

TOWN OF CORNWALL

PROPOSED PA 25-1 COMPLIANCE AMENDMENTS

Commission Petitioned Text Amendment – Working Draft – September 2026

Statement of Purpose

This package conforms the Cornwall Zoning Regulations to Special Session Public Act 25-1, An Act Concerning Housing Growth, whose requirements took effect July 1, 2026, through a series of six amendments.

- 1. Amendment 1 – Article 3.3: New Definitions** – *Six new definitions are proposed.*
- 2. Amendment 2 – Article 4: The Summary Review Pathway** – *Includes new subsection 4.8.*
- 3. Amendment 3 – Article 7: The Summary Review Procedure** – *Includes new subsection 7.4.*
- 4. Amendment 4 – Article 10.14: Standards for Summary Review Applications** – *New subsection, including adaptive reuse of existing buildings.*
- 5. Amendment 5 – Article 5.8: Statutory Limitations** – *New subsection, temporary savings clauses.*
- 6. Amendment 6 – Article 13.4: Protest Petitions** – *New subsection; existing Separability renumbered 13.5.*

Zones affected by PA 25-1

CGS Section 8-2s reaches any lot zoned for commercial or mixed-use development. In Cornwall those are the GB General Business and West Cornwall General Business Zones, and lots within the Cornwall Plains (CP) Overlay Zone, where Section 9.4.c permits professional business and financial offices, artisans' studios and workshops, major home businesses, and bed and breakfast establishments.

The Cornwall Plains Zone is an overlay: its requirements apply in addition to those of the underlying R-1 Zone. The fact that the base district is residential does not remove the mandate, because Section 8-2s asks whether the lot is zoned for commercial development and the overlay provides for commercial development. The mandate does not reach R-1, R-3 or R-5 lots outside the overlay.

Recommended for future consideration

Design standards — Since summary review requires non-discretionary objective decisions by the ZEO, design standards should be considered for future consideration by the Commission for the WCGB, GB, and CP overlay zones. These standards should include basic architectural standards such as glazing, roof form, and materials.

Conservation and Traffic Mitigation District – An overlay the Commission could use to restore parking minimums in designated areas of Cornwall. Cornwall can have up to two (2) of these CTMDs, each no larger than 4% of the town's land area, for a combined maximum of 8%. Applicants retain the right to submit a parking needs assessment even with the establishment of CTMDs. The establishment of these overlay districts should be considered by the Commission in the future.

Consistency and timing

As Cornwall did not adopt conforming amendments by July 1, 2026; until Section 10.14 is adopted the State mandate operates without local standards. The amendments are consistent with the 2020 Plan of Conservation and Development, including its designation of the three village centers for commercial and residential use. A statement of consistency under CGS Section 8-3(b) should be made on the record at adoption of these amendments.

Drafting Conventions

Highlighted text in yellow denotes changes made after the 9/8/26 regular meeting of the PZC.

Amendment 1 — Article 3.3: New Definitions

BACKGROUND: Six new definitions are proposed, five are required for compliance with PA 25-1. “Principal Building” is a local addition as the term is already used in the regulations but is not defined.

AMENDMENT:

Cottage Cluster. A grouping of at least four (4) detached housing units, or live work units, per acre that are located around a common open area.

Mixed-Use Middle Housing Development. A mixed-use development containing not less than two (2) dwelling units but not more than nine (9) such units.

Parking Needs Assessment. A study of the parking needs of a proposed residential development, paid for by the proposed developer, including an analysis of (1) available existing public and private parking that may be used by residents of the proposed development, (2) public transportation options that may be used by residents of the proposed development that mitigate the need for off-street parking, (3) projected future needs for off-street parking for such proposed development, and (4) any relevant local traffic, parking or safety study.

Principal Building. A building in which the principal use of the lot is conducted. Where a lot contains more than one principal use, each building in which such a use is conducted is a principal building.

Summary Review. An administrative review and approval procedure conducted by the Zoning Enforcement Officer as provided in CGS Sections 8-2s, as amended, and Section 7.4 of these Regulations, in which an application shall be approved, without a public hearing and without discretionary review, upon a determination that the application (a) complies with the applicable specific, objective and non-discretionary standards of these Regulations and (b) will not substantially impact public health or safety.

Transit Community Middle Housing Development. A residential building containing not less than two (2) dwelling units but not more than nine (9) such units, including, but not limited to, townhouses, duplexes, triplexes, perfect sixes and cottage clusters. For purposes of these Regulations, and notwithstanding the reference to a single residential building, a cottage cluster of not more than nine (9) dwelling units developed on a single lot as a unified development shall constitute one transit community middle housing development.

