3. **One shed less than two hundred (200) square feet may be ten (10) feet in accordance with the requirements of Section 8.8.19.**
  4. **Swimming pools, associated decks and other appurtenances may be fifteen (15) feet in accordance with the requirements of Section 8.4.**
4. ~~Buildable Area – Individual Lots~~ **All new lots in the RU District** shall contain a minimum contiguous and accessible Buildable Area that can contain a square with sides equal to one hundred fifty (150) feet or an equivalent sized rectangle with the shortest side not less than one hundred twenty-five (125) feet.

#### **5.3.2 SPECIAL PERMIT USES IN THE TC DISTRICT**

The following uses are eligible for Special Permit in the TC District subject to consideration and approval of the Commission:

1. Multi-Family residential development on parcels with ten (10) acres or more of buildable area and subject to the requirements of Section 8.1, may include more than eight (8) dwelling units per building but in no event shall exceed thirty six (36).
2. Cannabis Food and Beverage Manufacturer.
3. **Pick-Up Window as defined in Section 20.4. This use is expressly prohibited within the Historic Preservation Overlay Zone (HPOZ).**

### 8.3 ACCESSORY APARTMENTS

Accessory Apartments shall be permitted in connection with all Single Family Dwellings in accordance with the standards contained herein

One accessory apartment may be permitted, subsequent to the issuance of a Zoning Permit by the Zoning Enforcement Officer, upon any property that contains a single-family residence, provided that all requirements of this Section are satisfied.

#### 1. Application Requirements

The Zoning Permit application and accompanying Site Plan shall be of sufficient detail, as determined by the Zoning Enforcement Officer, to determine compliance with the ~~design standards~~ requirements of this Section and, in addition, the applicant for an Accessory Apartment use shall submit:

~~A. Required application form, completed, signed, and dated by the property owner.~~

~~B. A copy of the current deed for the subject Parcel.~~

~~C.~~ A. A sworn notarized statement from the applicant(s) property owner that he/she/they will reside at the subject premises occupy either the principal single-family residence or the accessory apartment as a condition of maintaining the validity of the Accessory Apartment. This statement shall be placed on the Land Records against the name of the owner and shall only be released upon a written request to remove the Accessory Apartment or replacement with a similar statement executed by a subsequent owner. Failure to comply with the owner-occupancy requirements herein requirement shall be deemed a violation of these Regulations, and be grounds for enforcement, which may include revocation of the Zoning Permit.

~~D.~~ B. A set of floor plans and Building elevations, with dimensions or drawn to scale, depicting the existing interior and exterior of the structure and clearly depicting the proposed interior and exterior of the structure after the creation of the Accessory Apartment. If no exterior Building improvements are proposed, Building elevations are not required.

~~E.~~ C. A calculation of Floor Area for the principal single-family residence dwelling and the proposed Accessory Apartment, per the definition of Floor Area contained in Section 20.4 of these regulations.

~~F.~~ D. A Site Plan prepared by a licensed surveyor that indicates the location of any existing and proposed structures on the Parcel, the existing and/or proposed utilities to service the Dwelling principal single-family residence and Accessory Apartment, parking and Driveway areas, and any other information or reports that the Zoning Enforcement Officer may require to determine compliance with the intent and purpose of these Regulations.

E. The decision on any application for an Accessory Apartment shall be rendered not later than sixty-five (65) days after receipt of such application, except that an applicant may consent to one or more extensions of not more than an additional sixty-five days or may withdraw such application.

## 2. Design Standards Requirements

- A. The Accessory Apartment ~~must be created within or attached to a Single Family Dwelling and have a common wall with living space in the primary Dwelling and there shall be only one Accessory Apartment permitted for each Single Family Dwelling. Principal access must occur through the primary Building. Secondary access is acceptable through a common garage, rear entrance or breezeway from the primary residence. See Exhibit 10, below.~~ may be within or in addition to the principal single-family residence, or within a detached accessory building. If within a detached accessory building, the size-specific permitting requirements of Section 15.3.1 of these regulations shall be followed.
- B. The owner of the Dwelling Unit single-family residence with which the Accessory Apartment is associated must occupy at least one of the Dwelling Units. either the single-family residence or the Accessory Apartment.

