



Creating Great Communities For All
**Connecticut Chapter of the
American Planning Association**

Testimony regarding

**Proposed Bill No. 1024 – AN ACT CONCERNING ZONING AUTHORITY, CERTAIN
DESIGN GUIDELINES, QUALIFICATIONS OF CERTAIN LAND USE OFFICIALS AND
CERTAIN SEWAGE DISPOSAL SYSTEMS**

CCAPA recognizes that this is a large bill that encompasses many, many things. CCAPA has been a strong advocate for many parts of this proposed bill in different ways, particularly with the need to re-format the structural changes that help clarify the state's Zoning Enabling Act in CGS §8-2, but also in regards to the review requirements for septic systems and required training for CT's land use commissions whose decisions have such long lasting impacts to our local built environments. Desegregate CT, who spearheaded the work behind this bill, has consolidated these ongoing recommendations with additional proposed initiatives to introduce as-of-right accessory dwelling units (ADU), middle-housing, and mixed-use development in order to address CT's serious housing affordability and lack of housing diversity issues.

- **8-1, Section 1 simply clarifies the language of laternew Sections by adding** definitions for accessory apartments, affordable accessory apts, as-of-right (no public hearing but site plan review), concentrated development, cottage cluster, live-work unit, Main Street corridor, middle housing, mixed-use developments, townhouses, and transit stations.

CCAPA supports proposed Section 8-1, subsection 2 that adds much needed capacity to planning departments by allowing for consulting fees for peer reviews, while also restricting higher fees for 8-30g projects or multi-family developments

- **8-1, Section 3 clarifies language** for previously approved temporary healthcare units

CCAPA strongly supports the changes to Section 8-2, subsection 4 that restructures the Zoning Enabling Act by organizing its parts into more digestible statutory language. CCAPA recognizes that municipalities have expressed concern for some of the content changes as follows:

- **Section (b)(3) that revises** the passage “zoning regulations shall be drafted with reasonable consideration as to the - REMOVES “character” and REPLACES with “physical site characteristics and architectural context” of districts and works in concert with **Section(d) (10) that** prohibits denial based on “character” unless a district clearly defines the physical standards of that district or denial based on “immutable characteristics” such as income level, age or disability for age-restricted or disability restricted housing. **CCAPA supports this proposed language.** The term “character” has long been ill-defined in state statute and the proposed language (requested for

clarification by the CT Bar Association among others) requires local municipalities to be more specific in providing standards for the physical and architectural characteristics that define certain districts.

- **Section (d)(7) and (8) that prohibit** a minimum unit size that differs from that required by Health Code and places a numerical cap or percentage cap on the number of dwelling units for multi-family that may be permitted, respectively. **CCAPA supports both these changes** as they both work towards allowing for more naturally occurring affordable housing. First, allowing smaller unit sizes will allow for lower priced units and second - provided a multi-family development meets the exterior building envelope requirements such as height, setbacks, parking, and other design features - not restricting the number or percentages of units or bedrooms within that envelope allows for smaller units that also decreases the potential rental or ownership cost.
- **CCAPA supports Section (d)(9)** that limits parking to 1 space for studio or 1-bedroom units and 2 spaces for anything larger than 2-bedroom units as most constructed multi-family developments tend to support these more realistic parking ratios.
- **CCAPA supports Section 5 that adds a new section that requires** municipalities to designate areas for as-of-right accessory apartments and establish standards for these units within the statutory parameters indicated that are similar to standards adopted by CT municipalities that allow these uses already. Accessory apartments have become a nationwide best practice for providing naturally occurring affordable housing both for extended family and single person or couple households and will be an important low-impact tool for providing more diverse housing options in our state.
- **CCAPA supports Section 6 that adds a new section that requires** municipalities to designate 50% of areas within a half-mile ($\frac{1}{2}$) of a primary transitstation for mixed-use development, and to allow multi-family or middle housing for 50% of the area within one-quarter ($\frac{1}{4}$) miles of a “concentrated development” area for municipalities with more than 7,500 people. CCAPA supports mixed-use corridors that provide walkability and added vitality to commercial districts.
- **CCAPA supports Section 8 that adds a new section that convenes** a working group to develop design guidelines that will be presented by Regional Planning Agencies and will count toward required training for commissioners. CCAPA appreciates that Planners have been designated to be a part of this working group.
- **CCAPA supports Section 9 that adds a new section that requires** 6 hours of annual training for land use boards and 3 hours for inland wetland agency commissioners, but specifically outlines what type of training is required within that 6 hours. CCAPA agrees in the training content for year one (1) for new commissioners, but cautions that training for following years may need less hours per year (perhaps 4) or more flexibility for content. CCAPA also highly recommends that the UCONN Clear program be recognized as a prominent content provider and that an on-line program be developed to aid in the flexibility of meeting this requirement.
- **Section 10 revises CGS §8-3, subsection (e) to require that** any person appointed as a zoning enforcement officer be certified by the CT Association of Zoning Enforcement Officers

(CAZEO). **CCAPA supports** the requirement that the local officials who are responsible for the interpretation and enforcement of complex regulations should have some formal certification of their qualifications. CCAPA further requests, however, that should a community be served by a Certified Planner in the ZEO role, this statute and CAZEO provide some accommodation or “fast track” toward certification. This accommodation recognizes the extensive education and experience that Certified Planners are required to demonstrate in the land use realm.

- **Section 11 revises CGS §7-245** to permit accessory apartments to be included as part of a singular single family residence septic system and not consider the accessory unit to create a “community system” that would otherwise require an extensive and unnecessarily complicated and costly permitting process.
- **Section 12 modifies Subsection (b) of CGS §7-246 to require** updated Water Pollution Control Authority Plans to determine capacity for areas designated for middle and mixed-use housing.
- **CCAPA supports the changes in Section 13 that modifies CGS §19a-35a** to allow the Department of Public Health to review alternative septic systems up to 7,500 gallons. This provision will streamline the permitting process that currently channels review through the Department of Energy and Environmental Protection. This is a path that has traditionally created significant delays and cost-uncertainty for potential developments.

CCAPA deeply believes that the overall principles that are represented by this multi-faceted bill are soundly based in good planning and national best practices. The proposed bill will help to move Connecticut forward in ways that help to create better capacity, more educated decision makers and practitioners, and sets the regulatory and design foundation to create great communities for all within our local communities while addressing larger state issues such as housing affordability and diversity.

WHO WE ARE

The Connecticut Chapter of the American Planning Association (CCAPA) has over 420 members who are governmental and consulting planners, land use attorneys, citizen planners, and other professionals engaged in planning and managing land use, economic development, housing, transportation, and conservation for local, regional, and State governments, private businesses and other entities. CCAPA has long been committed to assisting the legislature and State agencies with developing and furthering responsible growth management principles. The APA is an independent, not-for-profit, national educational organization that provides leadership in the development of vital communities.

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