Amendment 2 — Article 4: The Summary Review Pathway

BACKGROUND: This amendment creates the summary review pathway and makes clear that it governs where there is a conflicting overlap in the regulations. Amendments 3 and 4 supply the procedure and the standards.

AMENDMENT:

Part 1: Article 4, introductory paragraph.

This Article lists the allowable uses in each zoning district and distinguishes which uses are allowed by right (no zoning permit), with a zoning permit, or by Summary Review (Article 7), by Site Plan approval (Article 8), or by Special Permit (Article 8). All changes of use require Special Permit approval, except as provided in Section 4.8.

Part 2: New Section 4.8.

4.8 Uses Subject to Summary Review

a. Notwithstanding any other provision of these Regulations, including Sections 4.7.c.4, 9.1, 9.4, 10.3 and 10.13, the following uses shall be permitted on any lot in the General Business (GB) Zone, **West Cornwall General Business (WCGB) Zone**, and on any lot within the boundaries of the Cornwall Plains (CP) Overlay Zone, subject only to summary review under Section 7.4. No Site Plan approval, Special Permit approval or public hearing shall be required.

1. A transit community middle housing development, subject to Section 10.14;

2. A mixed-use middle housing development, subject to Section 10.14.

b. Where a use permitted by this Section is also listed elsewhere in these Regulations as a Site Plan or Special Permit use, this Section governs, and no Site Plan or Special Permit application shall be required.

c. More than one building meeting the definition of a transit community middle housing development or a mixed-use middle housing development – or multiple detached housing units constituting a single unified cottage cluster – may be located on a single lot, provided the cumulative total of all dwelling units across the entire lot does not exceed nine (9) units. All structures remain subject to the dimensional standards of Section 10.14.c.

d. Any proposed residential or mixed-use project on a single lot that results in a cumulative total of ten (10) or more dwelling units is not eligible for summary review, and remains fully governed by the otherwise applicable Special Permit or Site Plan provisions of these regulations.

e. In a mixed-use middle housing development the non-residential use or uses shall be limited to uses otherwise permitted on the subject lot. Nothing in this Section creates a use right for any non-residential use not otherwise permitted.

f. Section 4.1.b shall not be construed to prohibit a use permitted by this Section.

Part 3: Section 9.4.a, new paragraph following the existing intent and purpose text.

Within the boundaries of the Cornwall Plains Overlay Zone the requirements of the overlay zone apply in addition to the requirements of the underlying zone, and in the event of a conflict the more restrictive requirements apply, except as provided in Section 10.14.b. Notwithstanding the limitation on new principal buildings in subsection d.2 of this Section, a transit community middle housing development and a mixed-use middle housing development are permitted on any lot within this Zone subject only to summary review.

Part 4: Permitted Use Table — two new rows and a new KEY entry.

Transit community middle housing development (See Section 10.14) — R-1: {x}; R-3: {x}; R-5: {x}; GB: SR, **WCGB: SR ***

Mixed-use middle housing development (See Section 10.14) — R-1: {x}; R-3: {x}; R-5: {x}; GB: SR, **WCGB: SR ***

KEY: SR = Summary Review, see Section 7.4

* Also subject to summary review on any lot within the Cornwall Plains (CP) Overlay Zone, notwithstanding the underlying R-1 designation.

Amendment 3 — Article 7: The Summary Review Procedure

BACKGROUND: Summary review is an administrative decision processed by the Zoning Enforcement Officer via zoning permit. The current text of Section 7.2.e conflicts with PA 25-1 and needs to be amended, as it currently directs all applications besides single-family dwellings and permitted accessory structures to the Commission. Summary review submission requirements reflect the existing Site Plan provisions in Section 8.3

AMENDMENT:

Part 1: Section 7.2.e. Addition underlined.

e. For uses other than single-family dwellings or permitted accessory structures, and except for uses subject to summary review under Section 7.4, the Commission shall review the application, and it shall be accompanied by a site plan and/or a plot plan, and other requirements, as provided for in these regulations.

