

Cornwall's Current Housing-Friendly Zoning Regulations

Most of Cornwall's zoning regs that make housing easier for CHC or the people we aim to help come in Article 8, the one that covers Special Permits. Special Permits require an extra level of scrutiny from the Commission because they allow an extra use in addition to those already permitted in the Zone in which the land in question is located. The standard permitted use in all three Residential Zones is a single family dwelling, and the additional use might be considered incompatible.

Applicants are required to file a detailed Site Plan and present their projects at a Public Hearing run concurrently with a regular P&Z meeting, of which neighbors have received official notice, and at which anyone affected may speak. The rationale is that people buy or build in a certain zone in reliance on regulations that will control what is built or proposed in their Zone. Special Permit applications generally intensify the allowed uses or increase the allowed density of housing units, so the applicant must show that the proposal meets all health and safety concerns, and will not adversely impact the surrounding area.

The Special Permits that are most apt to result in under-market housing are:

8.10.3 & .4: Accessory Apartments

8.10: Conversion of Residences to 3 or 4 apartments

8.11: Apartment Use of Business Building

8.12: Room and Board or Bed and Breakfast Establishments

8.16 - .21: Home Uses (These don't exactly *create* housing, but they often make it possible for residents to stay and make a living here.)

Those SP which are limited to either CHC or the Town as applicant are:

8.25: Affordable Multi-Family Housing

8.26: Affordable Lot

Another recent housing-friendly act of our P&Z Commission has been to do away with all minimum square foot requirements. As long as Torrington Area Health and the Building Inspector are satisfied as to health and safety issues, microscopic is OK, as are mobile homes, so long as they have permanent foundations. (5.7)

Most towns looking to go beyond this kind of regulation to promote affordable housing are talking in one way or another about cluster zoning: creating increased density in one part of a lot, while open space is provided in the remainder. Density bonuses may be granted where some degree of affordability is guaranteed, and capacity of the land to support a community septic system would obviously be key. One way P&Z could enable this would be to pass an Incentive Housing Zone reg, which permits the creation of such a Zone where a subdivision could propose smaller lots if 20% are affordable.

For the past 10 years, the bugbear that is often trotted out to scare planning authorities is **CGS 8-30g**, the Affordable Housing Land Use Appeals Procedure Act. This states that in towns where the housing stock is less than 10% “Affordable”, a developer who proposes a subdivision providing 30% affordable units can thumb his/her nose at local zoning regs and just get on with it. Cornwall is way below 10% because only the Kugeman and Bonney Brook apartments officially qualify, though practically speaking, the Parcel Program and many Accessory Apartments are affordable as well. The common wisdom is that AHLUAPA should not scare zoners too much, as there is very little likelihood of a developer fixing his/her sights on Cornwall or finding land appropriate for a profitable project. I don’t think it should scare CHC at all, since it would result in more affordable units.

CORNWALL’S 2010 PLAN OF CONSERVATION AND DEVELOPMENT

Underlying Zoning regulations is the Town Plan, which must provide general goals and objectives to support the individual housing initiatives proposed through regulation. The 2010 Town Plan has a long and interesting section on Housing, found at pp. 23-32. The first part lists eight recommendations:

1. Create a *Housing Trust Fund* regulation to collect a fee, possibly 1% of building costs, to support affordable housing. (“fees in lieu”, authorized by **CGS 8-2i**)
2. *Budget Line Item* (existing) would be the recipient of the above fees, plus any private donations; these monies would be used to match grant funding, to seed projects, to secure options on land, etc.
3. *Housing Finance Authority* should be created to administer funds and encourage affordable housing in the town. It would do all of what CHC does, plus more financial responsibilities. May be CHC subcommittee, or share membership.
4. Continue to support *existing regs*
5. New reg to permit cutting *one-acre lot out of farms* in any Zone
6. *Accessory Apartments* should be further encouraged, through having them be a “by right” permit, rather than Special Permit (fewer hurdles to clear); by helping owners to create them; by figuring how they can be counted under the 10% clause of **CGS 8-30g**;
7. Support the *Incentive Housing Zone Study*
8. New reg to permit *Condominium development* of large older houses.

The second part of the Housing section concerns the tension between preventing sprawl while accommodating housing goals. It is tough going, but rewards the effort.