

Commission on Connecticut's Development and Future

Report of the Building and Site Model Code Working Group

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I. Introduction and Executive Summary

A. The Model Code Working Group was created pursuant to Public Act 21-29, § 13. The statutory charge in forming the Commission on Connecticut’s Development and Future (CCDF) regarding development of model code guidelines for municipalities is concise and direct. The working group met multiple times to allow the group to best understand implications of the adoption of such standards by inviting presentations from subject matter experts within the working group along with inviting other outside experts to present on specific topics. Based on the language of the legislation, the Group focused primarily on form-based codes, an approach to land use regulation emphasizing the physical form of buildings, their relationship to public infrastructure, and defining / re-defining the public realm at human scale rather than land use (as in conventional, ‘Euclidean’ zoning). The reference documents illustrate the successful use of form-based codes used alone and in conjunction with other regulatory approaches, in Connecticut and throughout the country. They can be an effective planning methodology to produce a predictable environment in rural, sub-urban, and urban environments, integrating a diversity of uses and building forms to implement community vision.

The Model Code Working Group recognizes the limits of simply addressing municipal planning and zoning ordinances through development of model form-based codes. Model codes alone are insufficient to address all the challenges of affordable living. In Connecticut’s rural and suburban communities, transportation, public utilities, water and sewer infrastructure and property taxes are significant impediments to housing affordability.

Model Codes in Connecticut should offer municipalities guidance in developing housing options, reducing racial, ethnic and/or economic inequity, expediting the permitting process, facilitating desired development, and reducing development costs.

B. The working group first met in April 2022, the following were our meeting dates and broad discussion topics:

1. 4/7/2022 – Introductory Meeting
2. 5/13/2022 – Presentation from working group member Pete Harrison of Desegregate CT on the history of PA 21-29, and from commission member and working group member Francis Pickering, from WestCOG on street design. We discussed dividing into sub-working groups as follows: 1) development of model codes, 2) implementation guidance for municipalities, 3) development of model street design guidelines
3. 5/27/2022 – Presentation by working group member Leslie Creane, on Smart Code 9.2, a form-based code template.
4. 6/17/2022 – Presentation by Leslie Oberholtzer, principal of Codametrics, expert in form-based codes
5. 7/8/2022 – Updates on sub-group work
6. 7/29/2022 – Presentation from Stefanie Young, VP Technical Services at the US Green Building Council regarding LEED for Neighborhood Development.
7. 9/30/2022 – Discussion of Draft Report
8. 10/21/2022 – Review and development of Draft Report
9. 11/18/2022 – Finalization of working group report

II. Broad Recommendations with respect to the development of model code guidelines:

- A. Provide funding to engage a consultant or multiple consultants to develop voluntary model code guidelines for municipalities. Per Public Act 21-29, these guidelines shall:
1. Identify common architectural and site design features of building types used in urban, suburban and rural communities throughout the state;
 2. Create a catalogue of common building types, particularly those typically associated with housing;
 3. Establish reasonable and cost-effective code review standards for approval of common building types, accounting for topography, geology, climate change and infrastructure capacity;
 4. Establish procedures for expediting the approval of buildings and streets that satisfy such code review standards, whether for zoning or subdivision regulations;
 5. Create a code manual for context-appropriate streets that complement common building types.

The purpose of these guidelines shall be to provide templates to municipalities that can be used as the basis of modernized local regulations, standards, and processes. Although an entity such as CCDF may be able to give direction to and provide review on these templates, their development is beyond the capacity of volunteers. **For this work to be accomplished, financial resources adequate to the task will need to be made available.**

B. Enhance land use planning capacity at the state level and provide sufficient resources to better integrate statewide objectives and local land use decisions. The Office of Responsible Growth (ORG) within the Office of Policy and Management should develop support and incentives to help improve planning practice in Connecticut, including the adoption of model code guidelines by local governments. Specific actions that can be coordinated through ORG include:

1. Facilitate the sharing of land use best practices. Options to address this include:
 - a) *Creation of a local regulatory resource at the state level. Currently, planners and commissioners must discover developments in land use on their own, including court precedents and statutory changes. An office that would provide information and guidance to municipalities could support the integration of best practices at the local level.*
 - b) *Enable the land use referral process to focus more on regional impacts and less on local ones. For instance, a COG may be asked to comment on an addition to a single-family home but not on a new shopping mall, to say nothing of otherwise minor zoning changes that may have a significant cumulative effect. New York state has a good example here, where the process is negotiated between a county and its municipalities. COGs in Connecticut have no authority to do this under Connecticut state law.*
 - c) *PA 21-29 requires training of the members of municipal planning, zoning, and zoning board of appeals commissioners. In addition to such formal training, however, some commissioners have found it helpful to meet with and learn from their peers in other municipalities. Making such peer learning more common could help commissioners learn about what has worked – and what has not – in other jurisdictions. Municipal planners in Connecticut have an option for peer learning through UConn’s CT Planning Professionals listserv. COGs could set up an analogous option for planning and zoning commissioners (in addition to the formal role foreseen under PA 21-29).*

2. Facilitate the incorporation of best practices into municipal regulation, standards, and processes. Adoption of best practices, such as model code guidelines, is a challenge in part because local regulation, standards, and processes vary significantly – few practices can be adopted without some legwork translating those practices into a local framework.

