



General Assembly

January Session, 2009

Raised Bill No. 1042

LCO No. 3756

03756_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING ENERGY EFFICIENT DEVELOPMENTS.

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2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

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

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

51 Policy and Management under section 16a-4a. Such regulations shall
52 also promote housing choice and economic diversity in housing,
53 including housing for both low and moderate income households, and
54 shall encourage the development of housing which will meet the
55 housing needs identified in the housing plan prepared pursuant to
56 section 8-37t and in the housing component and the other components
57 of the state plan of conservation and development prepared pursuant
58 to section 16a-26. Zoning regulations shall be made with reasonable
59 consideration for their impact on agriculture. Zoning regulations may
60 be made with reasonable consideration for the protection of historic
61 factors and shall be made with reasonable consideration for the
62 protection of existing and potential public surface and ground
63 drinking water supplies. On and after July 1, 1985, the regulations shall
64 provide that proper provision be made for soil erosion and sediment
65 control pursuant to section 22a-329. Such regulations [may also
66 encourage] shall require energy-efficient patterns of development, the
67 use of solar and other renewable forms of energy, and energy
68 conservation. The regulations shall provide that applicants to the
69 zoning commission have the burden to demonstrate that the proposed
70 development is energy efficient, and that such burden may be
71 supported by submitting evidence including, but not limited to, plans
72 demonstrating solar access for use by passive solar energy residences.
73 The regulations may also provide for incentives for developers who
74 use passive solar energy techniques, as defined in subsection (b) of
75 section 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.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	8-2(a)

Statement of Purpose:

To require applicants to municipal zoning commissions to demonstrate that a proposed development is energy efficient.

[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.]