

MORRIS PLANNING & ZONING COMMISSION
COMMUNITY HALL • 3 EAST STREET • MORRIS, CONNECTICUT 06763

Workshop Meeting Morris Town Hall and Live on Zoom

July 19th , 2023 at 7:00 pm

Call in # 1-929-205-6099

<https://us02web.zoom.us/j/84045911584?pwd=OC9lc2VOZjFQUWxtS0gvOGVWNXJxdz09>

Meeting ID: 840 4591 1584

Passcode: 977248

Barbara Bongolotti	David Wiig Chairman	
Helen White	Dylan Hovey	Alternates:
Veronica Florio	William Ayles Jr. (Vice-Chairman)	Chris Ciaffaglione
Douglas Barnes (Secretary)	David Geremia Jr.	Geoff Paletsky
	Kim Dore	Ericka Leone
	Staff: ZEO Tony Adili	
	Planner Janell Mullen	

Agenda

1. Call to Order
2. Agenda Review
3. New Business
4. Old Business
 - a. Dark Sky Initiative
 - b. Multi-family housing and Affordable Housing

Public Act 21-29 (Effective January 1, 2023) Requires municipalities to enable multi-family housing as well as requires municipalities to adopt an Affordable Housing Plan by July 2022.
 - c. Short Term Rentals

Public Act 21-29 (Effective January 1, 2023) Accessory dwelling units used as short-term rentals can be regulated locally
 - d. Special Exception/Site Plan Changes to Regulations
 - e. Special Event Amendment to regulations discussion
5. Other Business
 - a. Collaboration with Ordinance Committee on Noise ordinance.
 - b. Board Membership
6. Communications and Bills
7. Adjourn

Outdoor Illumination & Dark Skies Principles

To: The Town of Morris Planning & Zoning Commission

From: Janell Mullen, Town Planner

Revised to July 9, 2023 to be inserted within the Zoning Regulations as Section 67

Statement of Purpose:

The Town of Morris Planning & Zoning Commission has pro-actively incorporated Low Impact Development (LID) measures and other best practices into its local regulatory framework. These town-wide outdoor illumination standards & criteria align with responsible outdoor lighting principles and night sky-friendly design as supported by the International Dark-Sky Association (IDA)(darksky.org).

In accordance with IDA's five (5) principles of responsible outdoor lighting:

1. All outdoor illumination shall have a clear purpose.
2. Light should be directed only to where it is needed.
3. Light should be no brighter than necessary.
4. Light should be used only when it is useful.
5. Warmer light colors shall be utilized in outdoor illumination where possible.

Incorporating responsible outdoor lighting standards into the Town of Morris Zoning Regulations will help permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night; curtail and reverse any degradation of the nighttime visual environment and the night sky; minimize the glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary; conserve energy and resources to the greatest extent possible; help protect the natural environment from the damaging effects of night lighting.

Definitions:

Clutter - bright, confusing and excessive groupings of light sources

Glare – excessive brightness that causes visual discomfort

Light trespass – (aka spillage) light falling where it is not intended or needed

Light pollution – inappropriate or excessive use of artificial light

Skyglow – brightening of the night sky over inhabited areas

Standards & Criteria:

The following requirements apply to all new and renovated exterior light fixtures in any zoning district. Outdoor illumination includes all light fixtures mounted on buildings, signs, structures, poles, bollards, and/or ground surfaces.

- A. All outdoor lighting shall be designed, located, installed, and directed in such a manner as to as to prevent objectionable light and glare;
- B. All exterior lights shall be low-level lighting, shielded to prevent glare and light trespass, and contained to the target area.

