



Senate

General Assembly

File No. 641

February Session, 2000

Substitute Senate Bill No. 45

Senate, April 19, 2000

The Committee on Commerce reported through SEN. LEBEAU of the 3rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

An Act Implementing The Recommendations Of The Blue Ribbon Commission To Study Affordable Housing Regarding Zoning Regulations.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 8-2 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (a) The zoning commission of each city, town or borough is
4 authorized to regulate, within the limits of such municipality, the
5 height, number of stories and size of buildings and other structures;
6 the percentage of the area of the lot that may be occupied; the size of
7 yards, courts and other open spaces; the density of population and the
8 location and use of buildings, structures and land for trade, industry,
9 residence or other purposes, including water-dependent uses as
10 defined in section 22a-93, and the height, size and location of
11 advertising signs and billboards. Such bulk regulations may allow for
12 cluster development as defined in section 8-18. Such zoning

13 commission may divide the municipality into districts of such number,
14 shape and area as may be best suited to carry out the purposes of this
15 chapter; and, within such districts, it may regulate the erection,
16 construction, reconstruction, alteration or use of buildings or
17 structures and the use of land. All such regulations shall be uniform
18 for each class or kind of buildings, structures or use of land throughout
19 each district, but the regulations in one district may differ from those
20 in another district, and may provide that certain classes or kinds of
21 buildings, structures or uses of land are permitted only after obtaining
22 a special permit or special exception from a zoning commission,
23 planning commission, combined planning and zoning commission or
24 zoning board of appeals, whichever commission or board the
25 regulations may, notwithstanding any special act to the contrary,
26 designate, subject to standards set forth in the regulations and to
27 conditions necessary to protect the public health, safety, convenience
28 and property values. Such regulations shall be made in accordance
29 with a comprehensive plan and in adopting such regulations the
30 commission shall consider the plan of conservation and development
31 prepared under section 8-23, as amended by public act 99-117. Such
32 regulations shall be designed to lessen congestion in the streets; to
33 secure safety from fire, panic, flood and other dangers; to promote
34 health and the general welfare; to provide adequate light and air; to
35 prevent the overcrowding of land; to avoid undue concentration of
36 population and to facilitate the adequate provision for transportation,
37 water, sewerage, schools, parks and other public requirements. Such
38 regulations shall be made with reasonable consideration as to the
39 character of the district and its peculiar suitability for particular uses
40 and with a view to conserving the value of buildings and encouraging
41 the most appropriate use of land throughout such municipality. Such
42 regulations may, to the extent consistent with soil types, terrain,
43 infrastructure capacity and the plan of conservation and development
44 for the community, provide for cluster development, as defined in
45 section 8-18, in residential zones. Such regulations shall also encourage

46 the development of housing opportunities, including opportunities for
47 multifamily dwellings, consistent with soil types, terrain and
48 infrastructure capacity, for all residents of the municipality and the
49 planning region in which the municipality is located, as designated by
50 the Secretary of the Office of Policy and Management under section
51 16a-4a. Such regulations shall also promote housing choice and
52 economic diversity in housing, including housing for both low and
53 moderate income households, and shall encourage the development of
54 housing which will meet the housing needs identified in the housing
55 plan prepared pursuant to section 8-37t, as amended by section 2 of
56 public act 99-94, and in the housing component and the other
57 components of the state plan of conservation and development
58 prepared pursuant to section 16a-26. The zoning commission of each
59 city, town or borough, on or before December 31, 2001, or one year
60 from the issuance by the regional planning entities of guidelines for
61 affordable housing regulations as required by section 2 of this act,
62 whichever is later, may adopt zoning regulations that promote multi-
63 family opportunities, housing choice and economic diversity in
64 housing, and housing for low and moderate income households, in
65 accordance with this section. Zoning regulations shall be made with
66 reasonable consideration for their impact on agriculture. Zoning
67 regulations may be made with reasonable consideration for the
68 protection of historic factors and shall be made with reasonable
69 consideration for the protection of existing and potential public surface
70 and ground drinking water supplies. On and after July 1, 1985, the
71 regulations shall provide that proper provision be made for soil
72 erosion and sediment control pursuant to section 22a-329. Such
73 regulations may also encourage energy-efficient patterns of
74 development, the use of solar and other renewable forms of energy,
75 and energy conservation. The regulations may also provide for
76 incentives for developers who use passive solar energy techniques, as
77 defined in subsection (b) of section 8-25, in planning a residential
78 subdivision development. The incentives may include, but not be

