

Innovative Zoning Techniques Overlay Districts

The Green Valley Institute exists to help the Quinebaug-Shetucket National Heritage Corridor communities and citizens sustain their environment and quality of life while growing their economics.

We are a non-regulatory organization dedicated to:

- Improving the knowledge base from which land use and natural resource decisions are made,
- Building local capacity to protect and manage natural resources as our region grows.

The GVI was created through a formal partnership of the Quinebaug-Shetucket National Heritage Corridor and the University of Connecticut's College of Agriculture and Natural Resources, University of Massachusetts' Cooperative Extension System and other partners.



QUINEBAUG-SHETUCKET
HERITAGE CORRIDOR, INC.
Preserving the Last Green Valley



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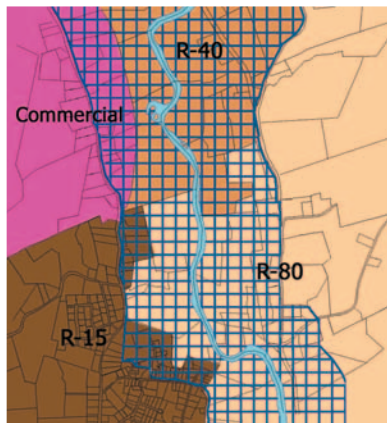


Innovative Zoning Techniques were identified as one of the top three areas of interest in the Green Valley Institute's most recent needs assessment survey. Communities in the Quinebaug Shetucket Heritage Corridor are interested in finding new ways to address community growth. Innovative zoning techniques can provide new solutions for focusing growth, protecting natural resources and retaining rural character.

Overlay Districts are a zoning technique that has been used in some communities for many years but it is still new to others. This type of zoning can offer additional protection for natural features such as floodplains and habitat corridors or can be used to promote certain types of development such as mixed use. Overlay Districts can be particularly useful for regulating large areas or corridors that include multiple single use districts.

Overlay Districts are placed over a base district or multiple base districts. The base district regulations still apply with additional development or use restrictions imposed by the overlay district. Restrictions concerning building and site development can be imposed within an overlay district and uses which conflict with the goals of the overlay district can be eliminated. The intent and purpose of the overlay district must be clearly laid out in your zoning regulations.

An example of how an overlay district works can be easily illustrated with a River Corridor Overlay District. A community is interested in implementing specific building restrictions in the vicinity of a river to protect water quality and riparian habitat. The river runs through a large part of the community and therefore, through multiple zoning districts. One overlay district could be used to impose additional restrictions onto each of the base zoning districts along the river. In this example, the River corridor Overlay District is shown as a blue grid; the underlying zones (Commercial, R-15, R-40 and R-80) would have additional restrictions within the Overlay District.



River Corridor District (blue grid)

Natural Resource Protection - In the QSHC, the Town of Killingly has a Five Mile River Protection Overlay District that limits uses and certain activities such as clear cutting.¹ Other river corridor overlay districts in CT include three towns along the Farmington River - Canton, Barkhamsted and New Hartford. In a



100' buffer along the river, the Town of Canton limits new permitted uses and strictly regulate uses allowed in underlying districts by permitting them as special exceptions. Special exception approval requires site plan review demonstrating minimal disturbance and prohibiting clear cutting.²

Overlay districts can also be used to regulate areas that might pose a natural hazard such as floodplains.³ Regulations within such a district would be designed to protect development from flooding.

In New York State, overlay districts have been used to place additional requirements on development in the vicinity of vernal pools and other areas of significant biodiversity.⁴

In 2006, the Town of Brunswick, Maine adopted Rural Brunswick Smart Growth Overlay Districts which identify Wildlife Habitat Block Districts and Wildlife Corridor Districts. The purpose of these districts is to minimize fragmentation of large habitat blocks (150+) and con-



necting corridors by encouraging open space subdivisions with a density bonus or requiring mitigation. Mitigation requirements involve permanently protecting other land in the same block or corridor as the disturbance. The amount of mitigation required is directly related to the amount of habitat block or corridor that is disturbed.⁵

In CT in 2003, the Town of Columbia developed a Columbia Lake Watershed Protection Overlay Zone on a residential agricultural district because the lake is highly susceptible to increased enrichment from



stormwater runoff. Within this zone, all new development must comply with strict regulations designed to protect the water quality of Columbia Lake by preventing nutrient enrichment and contamination. There are three overlay zones serving the immediate, intermediate and remote watershed areas. The overlay zones require best management practices (BMPs) to reduce the amount of phosphorus exported from a site. The amount of phosphorus generated can be reduced by increasing stormwater infiltration and by the detention of stormwater before it reaches the lake. Example BMPs include permeable pavements, bio-retention structures and vegetated swales. To obtain a building permit within the overlay zone, a landowner must show that the total amount of phosphorus exported from a project site is less than the allocation defined in the Columbia Lake Watershed Management Plan or they are required to implement BMPs⁶



Vegetated Swale



Permeable Pavement

Mixed Use Development – Overlay Districts have also been

used to promote mixed use development and village design. The Borough of Stonington has a Design Overlay Zone that applies to three residential districts. This district is designed to protect the unique architecture and historic character of the Borough.⁷



Captain Palmer House. Courtesy Stonington Historical Society

In the QSHC in 2003, the Town of Chaplin implemented a Corridor Overlay District, designed to “...promote the establishment of village nodes, discourage the establishment of strip development and promote community character.” This corridor is located along Route 6, the major highway through Chaplin. Mixed use buildings, second floor apartments and accessory uses are allowed in addition to uses allowed in the underlying district. Design review is required for special permit uses within the district. Design review addresses building and site design, including traffic circulation, signage, lighting and stormwater runoff.⁸

Overlay Districts are another tool communities in the QSHC can use to protect natural features and promote sensible growth. When communities seek ways to address their goals for future development, they should consider all tools available to them.

Footnotes

- ¹ Town of Killingly Zoning Regulations, 2006
- ² The Farmington Wild and Scenic River, Overlay Protection Districts <http://www.farmingtonriver.org/overlay.htm>
- ³ Daniels, T.L., Keller, J.W. & Lapping, M.B. (1995). *The Small Town Planning Handbook*, Second Edition. Planners Press, American Planning Association.
- ⁴ Metropolitan Conservation Alliance. (2002). *Conservation Overlay Districts: A Model Local Law*. Technical Paper Series, No. 3. Bronx, N.Y.
- ⁵ Town of Brunswick Zoning Ordinance, updated 2006.
- ⁶ Town of Columbia Zoning Regulations, 2003.
- ⁷ Borough of Stonington Zoning Regulations, 2000.
- ⁸ Town of Chaplin Zoning Regulations, 2003.

Additional Information:

Green Valley Institute: www.theLastGreenValley.org/GVI
<http://www.borough.stonington.ct.us/zoningregs2.htm>
<http://www.farmingtonriver.org/overlay.htm>
<http://www.brunswickme.org/planning/ruralsmartgrowth/ruralsmartgrowth.htm>
<http://www.wcs.org/mca>



A publication of the Green Valley Institute.
 Please contact us at 860-774-9600 to schedule a workshop on this topic.