- C. All lighting for newly proposed parking and pedestrian areas shall employ full-cutoff type fixtures.
- D. Lighting used to display building, signage, and other aesthetic features shall be properly aimed downward, not up-lighted, except as otherwise provided (*eg lighting for flags see J*).
- E. All building lighting for security or aesthetics shall be full-cutoff or a fully shielded/recessed type, not allowing any upward distribution of light;
- F. Unshielded Floodlighting is prohibited. Fully shielded wall-pack and wall mount fixtures activated by a motion detector and/or on a timer are permitted.
- G. No direct light source shall be visible beyond the property lines of the lot it serves.
- H. **Gasoline Service Stations.** All area lighting associated with gasoline service stations shall be full-cutoff and under-canopy lighting shall be recessed so that the lens is recessed or flush with the bottom surface of the overhead structure;
- I. All non-essential lighting shall be turned off after ten (10:00) pm, leaving only necessary lighting for site security. Non-essential lighting applies to display, aesthetic, parking, and sign lighting. Motion or infrared sensor lighting control are encouraged for all essential lighting that may be employed after 10:00 pm;
- J. Lighting designed to illuminate the U.S. flag shall be low-level and focused directly on the flag;
- K. The height of luminaries, except streetlights in public rights-of-way, shall not exceed a height of eighteen (18) ft from the average ground level to the highest point on the fixture.
- L. Exemptions: Traditional seasonal lighting and temporary lighting used by Police, Fire Department, and/or Emergency Services as well as essential security lighting are exempt from these Regulations.

Lighting Plan Applicability:

For all projects subject to Site Plan review and/or a Special Exception, the applicant shall provide a lighting plan that indicates that the Standards & Criteria (A-L) are met (as applicable) and that the following five (5) principles for responsible lighting are also met:

1. All outdoor illumination shall have a clear purpose.
2. Light should be directed only to where it is needed.
3. Light should be no brighter than necessary.
4. Light should be used only when it is useful.
5. Warmer light colors shall be utilized in outdoor illumination where possible.

The Commission shall retain the right to request that a third-party lighting engineer to evaluate a lighting plan. The Commission may also condition Special Exception approval by requiring specific provisions necessary to provide for public health and safety, to address topographic

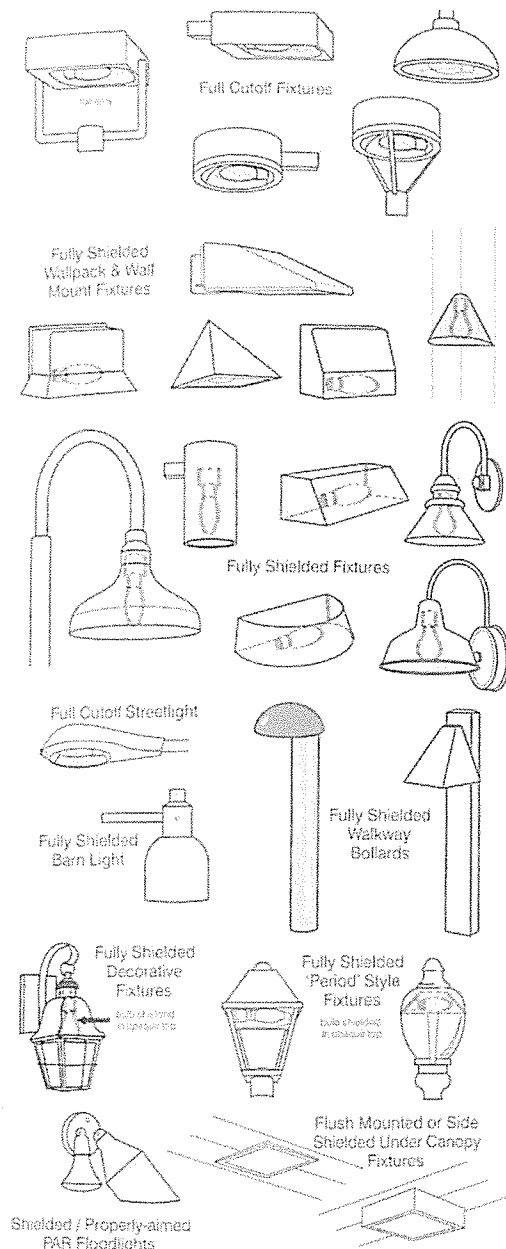
and/or other physical site characteristics, and/or to protect historic, scenic, cultural, and/or environmental resources.

