



General Assembly

Substitute Bill No. 6107

January Session, 2021



***AN ACT CONCERNING THE REORGANIZATION OF THE ZONING
ENABLING ACT AND THE PROMOTION OF MUNICIPAL
COMPLIANCE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-2 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2021*):

3 (a) (1) The zoning commission of each city, town or borough is
4 authorized to regulate, within the limits of such municipality: [, the] (A)
5 The height, number of stories and size of buildings and other structures;
6 (B) the percentage of the area of the lot that may be occupied; (C) the
7 size of yards, courts and other open spaces; (D) the density of
8 population and the location and use of buildings, structures and land
9 for trade, industry, residence or other purposes, including water-
10 dependent uses, as defined in section 22a-93; [,] and (E) the height, size,
11 location, brightness and illumination of advertising signs and
12 billboards, [. Such bulk regulations may allow for cluster development,
13 as defined in section 8-18] except as provided in subsection (f) of this
14 section.

15 (2) Such zoning commission may divide the municipality into
16 districts of such number, shape and area as may be best suited to carry
17 out the purposes of this chapter; and, within such districts, it may

18 regulate the erection, construction, reconstruction, alteration or use of
19 buildings or structures and the use of land. All [such] zoning regulations
20 shall be uniform for each class or kind of buildings, structures or use of
21 land throughout each district, but the regulations in one district may
22 differ from those in another district. [, and]

23 (3) Such zoning regulations may provide that certain classes or kinds
24 of buildings, structures or [uses] use of land are permitted only after
25 obtaining a special permit or special exception from a zoning
26 commission, planning commission, combined planning and zoning
27 commission or zoning board of appeals, whichever commission or
28 board the regulations may, notwithstanding any special act to the
29 contrary, designate, subject to standards set forth in the regulations and
30 to conditions necessary to protect the public health, safety, convenience
31 and property values. [Such regulations shall be]

32 (b) Zoning regulations adopted pursuant to subsection (a) of this
33 section shall:

34 (1) Be made in accordance with a comprehensive plan and in
35 [adopting such regulations the commission shall consider]
36 consideration of the plan of conservation and development [prepared]
37 adopted under section 8-23; [. Such regulations shall be]

38 (2) Be designed to (A) lessen congestion in the streets; [to] (B) secure
39 safety from fire, panic, flood and other dangers; [to] (C) promote health
40 and the general welfare; [to] (D) provide adequate light and air; [to] (E)
41 prevent the overcrowding of land; [to] (F) avoid undue concentration of
42 population; [and to] (G) facilitate the adequate provision for
43 transportation, water, sewerage, schools, parks and other public
44 requirements; [. Such regulations shall be] and (H) affirmatively further
45 the purposes of the federal Fair Housing Act, 42 USC 3601 et seq., as
46 amended from time to time;

47 (3) Be made with reasonable consideration as to [the character of the
48 district and its peculiar] a district's suitability for particular uses and

49 with a view to conserving the value of buildings and encouraging the
50 most appropriate use of land throughout [such] a municipality; [. Such
51 regulations may, to the extent consistent with soil types, terrain,
52 infrastructure capacity and the plan of conservation and development
53 for the community, provide for cluster development, as defined in
54 section 8-18, in residential zones. Such regulations shall also encourage]

55 (4) Provide for the development of housing opportunities, including
56 opportunities for multifamily dwellings, consistent with soil types,
57 terrain and infrastructure capacity, for all residents of the municipality
58 and the planning region in which the municipality is located, as
59 designated by the Secretary of the Office of Policy and Management
60 under section 16a-4a; [. Such regulations shall also promote]

61 (5) Promote housing choice and economic diversity in housing,
62 including housing for both low and moderate income households; [, and
63 shall encourage]

64 (6) Provide for the development of housing which will meet the
65 housing needs identified in the state's consolidated plan for housing and
66 community development prepared pursuant to section 8-37t and in the
67 housing component and the other components of the state plan of
68 conservation and development prepared pursuant to section 16a-26; [. Zoning
69 regulations shall be]

70 (7) Be made with reasonable consideration for [their] the impact of
71 such regulations on agriculture, as defined in subsection (q) of section
72 1-1; [. Zoning regulations may be]

73 (8) Provide that proper provisions be made for soil erosion and
74 sediment control pursuant to section 22a-329;

75 (9) Be made with reasonable consideration for the protection of
76 existing and potential public surface and ground drinking water
77 supplies; and

78 (10) In any municipality that is contiguous to Long Island Sound, (A)

79 be made with reasonable consideration for the restoration and
80 protection of the ecosystem and habitat of Long Island Sound; (B) be
81 designed to reduce hypoxia, pathogens, toxic contaminants and
82 floatable debris on Long Island Sound; and (C) provide that such
83 municipality's zoning commission consider the environmental impact
84 on Long Island Sound of any proposal for development.

