

Students at the University of Connecticut School of Law— with guidance from their professor, Dwight Merriam, of the law firm Robinson and Cole have created an annotated model zoning ordinance as a tool for Connecticut towns to use in modernizing their regulations. You can read a PDF File of their “Zoning Tool Box” (approximately 400 pages) here.

Source: <http://www.washingtonct.org/zoning.html>

CONNECTICUT MODEL ZONING CODE PROJECT

1/20/2010

I. AUTHORITY, PURPOSE, APPLICATION

A. Authority

1. These regulations are adopted under the authority of Chapter 124 of the Connecticut General Statutes, as amended.

2. The [Town] shall have all the powers conferred upon municipalities by the Connecticut Constitution and General Statutes, as amended from time to time. In addition to all of the powers granted to the [Town] under the Connecticut Constitution and General Statutes, particularly Sections 7-148 and 7-194 of the General Statutes, as amended, the [Town] shall have all the powers necessary to the management, government and affairs of the [Town].

The [Town] shall have the power to enter into contracts for any purposes not prohibited by law.

The enumeration of specific powers in this and other chapters of this regulation shall not be construed as limiting this general grant of powers but shall be considered as an addition thereto.

Adapted from chapter 2 of the zoning code for the town of Windham, CT (<http://tiny.cc/vkPNi>)

B. Purpose. The purpose of these regulations is to protect and provide for the public health, safety and general welfare. These regulations are adopted to guide the future growth and development of Connecticut and further the goals and objectives of the Plan of Conservation and Development. In furtherance of such purposes, the following objectives guide these regulations:

1. To protect the social and economic stability of all areas of the [Town] by ensuring that development is orderly and beneficial.

Canaan Zoning Regulations §1.2.

2. To foster smart growth zoning

3. To provide for adequate light and air

4. To protect and conserve the value of land and buildings appropriate to the various zones established by these regulations.

Adapted from § 1.2 of the zoning code for the town of Ridgefield, CT (<http://tiny.cc/mH0kP>)

Elderly Housing:

Typically one and two bedroom apartments or condominiums designed to meet the needs of persons [55, 62, or 65] years of age and older, and restricted to occupancy by them. (California Planning Roundtable – A Planners Dictionary)

Elderly Person:

Means a person of 62 years of age or older (Stamford, CT)

Electrical Interference:

Any electromagnetic disturbance that interrupts, obstructs, or otherwise degrades or limits the effective performance of electronics and electrical equipment. It can be induced intentionally, as in some forms of electronic warfare, or unintentionally, as a result of spurious emissions and responses, intermodulation products, and the like.

<http://tinyurl.com/2ey6fo>

Elevated Building:

A building without a basement, built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls, as allowed under applicable standards. (Westport, CT)

Elevation:

The height in feet relative to mean sea level (MSL). (Westport, CT)

Eminent Domain: The authority of a government to take, or authorize the taking of, private property for public use. (Iowa State University Extension Service – A Planners Dictionary)

Erosion:

The detachment and movement of soil or rock fragments by water, wind, ice or gravity. (Westport, CT)

Excavation:

The process of altering the natural grade elevation by cutting or filling the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated. (Sandy, OR – A Planners Dictionary)

Extended Approach and Departure District:

Land below the air space in which the actual operation of increasing or decreasing the altitude of an aircraft takes place. Depending on whether the aircraft is in an approach or departure, it follows a Primary Departure from the runway and precedes the initiation of cruising speed over the Primary Traffic Pattern District during which an increase in altitude to a predetermined level is effected, or it follows the closing stages of cruising speed and preceded the initiation of the Final Approach during which an decrease in altitude to a predetermined level is effected.

Façade (See also, signable area):

The side of a building below the eaves.

Facade is a term included in the definition of the “signable” area for wall, roof other graphics. It may be necessary to define facades that are blank walls and require a smaller signable area for them

Facade, blank:

The side of a building below the eaves that is blank and does not have windows or architectural detail.