Recommendation:

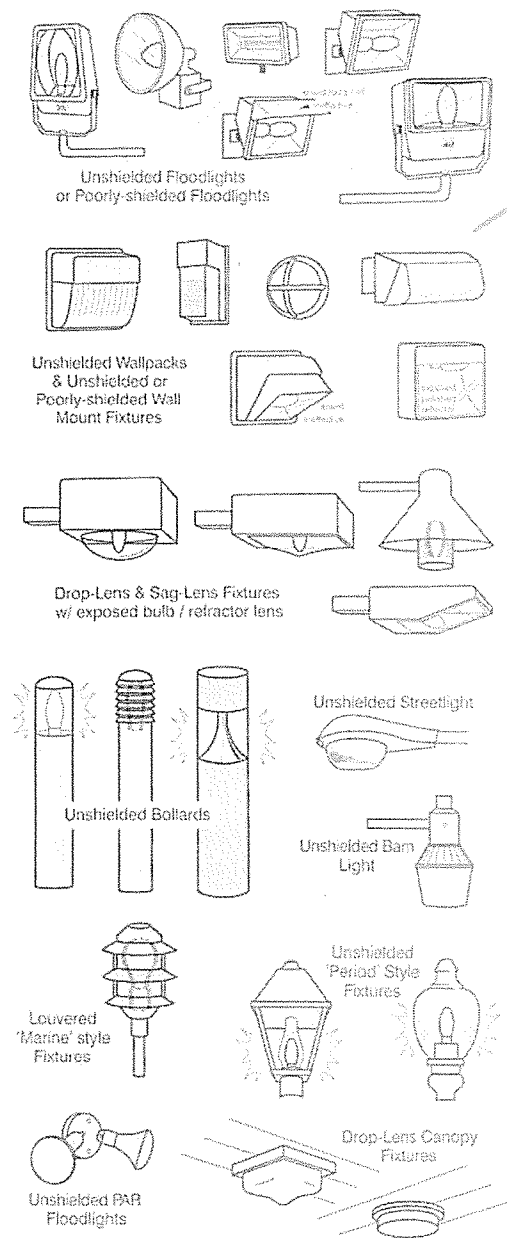
It is recommended that as existing lighting used for parking and/or pedestrian areas wears out that new fixtures and bulbs adhere to these standards and criteria.

Graphic Examples:

RECOMMENDED LIGHTING



DISCOURAGED



Source: mcdonaldobservatory.org/lighting

TOWN OF MORRIS, CT
PLANNING & ZONING COMMISSION

Memorandum regarding Short-Term Rentals (STRs) (*eg Airbnb, VRBO*)

Prepared by Janell Mullen, Planning Consultant

Issued to P&Z on July 19, 2023

BACKGROUND:

Short-term rental uses (STRs) are a growing segment of the travel market. They are commonly referred to colloquially by their brand name, such as “Airbnb” or “VRBO” and are increasingly accessible and utilized. Airbnb has over 6,000 listings in the State of Connecticut between Memorial Day and Labor Day which earned a collective \$27M, according to Hartford Business Journal.

The positive attributes of short-term rentals include: providing housing for short-term workers (such as medical workers completing their residencies at the Sharon Hospital), providing supplemental income so that homeowners can maintain and stay in their homes, and a place for one to stay as an alternative to a traditional hotel/inn. We all have likely benefitted from this use at some time.

The re-occurring drawbacks related STRs that are within the Planning & Zoning (P&Z)’s jurisdiction include: increased traffic and parking of vehicles, disturbance in residential neighborhoods such as noise, safety issues, and the general lack of community and social capital that comes from long-term housing and investment in property. Some speculate that short-term rentals also lead to increased housing prices and further limits that amount of available affordable rentals for locals.