79 limited to, cluster development, higher density development and
80 performance standards for roads, sidewalks and underground facilities
81 in the subdivision. Such regulations may provide for a municipal
82 system for the creation of development rights and the permanent
83 transfer of such development rights, which may include a system for
84 the variance of density limits in connection with any such transfer.
85 Such regulations may also provide for notice requirements in addition
86 to those required by this chapter. Such regulations may provide for
87 conditions on operations to collect spring water or well water, as
88 defined in section 21a-150, including the time, place and manner of
89 such operations. No such regulations shall prohibit the operation of
90 any family day care home or group day care home in a residential
91 zone. Such regulations shall not impose conditions and requirements
92 on manufactured homes having as their narrowest dimension twenty-
93 two feet or more and built in accordance with federal manufactured
94 home construction and safety standards or on lots containing such
95 manufactured homes which are substantially different from conditions
96 and requirements imposed on single-family dwellings and lots
97 containing single-family dwellings. Such regulations shall not impose
98 conditions and requirements on developments to be occupied by
99 manufactured homes having as their narrowest dimension twenty-two
100 feet or more and built in accordance with federal manufactured home
101 construction and safety standards which are substantially different
102 from conditions and requirements imposed on multifamily dwellings,
103 lots containing multifamily dwellings, cluster developments or
104 planned unit developments. Such regulations shall not prohibit the
105 continuance of any nonconforming use, building or structure existing
106 at the time of the adoption of such regulations. Such regulations shall
107 not provide for the termination of any nonconforming use solely as a
108 result of nonuse for a specified period of time without regard to the
109 intent of the property owner to maintain that use. Any city, town or
110 borough which adopts the provisions of this chapter may, by vote of
111 its legislative body, exempt municipal property from the regulations

112 prescribed by the zoning commission of such city, town or borough;
113 but unless it is so voted municipal property shall be subject to such
114 regulations.

115 Sec. 2. (NEW) The entities responsible for planning in each planning
116 region within the state, as such planning regions have been designated
117 by the Office of Policy and Management pursuant to section 16a-4a of
118 the general statutes, shall jointly develop guidelines for affordable
119 housing zoning regulations in order to assist municipalities in
120 complying with section 8-2 of the general statutes, as amended by
121 section 1 of this act. Such guidelines shall address the procedural and
122 administrative aspects of affordable housing zoning regulations, but
123 shall not dictate density or design standards for individual
124 municipalities. Such guidelines shall be submitted to the
125 Commissioner of Economic and Community Development and to the
126 joint standing committees of the General Assembly having cognizance
127 of matters relating to housing and commerce on or before January 1,
128 2001.

129 Sec. 3. This act shall take effect July 1, 2000.

CE Committee Vote: Yea 19 Nay 7 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Economic and Community Development

Municipal Impact: See Explanation Below

Explanation

State Impact:

This bill requires the regional planning agencies to develop guidelines for affordable housing zoning regulations. These guidelines cannot address density and design standards, but will cover procedural and administrative issues. The regional agencies must submit these guidelines to the Department of Economic and Community Development and the Select Committee on Housing for review. These requirements are not expected to result in any additional costs to the state.

Municipal Impact:

This bill may lead to increased costs to the municipalities, as they may adopt new affordable housing zoning regulations. These costs will be administrative in nature and are expected to be minimal.

The regional planning agencies' guidelines may lead to increased

costs to both towns and local housing authorities due to uniform, enhanced procedural and administrative regulations. However, the extent of these increased costs is dependent upon the final form of these guidelines and the number of towns and local housing authorities that choose to adopt them.

OLR Bill Analysis

sSB 45

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE BLUE RIBBON COMMISSION TO STUDY AFFORDABLE HOUSING REGARDING ZONING REGULATIONS.**SUMMARY:**

This bill requires state-designated regional planning agencies to jointly develop guidelines for affordable-housing zoning regulations to assist towns in adopting similar zoning regulations. The regional planning agencies must submit the guidelines by January 1, 2001 to the Department of Economic and Community Development (DECD) commissioner and Housing and Commerce committees. The guidelines cannot dictate density or design standards for individual towns but must address procedural and administrative aspects of affordable-housing zoning regulations.

The bill authorizes town zoning commissions to adopt zoning regulations that promote multi-family opportunities, housing choice and economic diversity in housing, and low- and moderate-income housing. (By law, towns are already required to adopt such regulations.) The commissions may adopt the regulations before December 31, 2001 or within a year after regional planning agencies develop affordable-housing guidelines, whichever is later.

EFFECTIVE DATE: July 1, 2000

BACKGROUND***Legislative History***

On April 5, the Senate referred the original bill (File 232) to the Commerce Committee. On April 12, the committee voted out its version, which (1) allows rather than requires commissions to adopt affordable-housing zoning regulations by December 31, 2001 or within one year after regional planning agencies develop affordable-housing

guidelines and (2) adds the requirement that the regional planning agencies submit the guidelines to the Commerce Committee.

COMMITTEE ACTION

Select Committee on Housing

Joint Favorable Substitute Change of Reference

Yea 11 Nay 0

Planning and Development Committee

Joint Favorable Report

Yea 10 Nay 6

Commerce Committee

Joint Favorable Substitute

Yea 19 Nay 7