Façade coverage:

The exterior wall of a building exposed to public view, extending from ground level to the top of the parapet, wall, or eaves, and including the entire width of the building elevation. (Naugatuck, CT)

Facility:

Land below which the final approaches and primary departures are conducted. These are either the last leg in an aircraft approach to landing or first leg in an aircraft's departure and increase in altitude after leaving the runway surface, in either of which the aircraft is operating at very low altitudes, usually within one to two miles of the airport.

Fishing Pier:

A pier, dock, or wharf used for crabbing, fishing, and similar activities, but not for boating. (Anne Arundel County, MD – A Planners Dictionary)

Floating District:

A zoning district whose requirements are fully described in the text of the ordinance, but which is unmapped. The district is "applied" to the land in response to an applicant's petition for a rezoning. This technique has commonly been used for large-scale unified developments such as shopping centers, planned unit developments and industrial parks. (Naugatuck, CT)

Flood Boundary and Floodway Map:

An official map of the [town name] upon which the boundaries of flood areas having special hazards as well as the regulatory floodway have been delineated. (Westport, CT)

Flood Insurance Rate Map (FIRM):

An official map of the [town name] upon which both the special hazard areas and the risk premium zones applicable to the Town have been delineated. (Westport, CT)

Floodplains:

The areas adjoining a watercourse at or below the water surface elevation associated with the regional flood that have been or hereafter may be covered by the regional flood. (St. Paul, MN – A Planners Dictionary)

Floodproofing:

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, including water and sanitary facilities, structures and their contents. (Westport, CT)

Floor:

The top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. (Westport, CT)

Floor Area:

The floor area of a building shall be the sum of the total horizontal areas of all the floors of that building measured from the interior faces of the exterior walls. Floor areas shall include the area of basements, cellars, and half-stories. Attics and crawl spaces (as defined in these regulations) are not included in the floor area. (Westport, CT)

Floor Area, Gross:

The total area of the building measured by taking the outside dimensions of the building, at each floor level intended for occupancy or storage. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in an accessory building or in the main building intended and designed for the parking or motor vehicles in order to meet the parking requirements of this Regulation, or any such floor space intended and designed for accessory heating and venting equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevators. (Jacksonville, NC; Hot Springs, AR – A Planners Dictionary)

Floor Area Ratio (F.A.R.):

The aggregate floor area of all buildings on a lot divided by the gross lot area of such lot, as defined within these regulations, that lies within the applicable zoning district. (FAR = Floor Area divided by Gross Lot Area). (Westport, CT)

Floor Drain:

Any opening in a floor or surface which opening or surface receives materials spilled or deposited thereon.

regionally grown in the State of Connecticut. A maximum of 20% of gross sales may be farm related products (i.e. birdhouses, maple syrup, birdseed) subject to approval by the Zoning Enforcement Officer. (Tolland)

Rooftop Deck:

A structural platform located above the finished roof material of a building, always enclosed by a railing or balustrade defined by the building code, accessed from below the roof, and designed to function as an outdoor patio or observation platform. (Dewey Beach, DE – A Planners Dictionary)

Rooming Unit:

A portion of a building providing a partial housekeeping unit with incomplete living quarters. A rooming unit shall not include an area for cooking facilities within the unit, but may include board within the building. (Westport)

Scenic Vista:

A view which because of its natural beauty, is in the best interests of the welfare of the entire community to preserve. (Westport, CT)

School, Private:

Any building or group of buildings, the use of which meets the State of Connecticut's requirements for primary, secondary, or higher education and which is not operated by the municipality or state. (Tolland, CT)

School, Public:

Any building or group of buildings, the use of which meets the State of Connecticut's requirements for primary, secondary, or higher education and which is operated by the municipality or state. (Tolland, CT)

School:

A public school or private school, consisting of any building or group of buildings, having a comprehensive curriculum of study comparable to that of a public school, a nursery school, a kindergarten or a religious school. (Westport, CT)

Sediment:

Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site or origin by erosion. (Tolland, CT)

Sediment & Erosion Control Plan:

A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative. (Westport, CT)

A plan that indicates necessary treatment measures to minimize soil erosion and sedimentation resulting from development, and includes, but is not limited to, a map and a narrative. (Tolland, CT)