ITEMS TO CONSIDER:

Regulating STRs, such as Airbnb and VRBO, has been an on-going land-use issue for at least a decade and is a growing topic of interest due to STRs growth in the travel market and high housing costs. Should the Town of Morris P&Z attempt to regulate this use through local zoning regulations, two (2) items come up for discussion:

- a. *How to enforce?*
- b. *How to define short-term?*

Defining short-term is less of an obstacle than discerning how to enforce. Short-term may be defined as a period of time less than one (1) month, six (6) months, and/or twelve (12) months. Once a time-frame is established, however, how does the ZEO enforce? Do they monitor website advertisements? Observe cars’ make and models parked in driveways? There is no perfect solution, which is why many Towns have yet to adopt ways to regulate short-term rental use.

Some argue that short-term rentals are “business-uses” because of the capital that they generate. However, land-uses are not classified and/or considered by the funds that they generate by the P&Z, yet by the use that they are. Short-term rentals are still *de facto* functioning as a residential use.

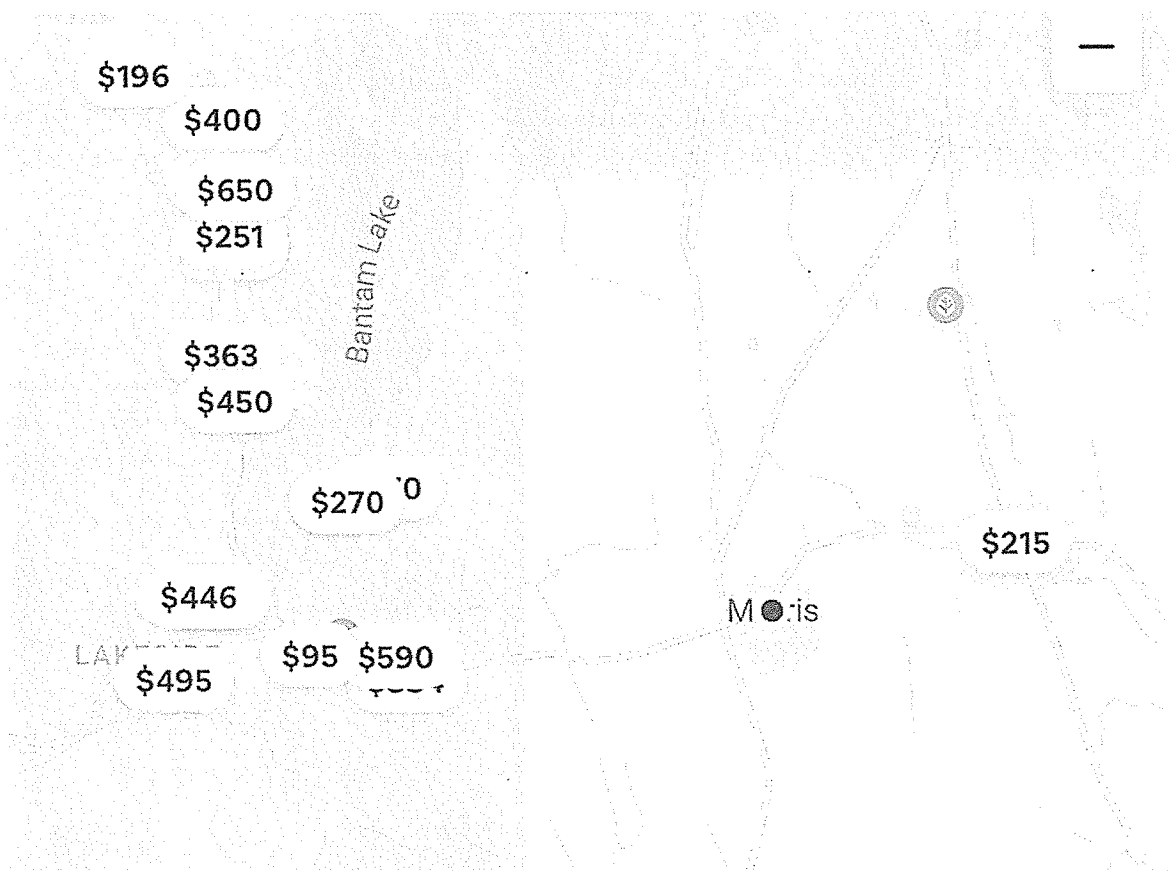
The Town of Morris P&Z should determine whether they want to explore regulating short-term rentals.