### ~~Exhibit 10 – Accessory Apartment – Entrance and Relationship to Primary Unit~~ DELETE

- C. All new construction shall meet the Building/Lot Coverage, minimum Setback requirements, and Building Height requirements applicable to the ~~principal structures for the zoning district in which the Accessory Apartment is to be located.~~
- ~~D.~~ The Accessory Apartment shall be serviced by the same water and wastewater system serving the principal residence provided such service complies with all current requirements of the Public Health Code. The Accessory Apartment may share utilities (electric and heat) with the principal residence.
- ~~E.~~ D. The Accessory Apartment shall clearly be the secondary and subordinate use to the principal single-family residence and is shall be limited to one (1) bedroom. The maximum Floor Area of the Accessory Apartment shall ~~not exceed 600 square feet or thirty-three percent (33%) of the combined Floor Areas of the principal Single Family Dwelling and the Accessory Apartment, whichever is less.~~ not exceed thirty percent (30%) of the Floor Area of the principal single-family residence or one thousand (1,000) square feet, whichever is less, except that a maximum Floor Area of five hundred (500) square feet shall be allowed regardless of the floor area of the principal single-family residence. The definition of Floor Area in Section 20.4 of these Regulations shall be used for the purposes of calculating the size of the Accessory Apartment.
- ~~F.~~ E. One designated off-street parking space shall be provided for the Accessory Apartment in addition to those required. Off-street parking shall be provided for all Accessory Apartments and for the principal single-family residence. Dwelling Unit. Parking and access from the public right-of-way shall serve both the principal and accessory unit, and shall not be distinguishable as separate facilities.
- ~~G.~~ F. The Accessory Apartment shall have its own independent sleeping, cooking and sanitary facilities and shall comply with all other applicable building, housing and public health codes.
- ~~H.~~ The entire Building to be converted shall comply with all current applicable, state, local, health, building and housing codes after conversion and shall maintain the exterior appearance and

architectural style (roof line, roof pitch, building materials, colors, window style, and spacing, etc.) of the principal residence. Accessory Apartments created through conversion or Addition shall have a common wall with the living quarters of the principal residence and main access through the principal residence. This may be accomplished via the incorporation of one entrance to both the principal residence and Accessory Apartment to reflect the single family architectural style.

- ↳ **G.** Accessory Apartments shall not be considered as “units” for the purpose of calculating the maximum residential density.

**H. Pursuant to CT General Statutes Section 8-2o(d), the Colchester Sewer and Water Department shall not: (1) consider an accessory apartment to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless such accessory apartment was constructed at the same time as a new single-family dwelling on the same lot; or (2) require the installation of a new or separate utility connection directly to an accessory apartment or impose a related connection fee or capacity charge.**

## **8.9 AGRICULTURAL USES**

2. Agriculture is defined as that included in CGS Section 1-1 (q), as follows: *Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term “aquaculture” means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.*

~~Notwithstanding anything herein contained to the contrary, the~~ **The** cultivation of marijuana/**cannabis**, including medical marijuana/**cannabis**, is **expressly** prohibited in the Town of Colchester ~~in all zones other than the Large Scale Indoor Agricultural Zone.~~, with the following exceptions: **Cannabis Cultivator and Cannabis Micro-Cultivator may be permitted by Special**

Permit in the Future Development (FD) District (Sec. 6.3.I); Cannabis Cultivator and Cannabis Micro-Cultivator may be permitted by Special Permit in the Arterial Commercial (AC) District (Sec. 7.3.13); Cultivation of crops including marijuana in a controlled environment and inside a large-scale agricultural building designed to facilitate horticultural productivity may be permitted in the Large-Scale Indoor Agricultural and Technology (LSIAT) zone (Sec. 8.9.A.1.3.b); and medical marijuana patients over the age of eighteen (18) and adults over the age of twenty-one (21) may be able to grow a limited number of marijuana/cannabis plants inside their primary residence and for personal use only, in accordance with applicable requirements of the CT General Statutes.