Sedimentation:

The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land disturbing activity or into a lake or natural watercourse. (Concord, N.C. – A Planners Dictionary)

Self-service storage warehouse:

Any building or group of buildings comprised of one or more individual storage compartments, which are rented or leased to individuals or businesses for storage of non-hazardous materials, personal property and equipment. (Binghamton, NY)

Setback:

The minimum required horizontal distance from any street line or lot line to the closest point of the building, structure, or structural projection and measured in a straight line, most perpendicular to such street line or lot line. (Westport, CT)

Setback, Front:

Story, Half:

Part of the building or structure directly under the roof with 25-50 % of the floor space having headroom of 5.5 feet of headspace or more and the remaining must have less than 5.5 feet of headroom. The area must be measured vertically from the top surface of the floor to the bottom surface of the roof and horizontally from inside surface of the exterior walls for half story area. (Westport, CT)

Stratified Drift:

Unconsolidated, sorted sediment composed of layers of rocks, sand, gravel, silt or clay deposited by melt water from glaciers. (Tolland, CT)

Streamcrossing: (See, Watercrossing)

Street:

A road, highway, lane, avenue, boulevard or any other public way, which provides a principal means of access to a lot. "Street" shall be deemed to include the entire width of the right-of-way but shall not include private driveways and private rights-of-way. (Tolland, CT)

Includes public highways, and public and private roads. (Westport, CT)

Street Line:

A common line between a street right-of-way and a lot. (Tolland, CT)

Street Lines:

A dividing property line between the street and lot. (Westport, CT)

Street Right-of-Way:

The area of a street between the parallel boundary lines of that street. (Tolland, CT)

Street, Accepted:

A street which has become public by virtue of dedication to and formal acceptance by the [enter the name of the municipality.] (Tolland, CT)

Street, Public:

Any town road or state or federal highway. (Westport, CT)

Structure:

Anything constructed or erected, the use of which requires location on the ground or water or attachment to something having location on the ground or water. A "structure" shall be deemed to include, but not be limited to, buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, signs, permanent awnings, ground-mounted antennas, ground-mounted solar panels and satellite dishes and fences or walls more than eight feet in height, other than retaining walls. (Tolland, CT)

Anything constructed or erected which requires location on the ground and or/ attachment to or placement on something having a location on the ground. Except as otherwise indicated, "Structures" as used in these regulations shall be deemed to include buildings, parapets, turrets, ground-mounted and roof-top mechanical units, swimming pools, tennis courts, towers, paddle or platform tennis courts, balconies, open entries, porches, decks, signs, permanent awnings, ground mounted antennas, ground mounted solar panels, satellite dishes, flagpoles and fences or walls more than eight feet in height and a gas or liquid storage tank that is principally above ground. Any structure, such as a deck or porch, attached to a building shall be deemed to be part of the building. Ground-mounted mechanical units, such as air conditioning compressors, shall not be deemed structures for purposes of coverage, for permitted uses, (as distinct from special permit uses) in residence districts. Patios or terraces shall not be deemed structures for purposes of coverage but shall adhere to all required setbacks. If the patio/terrace is three feet or more above adjacent grade at any point, such as with a retaining wall, it will be included in total coverage. Handicapped ramps are not considered structures. An arbor or pergola is considered a structure if it has any type of roof or covering over a deck or patio floor or is over 8 feet in height. (Westport, CT)

IV. RESIDENTIAL DISTRICTS

I. Purpose.

The purpose of these residential zoning districts is to set aside and protect areas to be used for single-family dwellings and agriculture. In addition, certain other uses, consistent with the residential nature and density of this zone, are allowed as of right, by permit issued by the zoning enforcement officer or by special permit issued by the zoning commission. All uses allowed in this district shall be compatible with single-family development and consistent with local street characteristics, the use and protection of private water and sewer facilities and the level of public infrastructure already in place. These regulations are adopted to protect these districts from non-residential uses, from unconstrained development and to provide for varied population densities dependent upon the nature, resources and character of the underlying zone.