Part 2: New Section 7.4

7.4 Summary Review

- a. Applicability. This Section governs any use designated as subject to summary review in these Regulations.
- b. Application. An application shall be submitted to the Zoning Enforcement Officer on the zoning permit application form with the applicable fee, and shall include the information required by Sections 8.3.a through 8.3.e, floor plans identifying the number of dwelling units and the number of bedrooms in each, and evidence of the approvals or pending applications required by Section 10.14.e.
- c. Completeness. Within ten (10) **business** days of receipt the Zoning Enforcement Officer shall determine whether the application is complete and, if not, provide the applicant a written list of the missing items.
- d. Referral. The Zoning Enforcement Officer may refer the application to the Torrington Area Health District, the Fire Marshal, the Cornwall Inland Wetlands and Watercourses Agency, the Housatonic River Commission or any other agency to verify compliance with applicable technical and objective standards. No referral shall convert the review into a discretionary one or extend the decision period.
- e. Decision. The Zoning Enforcement Officer shall approve the application, without a public hearing, upon determining that it (1) complies with the applicable specific, objective and non-discretionary standards of these Regulations and (2) **has received the health and fire safety certifications required by Section 10.14.e and will not substantially impact public health or safety**. The decision shall be rendered in writing not later than sixty-five (65) days after the official date of receipt. The applicant may consent to extensions not exceeding an additional sixty-five (65) days in total.
- f. Conditions. Conditions shall be limited to those necessary to secure compliance with the applicable non-discretionary standards, or to mitigate a specific, identified adverse impact on public health or safety, and shall not substantially impair the viability of the development.
- g. Denial. Any denial shall be in writing and shall cite the specific standard with which the application does not comply, or the specific substantial public health or safety impact and why it cannot be mitigated through conditions.
- h. Notice of Decision. The Zoning Enforcement Officer shall publish notice of the decision in a newspaper having a substantial circulation in the Town within fifteen (15) days after the decision is rendered.
- i. Effect. Approval authorizes issuance of a Zoning Permit and is subject to the same timelines prescribed for Zoning Permits under Section 7.2.f.
- j. Appeal. Any person aggrieved may appeal to the Zoning Board of Appeals under CGS Sections 8-6 and 8-7 and Section 13.2 of these Regulations.
- k. Wetlands. Where the application involves an activity regulated under CGS Sections 22a-36 to 22a-45 and the Cornwall Inland Wetlands and Watercourses Agency (IWWA) have not rendered their decision, the

applicant may consent to an extension pending that decision. Absent such consent the Zoning Enforcement Officer shall decide within the time prescribed by subsection 7.4.e, and any denial on the ground that the agency has not acted shall be without prejudice to allow for refiling after a decision is rendered by the IWWA.

I. Report to the Commission. The Zoning Enforcement Officer shall report each application received and each decision rendered under this Section to the Commission at its next regular meeting, in accordance with Section 7.1.b of this Article.

Amendment 4 — New Section 10.14: Standards for Summary Review Applications

BACKGROUND: As the summary review process requires non-discretionary administration of the regulations by the Zoning Enforcement Officer, these standards are necessary to review and act on these applications. The zoning regulations' existing objective standards were utilized through cross-reference throughout this section.

AMENDMENT:

10.14 Transit Community and Mixed-Use Middle Housing (Summary Review)

a. Purpose and Authority

This Section implements CGS Section 8-2s, as amended, and establishes the specific, objective and non-discretionary standards under which the Zoning Enforcement Officer shall administer developments permitted under Section 4.8. To the extent any provision of these Regulations is inconsistent with said Act, the Act shall control.

b. Applicability

1. This Section applies to any development permitted under Section 4.8. Each shall contain not less than two (2) or more than nine (9) dwelling units.
2. Where any other provision of these Regulations conflicts with this Section as applied to such a development, this Section controls. Section 5.7 (Conflicting Rules) shall not be applied to subject such a development to a more restrictive provision than is set forth here.
3. Section 9.4.d and the Special Permit approval criteria of Section 8.10 do not apply to a development permitted under Section 4.8.

c. Dimensional Standards

A qualifying development shall comply with the minimum lot size, minimum buildable area, minimum lot width, setback, maximum height and maximum lot coverage standards of Article 6 for the subject District. For a lot within the CP Overlay Zone the lot coverage standards of Section 9.4.d.8 apply in place of the Article 6 coverage standard, except that the fifty percent (50%) allowance shall be available upon a showing that the coverage in excess of thirty percent (30%) is surfaced with an all-weather material other than concrete or blacktop and that the screening required by subsection **d.3 of this Section** has been provided.