a) *Fund updates to local zoning. The State has funded decennial updates to local Plans of Conservation and Development in the past. It is not clear this is the most impactful use of funds, given the zoning may not be updated in concert with the adoption of a local Plan. Redirecting such funds to zoning updates could make a difference. COGs can update model regulations and/or allow individual municipalities to calibrated regulations to implement their vision. (There are strengths in both approaches.) Funding for zoning updates could be driven by specific concerns or needs.*

b) *Allow integration of planning and zoning. Connecticut courts have held that the zoning is the legal plan, which diminishes the importance of the local Plan of Conservation and Development. Some jurisdictions outside Connecticut require that the plan and zoning be consistent and have, at times, combined the two into a single document. Connecticut could make this available as an option to municipalities. A much shorter plan with more understandable zoning, all as a single document, would improve the alignment between planning and zoning, and support human scale-centric regulations such as form-based codes.*

c) *Provide a voluntary method to synchronize plan update cycles so municipalities can share resources in plan development and, if desired, piggyback on regional Plans of Conservation and Development. Uncoordinated update schedules result in municipalities going it alone on plan updates; aligned cycles allow resource sharing, reducing overhead and enable more sophisticated planning. Synchronized municipalities could, if desired, use a regional Plan as their local Plan. This option may be particularly appealing to smaller municipalities.*

3. Improve coordination to support effective and efficient plan implementation.
 - a) *Develop a comprehensive inventory of state funding to localities and coordinate to ensure that state resources are being used in a coordinated fashion, rather than acting at cross-purposes. The funding the state passes to local actors often reflects a diversity of formulas, programs, and goals that, when overlaid, can produce results that may diverge from the intended purpose. For smaller programs, consideration should be given to delegating programming to the COGs, to facilitate regional coordination and to free up state resources for purposes other than award management. Some agencies already provide information on funding sources; DECD/DOH should provide a database of state funding opportunities on their websites for community development, including housing.*
 - b) *Collect and share comprehensive data on infrastructure capacity. Connecticut, like the nation, is overextended when it comes to infrastructure. The cost of maintaining existing infrastructure exceeds resources expected to be available for that purpose; this is reflected in projections of deterioration in infrastructure condition despite investment. The upshot is that the nation should not be building more public infrastructure except in limited circumstances (such as capacity being exhausted). This is especially the case for Connecticut, which has one of the highest debt burdens in the nation: the state's fixed costs are crowding out all other spending.

*Specifically, we need to assess what facilities and services exist with unused or under-used capacity. These are ideal places for development not only because development will provide more ratepayers, thus improving the financial picture of the infrastructure, but also because the incremental cost of connecting to existing infrastructure is generally far less than building new. Leveraging existing infrastructure reduces costs to developers, to buyers and renters, to taxpayers, and to the environment.

While infrastructure capacity data exists, it is often hard to access; it is scattered across multiple computer and paper systems, in myriad offices. Bringing this data together – including water, sewer, electricity, gas, traffic, and transit service – will provide a more complete picture of the suitability of sites for development. This data should be presented in an easy-to-use, publicly accessible web portal, as well as fed into a more detailed, interactive locational guide map at a state and regional level. This information should be included in the Connecticut State Plan of Conservation and Development (addressed by another Working Group).**

RESOURCES:

Form Based Code References:

- [National Form-Based Code Institute's 2021 Testimony to the CT General Assembly](#)
- [Webinar-Form-Based Codes 101](#)
- [MA-A Planner's Gide to Form-Based Codes](#)
- [Zoned In: Economic Benefits & Shared Prosperity with Form-Based Codes](#)
- [Clearinghouse for Form-Based Code Info](#)
- [Building by Right: Social Equity Implications of Transitioning to Form-Based Code](#)

Smart Code 9.2 References:

- [Smart Code 9.2](#)
- [Center for Applied Transect Studies \(New Urbanism\)](#)

Connecticut Form-based & Smart Code Examples including hybrids:

- [Hartford Zoning Code](#)
- [Canton CT Village Districts](#)
- [Hamden](#)
- [Manchester](#)
- [Simsbury](#)

State and Regional examples of Form-based Code guidelines and other references:

- [Delaware Model Form-Based Code](#)
- [CMAP \(Chicago Metropolitan Agency for Planning\) Form-based Codes planning guide](#)
- [Applying Form-based codes in the real world](#)

Regarding Green Building:

- [LEED certification for neighborhood development | U.S. Green Building Council](#)
- [Solar Site Design Worksheet for a Proposed Subdivision | Energize CT](#)
- [Passive Solar Design Strategies: Guidelines for Home Building; Hartford, Connecticut - Central New England | National Renewable Energy Laboratory](#)
- [Protecting Solar Access for Residential Development: A Guidebook for Planning Officials | American Planning Association](#)

Regarding Street Design:

- [Highway Design Manual 2003 Edition \(Including Revisions to June 2020\) | Connecticut Department of Transportation](#) (The current basis of design in most communities)
- [Guidelines for Geometric Design of Low-Volume Roads | AASHTO](#) (this is a for purchase resource)
- [Park Road Standards | FHWA \(dot.gov\)](#)
- [Urban Street Design Guide | National Association of City Transportation Officials](#)