



General Assembly

February Session, 2000

Raised Bill No. 45

LCO No. 831

Referred to Committee on Select Committee on Housing

Introduced by:
(HSG)

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2 repealed and the following is substituted in lieu thereof: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] The zoning commission of each
52 city, town or borough, on or before the later of December 31, 2001, or
53 one year from the issuance by the Commissioner of Economic and
54 Community Development of model affordable housing zoning
55 regulations as required by section 2 of this act, shall adopt zoning
56 regulations that promote housing choice and economic diversity in
57 housing, including housing for both low and moderate income
58 households, and shall encourage the development of housing which
59 will meet the housing needs identified in the housing plan prepared
60 pursuant to section 8-37t, as amended by section 2 of public act 99-94,
61 and in the housing component and the other components of the state
62 plan of conservation and development prepared pursuant to section
63 16a-26. Zoning regulations shall be made with reasonable
64 consideration for their impact on agriculture. Zoning regulations may
65 be made with reasonable consideration for the protection of historic
66 factors and shall be made with reasonable consideration for the
67 protection of existing and potential public surface and ground
68 drinking water supplies. On and after July 1, 1985, the regulations shall
69 provide that proper provision be made for soil erosion and sediment
70 control pursuant to section 22a-329. Such regulations may also
71 encourage energy-efficient patterns of development, the use of solar
72 and other renewable forms of energy, and energy conservation. The
73 regulations may also provide for incentives for developers who use
74 passive solar energy techniques, as defined in subsection (b) of section
75 8-25, in planning a residential subdivision development. The
76 incentives may include, but not be limited to, cluster development,
77 higher density development and performance standards for roads,
78 sidewalks and underground facilities in the subdivision. Such
79 regulations may provide for a municipal system for the creation of
80 development rights and the permanent transfer of such development
81 rights, which may include a system for the variance of density limits in
82 connection with any such transfer. Such regulations may also provide
83 for notice requirements in addition to those required by this chapter.

84 Such regulations may provide for conditions on operations to collect
85 spring water or well water, as defined in section 21a-150, including the
86 time, place and manner of such operations. No such regulations shall
87 prohibit the operation of any family day care home or group day care
88 home in a residential zone. Such regulations shall not impose
89 conditions and requirements on manufactured homes having as their
90 narrowest dimension twenty-two feet or more and built in accordance
91 with federal manufactured home construction and safety standards or
92 on lots containing such manufactured homes which are substantially
93 different from conditions and requirements imposed on single-family
94 dwellings and lots containing single-family dwellings. Such
95 regulations shall not impose conditions and requirements on
96 developments to be occupied by manufactured homes having as their
97 narrowest dimension twenty-two feet or more and built in accordance
98 with federal manufactured home construction and safety standards
99 which are substantially different from conditions and requirements
100 imposed on multifamily dwellings, lots containing multifamily
101 dwellings, cluster developments or planned unit developments. Such
102 regulations shall not prohibit the continuance of any nonconforming
103 use, building or structure existing at the time of the adoption of such
104 regulations. Such regulations shall not provide for the termination of
105 any nonconforming use solely as a result of nonuse for a specified
106 period of time without regard to the intent of the property owner to
107 maintain that use. Any city, town or borough which adopts the
108 provisions of this chapter may, by vote of its legislative body, exempt
109 municipal property from the regulations prescribed by the zoning
110 commission of such city, town or borough; but unless it is so voted
111 municipal property shall be subject to such regulations.

112 Sec. 2. (NEW) The Commissioner of Economic and Community
113 Development shall develop guidelines for affordable housing zoning
114 regulations in order to assist municipalities in complying with section
115 8-2 of the general statutes, as amended by section 1 of this act. Such
116 guidelines shall address the procedural and administrative aspects of
117 affordable housing zoning regulations, but shall not dictate density or

118 design standards for individual municipalities. Such guidelines shall
119 be submitted to the joint standing committee of the General Assembly
120 having cognizance of matters relating to housing on or before October
121 1, 2000.

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

Statement of Purpose:

To implement the recommendations of the Blue Ribbon Commission to Study Affordable Housing.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]