

Summary of Bethany Zoning Regulation Revisions

Preamble: This section has been expanded and clarified based on Commission input to better coordinate with the Bethany Plan of Conservation and Development and the desired goal of maintaining Bethany as a rural community.

Section 1. Rules. No major changes in this section. Clarifications and rules for regulation interpretation simply set out in an organized fashion. The specific note that the strictest standards control is standard zoning language. The note that conformity with the regulations is required is also standard zoning language.

Section 2. Definitions. This section is expanded considerably over the current regulations. The purpose of these definitions is to allow the Commission to clarify definitions which previously were not defined or were not clear. This expanded section should assist the Commission and the public in understanding the meaning of the regulations where such meanings might have been unclear. These definitions are used by many other communities in Connecticut and are not at all unusual or uncommon in zoning texts. This section now includes many zoning graphics which will help clarify questions that often come up.

Section 3. Nonconformities. This section simply says that nonconforming uses and nonconforming structures may continue to exist, but should not be expanded. It also simply reinforces the fact that nonconformities which were intended to be discontinued are to be discontinued.

Section 4. Establishment of Zones and Dimensional Requirements. This section which is also found in the current regulations has been expanded. In addition to the current zones, which remain as is, zones for creation of a Village Center and for an Attainable Housing Zone and a Municipal Services Zone are proposed to be added. Each of the zones has bulk and setback standards set out in the chart in this section. The details of each of the sections and permitted uses in them are found in subsequent sections.

Section 5. Residential Zones. This section is largely unchanged. It does allow for the approval of home occupations which would not be bothersome to other residential uses in the area. The regulation also acknowledges the fact that horses and horse farms and associated farm activities are often found in Bethany and are part of its rural character.

Section 6. Business and industrial Districts. This section remains largely the same. Some clarifications were added to make sure that applicants are able to submit clear and complete applications and Commissioners are able to process these applications in a prompt and fair manner.

Section 7. Special Districts and Regulations. This section groups all the special districts in one area of the regulations. It includes the Elderly Housing District, Housing Opportunity District, Floodplain and Aquifer Protection Districts. These are essentially the same as current regulations. In addition this section also includes the Attainable Housing Overlay Zone and the Municipal and Community Facilities Zone which are two new zones.

The new AHOZ zone is aimed at providing areas where attainable housing might be located to permit a more diverse housing stock. This regulation is designed to provide a less intensive housing option than is required by the State housing permitted by CGS 8-30g. This regulation also gives the Commission a lot more control over such a housing option than is permitted under the State regulation.

The Municipal, Community and Public Facilities zone is intended to allow better management of these facilities on a Town wide basis. It allows for the proper use and control of these facilities to benefit the entire Town for maintenance and improvement programs.

Section 8. Earth Removal. This section is very similar to the existing regulations. It simply clarifies the security issues that are important to cleaning up and closing such operations when they are completed.

Section 9. Town Wide Standards. This section is new and attempts to gather all the existing standards in one location more than is currently the case. It includes a wide variety of standards including landscaping, bonding, signage, parking, and erosion and sedimentation control and lighting standards. While there may also be specific standards for certain applications or uses in other sections, the intent here was to gather many of the standards in one central location to smooth the application process.

Section 10. Administration and Enforcement. This section is simply a carryover and clarification from the current regulations.

Section 11. Zoning Board of Appeals. This section is simply an iteration of the CT General Statutes as they apply to the operation of the ZBA.

Section 12. Regulation Amendments. This section simply clarifies how amendments to the zoning text and zoning map are to be made. Of course all amendments can only be made after a public hearing is properly noticed and held.

Section 13. Alcoholic Liquors. This section sets out the requirements for liquor permits which are required by the CT Liquor Control Commission to be reviewed and acted upon by the Commission. This section also sets out the requirements for such temporary permits for special occasions or public community functions. This might include fairs or short term public events.

Section 14. Wireless Communications Under Town Authority. This section specifically only relates to those communication which are under Town authority. Commercial cell towers, for example are not under Town authority, but instead are under the authority of the CT Siting Council. While the Town may comment on such installations, the final authority is held by the Siting Council.

Section 15, 16 and 17. Saving Clause, Repealer and Effective Date. These sections are simply legally required sections of the regulations which are the same as currently exist.

Note: The Appendices are to remain essentially the same as currently presented. Article 12 is a new addition which simply sets out the Special Permit application process. This should help avoid any confusion about how the Special Permit Process works and is administered.

Note: The draft regulations also contain a significant number of graphics which should also help in understanding and administering the Zoning Regulations going forward.