d. Site Standards

1. **More than one principal building may be located on a single lot. The cumulative number of dwelling units permitted on the lot is governed by Section 4.8.c, and all structures shall comply with subsection c of this Section.**
2. **Off-street parking may be located to the front, side or rear of the principal building. Parking shall comply with Sections 11.2.a and 11.2.b.**
3. Ground-mounted mechanical equipment, generators and refuse containers shall be screened from any street and any abutting lot by an opaque fence, wall or evergreen planting at least as tall as the item screened. Where a new parking area is proposed, a landscape buffer not less than five (5) feet wide, planted with evergreen material attaining a height of not less than four (4) feet at maturity, shall be provided between the parking area and **any abutting residential lot.**
4. All exterior lighting fixtures shall be shielded and the light contained on the premises, and a lighting plan shall be submitted. Section 5.5.a shall apply.
5. Signs shall comply with Section 11.1; access and driveways with Sections 12.1 and 12.7; erosion and sedimentation control with Section 12.4; stormwater management with Section 12.6.

e. Health and Safety Standards

1. The application shall include certification by the sanitarian concerning satisfactory conditions for water supply and sewage disposal, consistent with the State Health Code and the requirements of the Torrington Area Health District. Where a shared septic system is proposed, the applicant shall provide a management plan for it.
2. Buildings shall have unobstructed emergency vehicle access under the applicable fire code, as verified by the Fire Marshal.
3. A development within the Housatonic River (HR), Aquifer Protection (AP) or Flood Hazard (FH) Overlay Zone shall comply with the objective standards of Sections 9.1, 9.2 and 9.3 respectively, including the buffer strip, impervious coverage and setback requirements of Section 9.1.
4. The Special Permit requirement of Section 9.1.i, the approval criteria of Section 9.1.j, and any provision of Section 9.1 conditioning approval on a determination or requirement of the Commission, shall not apply to a development permitted under Section 4.8. Review by the Housatonic River Commission under Section 9.1.a is advisory only, shall be returned within the review period, and shall impose no standard beyond the objective standards of these Regulations.
5. Where the development involves an activity regulated under CGS Sections 22a-36 to 22a-45, the applicant shall apply to the Cornwall Inland Wetlands and Watercourses Agency not later than the day the summary review application is filed. No application shall be approved until that agency has rendered its decision.

f. Adaptive Reuse of Existing Buildings

1. Eligibility and purpose. To promote the productive reuse and structural preservation of existing buildings, a building physically constructed and legally occupied before July 1, 2026 on a lot where such use is permitted under Section 4.8 may be converted to a transit community middle housing development or a mixed-use middle housing development under this subsection, subject to summary review under Section 7.4.
2. Dimensional modifications. For a conversion qualifying under this subsection, the existing building footprint, yards, setbacks, lot coverage and height shall be deemed to comply with subsection c of this Section and with Article 6, including any arrangement of more than one building existing on the lot. Alterations shall be confined to the existing building envelope and shall not increase any existing dimensional nonconformity.
3. Site standards. A conversion qualifying under this subsection shall comply with subsections d.1 through d.5 and subsection e of this Section.
4. Off-street parking. Section 5.8.f governs the residential component of the conversion. The non-residential component of a mixed-use middle housing development shall satisfy Section 11.2 and the Minimum Parking Requirements Table, except that the applicant may submit a parking needs assessment, as defined in Section 3.3, for the non-residential component. Where such an assessment demonstrates that fewer spaces are needed, the number of spaces required shall be the number the assessment supports.

g. Procedure

Applications shall be submitted, reviewed and decided in accordance with Section 7.4.

Amendment 5 — New Section 5.8: Statutory Limitations

BACKGROUND: The requirements of CGS Section 8-2(d) conflict with several of sections of the Cornwall Zoning Regulations including Sections 8.10, 9.4, 10.7, 10.9, 10.12, 11.2 and the Minimum Parking Requirements Table. This new section is intended to achieve compliance with CGS Section 8-2(d) and Section 19 of PA 25-1. A future amendment package can directly address each one of the conflicts within the larger text of the zoning regulations.