At this time, The State of Connecticut has no legislation in place regulating short-term rentals statewide (other than a room occupancy tax rate of 15%). In 2019, proposed bills (House Bill 6937 and 7177) died in committee during the Legislative Session. Local governments therefore have the opportunity to tailor local laws to their unique community concerns and goals. There are generally three options municipalities utilize to address STRs: **regulation through zoning**, **regulation through municipal ordinances**, or by **maintaining the status quo** without establishing any new STR-specific regulations. Each of these options presents distinct benefits and challenges.

With all regulation through zoning comes the concept of pre-existing nonconforming uses- those uses that existed prior to the time that they were regulated by the municipality. The responsibility to prove a pre-existing non-conforming use falls on the property owner. The Commission/ZEO cannot lawfully discontinue and/or unauthorize a pre-existing non-conformity.

Should the P&Z wish to move forward with regulating, I would urge the Town of Morris Land-use Office to develop a running list of short-term rentals (including those that pre-date regulations to address short-term rentals). It might also be prudent to require periodic renewals (such as annual and/or bi-annual) as well as work closely with the Torrington Area Health District (TAHD) to make sure that residential uses aren't exceeding their sanitary system capacity (in accordance with the number of bedrooms). This is especially important for lake-adjacent properties due to environment and leeching run-off concerns. It is my understanding that Airbnb uses do register with the Assessor, but that may vary town-to-town.

A quick Google Search turned up at least a dozen Airbnb's in Morris with most of them clustered around Bantam Lake (*see screenshot below*).



WHAT OTHER TOWNS ARE DOING:

Other towns far and wide and of all sizes are having similar conversation about regulating short-term rentals as we are. I have collected local newspaper articles on the topic and have them from towns as far apart as Windham, New York (A mountain town in the Catskills, population 1,677) and Marfa, Texas (a tiny desert town far-out west- population 1,750). These towns are twice as small as Morris population-wise (current population 2,262).

Some municipalities across the country (many college towns) employ rental programs for non-owner-occupied properties. Such a program would be applicable to “non-hosted” rentals. These programs involve paying a fee, registering with the town, developing a specific parking plan, establishing a local point of contact, as well as other regulatory approvals (such as building code and health code).

Third-party companies are starting to be used by municipalities to handle registration and enforcement responsibilities. These companies search online databases for advertised STRs as well as manage complaints and possible compliance issues.

In Connecticut, Towns that have adopted ordinances include: Bozrah, Ledyard, Simsbury and Stonington.

The **City of Hartford** has Short-Term Rental Regulations in place, those have been integrated within their Zoning Regulations. They require an “operator” to obtain a zoning permit and limits: Rental frequency and length (*“no more than 21 cumulative days during any 6-month period and no more than three times during any 6 month period”*), number of guests (*no more than four (4) adults*), neighborhood nuisances. STRs are only authorized in single-family residential zones. A Special Permit is required should the operator wish to exceed the limitations and a renewal is required every three (3) years.

Canton regulates Airbnbs as bed and breakfasts and boarding houses. They require a zoning permit if they are owner-occupied and Special Permit (with site plan) if they are non-hosted (not owner) occupied.

Woodstock regulates them as “home occupations” and requires a zoning permit. The requirements for home occupations include:

1. No more than half of the finished floor area of a dwelling unit may be used for STRs
2. Lodging can be provided to 1-12 people provided it does not exceed 30 consecutive days

Within Litchfield County, **Kent** has addressed STRs by including them within their definition of bed and breakfasts and boarding houses, like Canton. They are limited to 3-6 guest rooms and may require that a buffer is created from neighboring uses. A Special Permit is required. Non-hosted STRs (eg when entire houses are rented) are not regulated.

Other CT towns currently considering how to regulate:

Wilton

Norwich

Greenwich

Groton