Adapted from Madison Zoning Regulations, § 3.1, Norwalk Zoning Regulations, § 118-310. Multiple residential districts should be established based on desired density. Considerations for distinguishing high density areas from low density areas include current infrastructure, agriculture, areas targeted for conservation because of valuable natural resources, and the comprehensive plan. North Stonington, for example, has established high density, medium density, and rural density residential zones. North Stonington Zoning Regulations, §§ 400, 410, 420. For a town that would like to establish several different residential districts, Ridgefield Zoning Regulations § 3.1 provides the following purpose:

The various residential districts are intended to provide suitable areas for residential use and development appropriate to the environmental characteristics of the land and the character of the neighborhood.

The differentiation among the residential districts is intended to provide for variety in the size and density of residential neighborhoods and a diversity of housing opportunities after consideration of soil types, terrain, and infrastructure capacity.

The residential districts may allow for certain non-residential uses when it can be demonstrated that they are compatible with nearby residential uses and preserve neighborhood character and property values.

II. Districts. The following residential zones are established:

The following numbers were determined after looking at examples from East Hartford, CT, Wilton, CT, New Haven, CT, Bristol, CT and Coventry, CT.

- a. High Density Residential District R-10 ~~Minimum Lot Size 10,000 square feet~~
 1. Types of Structures.
 - i. Single Family Detached
 - ii. Duplex.
 - iii. Multi-family.
 2. Lot Width: min. 50 ft.
 3. Lot Depth: min. 60 ft.
 4. Front Setback: 10 ft.
 5. Side Setback: 6 ft.
 6. Rear Setback: 10 ft.
 7. Lot Coverage: max 45%

8. Height: max 40 ft.
- b. Medium Density Residential District R-40 Minimum Lot Size 40,000 square feet.
 1. Minimum Lot Size.
 - i. Single-Family Detached
 - ii. Duplex.
 2. Lot Width: min. 85 ft.
 3. Lot Depth: min. 70 ft.
 4. Front Setback: 20 ft.
 5. Side Setback: 12 ft.
 6. Rear Setback: 25 ft.
 7. Lot Coverage: max. 30%
 8. Height: max. 40 ft.
 - c. Low Density Rural Residential District R-80 Minimum Lot Size 80,000 square feet.
 1. Building type.
 - i. Single-Family Detached
 2. Lot Width: min. 200 ft.
 3. Lot Depth: min. 200 ft.
 4. Front Setback: 50 ft.
 5. Side Setback: 30 ft.
 6. Rear Setback: 50 ft.
 7. Lot Coverage: max. 10%
 8. Height: max 35. ft.

III. Uses as-of-Right.

In any Residence District, a building or other structure may be erected, altered, designed or used and a lot may be used as-of-right for any of the following purposes and no other:

- a. Single-family detached dwelling;
- b. Agricultural Uses subject to the conditions set forth below in § XXX;
- c. Group homes; or
- d. Accessory uses customary with and incidental to the residential or agricultural use.

IV. Permitted Uses. Zoning Permit Required.

The following uses are permitted only after a zoning permit is obtained from the Zoning Enforcement Officer. The purpose of the permit is to ensure compliance with all applicable regulations.

a. Home Occupations.

These regulations are adapted from Canton, CT Zoning Regulations § 8.13, Stonington, CT Zoning Regulations § 1.2.2, Madison, CT Zoning Regulations, § 3.3 and Columbia, CT Zoning Regulations § 8.5. Several municipalities set a maximum floor area that the home occupation is allowed to encompass. For example, Brooklyn, CT Regulations § 6.3.4 requires that “[t]he Home Business shall not utilize more than 50% of the floor area of the primary residence.” Columbia, CT Regulations § 8.5.1 (c) require that “[t]he home occupation shall be contained wholly within the dwelling or a permitted accessory building. The total floor area used for the home occupation, whether conducted in the dwelling or a permitted accessory building, shall not exceed 25% of the total living area of the dwelling or 750 square feet, whichever is less. However, in no case shall a combination of home occupation use and related storage for equipment/vehicles exceed 1000 square feet of building area.”