AMENDMENT:

5.8 Statutory Limitations

- a. District character. Wherever these Regulations require that a use, building or development be "in harmony with," "compatible with," "consistent with the character of," or of an appearance, size, scale or type suited to a district or neighborhood — including without limitation Sections 8.4, 8.10, 9.4, 10.9 and 11.1 — such provisions express design objectives only. No application shall be denied on the basis of a district's character unless that character is expressed in these Regulations through clear and explicit physical standards for site work and structures, and any such denial shall rest on an identified failure to meet such a physical standard.
- b. Applicant and end user. No application shall be denied on the basis of the immutable characteristics, source of income or income level of any applicant or end user, other than age or disability whenever age-restricted or disability-restricted housing may be permitted.
- c. Caps on dwelling units. No provision of these Regulations, including the limitation on dwelling units per building in Section 10.12.a.3 and any maximum density or minimum lot area per dwelling unit standard, shall be applied to place a fixed numerical or percentage cap on the total number of dwelling units that constitute multifamily housing of more than four units, middle housing or mixed-use development that may be permitted in the Town. Such standards shall be administered as lot-specific dimensional requirements only.
- d. Minimum dwelling-unit floor area. No minimum floor area greater than the minimum set forth in the applicable building, housing or other code shall be required for any dwelling unit.
- e. Manufactured homes. A manufactured home, including a mobile manufactured home, built in accordance with the federal Manufactured Home Construction and Safety Standards, and any lot or park containing such a home, shall not be subject to conditions or requirements substantially different from those applicable to single-family dwellings, lots containing single-family dwellings, multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments. The permanent foundation requirement of Section 10.7.a shall not be applied to such a home except to the extent an equivalent requirement applies to all dwellings in the same District.
- f. Residential off-street parking.
 - 1. For a residential development of sixteen (16) or fewer dwelling units, no minimum number of off-street parking spaces shall be required, and no application shall be denied on the basis of the number of spaces provided, except upon a written finding that the lack of parking will have a specific adverse impact on public health or safety that cannot be mitigated through conditions having no substantial adverse impact on the viability of the development.
 - 2. For a residential development containing more than sixteen (16) dwelling units, the applicant shall be permitted to submit a parking needs assessment, as defined in Section 3.3. Approval of such a development shall be conditioned on the construction of off-street parking spaces not exceeding (i) one (1) space for each studio or one-bedroom dwelling unit and two (2) spaces for each dwelling unit with two or more bedrooms, or (ii) the number of spaces recommended by a parking needs assessment submitted for the development, whichever results in the least required number of off-street parking spaces.
 - 3. For a mixed-use development this subsection governs the residential component. Nothing here limits maximum parking standards or applies to non-residential development.

4. If the Town adopts a conservation and traffic mitigation district pursuant to Section 19(d) of the Act, the applicant for a residential development of sixteen (16) or fewer dwelling units within such district shall likewise be permitted to submit a parking needs assessment, and subdivision 2 of this subsection shall govern the number of spaces required.

5. All other provisions setting minimum off-street parking for residential uses including, **without limitation**, the residential entries in the Minimum Parking Requirements Table and Sections 9.4.d.3, 10.1.c.2, 10.3.b.1 and 10.10.a.2 — apply only to the extent consistent with this subsection.

Add a note beneath the Minimum Parking Requirements Table: The minimum parking figures in this table do not apply to residential developments of sixteen (16) or fewer dwelling units. See Section 5.8.f.

Amendment 6 — New Section 13.4: Protest Petitions

BACKGROUND: Section 24 of PA 25-1 amended CGS Section 8-3(b), raising the protest petition threshold from twenty percent to fifty percent of the lots or lot area and reducing the vote required to adopt a change over a valid protest from two-thirds of all members to a majority of all members. The Regulations contain no protest petition provision. The new provision is placed at Section 13.4 and the existing Separability provision is renumbered Section 13.5.

AMENDMENT:

Part 1: Section 13.4 Separability is renumbered Section 13.5. Text unchanged.

13.4 5 Separability

Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Part 2: New Section 13.4, preceding Section 13.5 as renumbered.

13.4 Protest Petitions

- a. Statutory Authority. In accordance with Connecticut General Statutes Section 8-3(b), as amended, any amendment to these Regulations or the Zoning Map may be adopted, changed, or repealed by a majority vote of all members of the Commission.
- b. Validity and Thresholds. If a formal protest against a proposed zoning regulation or boundary change is filed at or before the public hearing with the Commission, it shall be received and made part of the official record. To be deemed a valid protest petition under state law, such protest must be signed by the owners of:
 1. Fifty percent (50%) or more of the area of the lots included in such proposed change;
 2. Fifty percent (50%) or more of the owners of the lots included in such area; or
 3. Fifty percent (50%) or more of the lots within five hundred (500) feet in all directions of the property included in the proposed change.
- c. Voting Requirement. Upon receipt of a valid protest petition meeting the statutory criteria above, the proposed amendment or boundary change may still be adopted by a majority vote of all the members of the Commission.

End of proposed amendments.

Prepared by Land Use Administrator, Spencer Musselman · September 2026, amended October 2026.