### **15.3 SITE PLAN - CLASS 1**

A Site Plan Class 1 shall be required for Single-Family and Two-Family Dwellings and Accessory Buildings. Site Plans Class 1 are also required for any proposed change in use, Addition or accessory Building to any other principal Building, or minor modifications to a previously approved site plan, provided that the use is subordinate and customarily incidental to the principal use and provided that:

1. For an accessory building on the same lot as a single-family or two-family dwelling:
  - A. a Site Plan Class 1 may be approved by the Zoning Enforcement Officer provided that the footprint of such accessory building does not exceed ~~seventy-five percent (75%) of the footprint of the associated primary building or one thousand (1000) square feet, whichever is less.~~ one thousand two hundred and fifty (1250) square feet, and all other applicable requirements are met.
  - B. the Commission may, after review of a Site Plan Class 1, authorize an accessory building having a footprint greater than ~~seventy-five percent (75%) of the footprint of the associated primary building or one thousand (1000) square feet~~ one thousand two hundred and fifty (1250) square feet provided that: (1) all other applicable requirements are met; (2) such building is situated on the property in such a way as to minimize visibility from the street; and (3) such building is situated on the property in such a way as to minimize any adverse impacts on neighboring properties.
2. For any other accessory building, building addition or site improvement, such accessory building, building addition or site improvement does not exceed twenty-five percent (25%) of the Floor Area of the associated primary building or fifteen hundred (1500) square feet, whichever is less.
3. Such building or site improvement conforms to all requirements of the district in which it is located.
4. The Zoning Enforcement Officer may refer any Site Plan Class 1 application to the Commission for review and determination of the proper application process.
5. Copies of the Site Plan Class 1 shall be submitted to the Zoning Enforcement Officer at the required scale on sheet size prescribed by the Zoning Enforcement Officer and shall show the following:
  1. Boundaries, dimensions and area of the property.
  2. Locations of all existing and proposed Buildings and uses, including but not limited to Driveways, parking areas, and abutting Streets, and locations of light and telephone poles or other utility appurtenances.
  3. Dimensions of all Yards, as required by these Regulations
  4. Location and description of water supply and sewage disposal facilities.

5. Square footage of proposed structure and number of stories.
6. Wetland and/or Floodplain limits.

## 20.4 DEFINITIONS

**DRIVE-THROUGH (DRIVE-THRU) WINDOW** - A convenience amenity to commercial development designed to allow customers to remain in their motor vehicle while performing a multi-step transaction that includes two or more of the following: (1) ordering goods or services; (2) paying for goods or services; (3) receiving service or receiving goods that are intended to be consumed off-premises; or (4) exchanging documentation or information between customer and employee. This definition shall apply to fast-food restaurant uses, service uses such as, but not limited to banks, retail uses such as, but not limited to, pharmacies, and car washes. This use is expressly prohibited within the Town Center (TC) district.

**PICK-UP WINDOW** - A convenience amenity to commercial development designed to allow customers to remain in their motor vehicle while performing the single-step transaction of receiving goods that have been pre-ordered and pre-paid, which goods are intended to be consumed off-premises. This use is expressly prohibited within the Historic Preservation Overlay Zone (HPOZ).

**ACCESSORY APARTMENT:** A separate dwelling unit which is clearly secondary and subordinate to the principal use as a ~~Single-Family Dwelling~~ single-family dwelling located on the same lot, which meets the all specified criteria in established by Section 8.3 of these Regulations. ~~and is intended to provide affordable housing for young individuals or older persons who no longer can, or wish to, maintain a traditional Dwelling. Access is provided through the primary Dwelling.~~