85 (c) Zoning regulations adopted pursuant to subsection (a) of this
86 section may:

87 (1) To the extent consistent with soil types, terrain and infrastructure
88 capacity for the community, provide for cluster development, as defined
89 in section 8-18;

90 (2) Be made with reasonable consideration for the protection of
91 historic factors; [and shall be made with reasonable consideration for
92 the protection of existing and potential public surface and ground
93 drinking water supplies. On and after July 1, 1985, the regulations shall
94 provide that proper provision be made for soil erosion and sediment
95 control pursuant to section 22a-329. Such regulations may also
96 encourage]

97 (3) Encourage energy-efficient patterns of development, the use of
98 solar and other renewable forms of energy, and energy conservation; [. The regulations may also provide]

100 (4) Provide for incentives for developers who use passive solar
101 energy techniques, as defined in subsection (b) of section 8-25, in
102 planning a residential subdivision development, [. The incentives may
103 include, but not be] including, but not limited to, cluster development,
104 higher density development and performance standards for roads,
105 sidewalks and underground facilities in the subdivision; [. Such
106 regulations may provide]

107 (5) Provide for a municipal system for the creation of development
108 rights and the permanent transfer of such development rights, which
109 may include a system for the variance of density limits in connection

110 with any such transfer; [. Such regulations may also provide]

111 (6) Provide for notice requirements in addition to those required by
112 this chapter; [. Such regulations may provide]

113 (7) Provide for conditions on operations to collect spring water or
114 well water, as defined in section 21a-150, including the time, place and
115 manner of such operations; [. No such regulations shall prohibit] and

116 (8) In any municipality where a traprock ridge or an amphibolite
117 ridge is located, (A) provide for development restrictions in ridgeline
118 setback areas; and (B) restrict quarrying and clear cutting, except that
119 the following operations and uses shall be permitted in ridgeline setback
120 areas, as of right: (i) Emergency work necessary to protect life and
121 property; (ii) any nonconforming uses that were in existence and that
122 were approved on or before the effective date of regulations adopted
123 pursuant to this section; and (iii) selective timbering, grazing of
124 domesticated animals and passive recreation.

125 (d) Zoning regulations adopted pursuant to subsection (a) of this
126 section shall not:

127 (1) Prohibit the operation of any family child care home or group
128 child care home in a residential zone; [. No such regulations shall
129 prohibit]

130 (2) (A) Prohibit the use of receptacles for the storage of items
131 designated for recycling in accordance with section 22a-241b or require
132 that such receptacles comply with provisions for bulk or lot area, or
133 similar provisions, except provisions for side yards, rear yards and front
134 yards; [. No such regulations shall] or (B) unreasonably restrict access to
135 or the size of such receptacles for businesses, given the nature of the
136 business and the volume of items designated for recycling in accordance
137 with section 22a-241b, that such business produces in its normal course
138 of business, provided nothing in this section shall be construed to
139 prohibit such regulations from requiring the screening or buffering of
140 such receptacles for aesthetic reasons; [. Such regulations shall not

141 impose]

142 (3) Impose conditions and requirements on manufactured homes,
143 including mobile manufactured homes, having as their narrowest
144 dimension twenty-two feet or more and built in accordance with federal
145 manufactured home construction and safety standards or on lots
146 containing such manufactured homes, [which] including mobile
147 manufactured home parks, if those conditions and requirements are
148 substantially different from conditions and requirements imposed on
149 (A) single-family dwellings; [and] (B) lots containing single-family
150 dwellings; [. Such regulations shall not impose conditions and
151 requirements on developments to be occupied by manufactured homes
152 having as their narrowest dimension twenty-two feet or more and built
153 in accordance with federal manufactured home construction and safety
154 standards which are substantially different from conditions and
155 requirements imposed on] or (C) multifamily dwellings, lots containing
156 multifamily dwellings, cluster developments or planned unit
157 developments; [. Such regulations shall not prohibit]

158 (4) (A) Prohibit the continuance of any nonconforming use, building
159 or structure existing at the time of the adoption of such regulations; [or]
160 (B) require a special permit or special exception for any such
161 continuance; [. Such regulations shall not] (C) provide for the
162 termination of any nonconforming use solely as a result of nonuse for a
163 specified period of time without regard to the intent of the property
164 owner to maintain that use; [. Such regulations shall not] or (D)
165 terminate or deem abandoned a nonconforming use, building or
166 structure unless the property owner of such use, building or structure
167 voluntarily discontinues such use, building or structure and such
168 discontinuance is accompanied by an intent to not reestablish such use,
169 building or structure. The demolition or deconstruction of a
170 nonconforming use, building or structure shall not by itself be evidence
171 of such property owner's intent to not reestablish such use, building or
172 structure; [. Unless such town opts out, in accordance with the
173 provisions of subsection (j) of section 8-1bb, such regulations shall not

174 prohibit] or

175 (5) Prohibit the installation of temporary health care structures for
176 use by mentally or physically impaired persons [in accordance with the
177 provisions of section 8-1bb if such structures comply with the provisions
178 of said section] pursuant to section 8-1bb, as amended by this act, unless
179 the municipality opts out pursuant to subsection (j) of said section.

180 (e) Any city, town or borough which adopts the provisions of this
181 chapter may, by vote of its legislative body, exempt municipal property
182 from the regulations prescribed by the zoning commission of such city,
183 town or borough, [:] but unless it is so voted, municipal property shall
184 be subject to such regulations.

185 [(b) In any municipality that is contiguous to Long Island Sound the
186 regulations adopted under this section shall be made with reasonable
187 consideration for restoration and protection of the ecosystem and
188 habitat of Long Island Sound and shall be designed to reduce hypoxia,
189 pathogens, toxic contaminants and floatable debris in Long Island
190 Sound. Such regulations shall provide that the commission consider the
191 environmental impact on Long Island Sound of any proposal for
192 development.

193 (c) In any municipality where a traprock ridge, as defined in section
194 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the
195 regulations may provide for development restrictions in ridgeline
196 setback areas, as defined in said section. The regulations may restrict
197 quarrying and clear cutting, except that the following operations and
198 uses shall be permitted in ridgeline setback areas, as of right: (1)
199 Emergency work necessary to protect life and property; (2) any
200 nonconforming uses that were in existence and that were approved on
201 or before the effective date of regulations adopted under this section;
202 and (3) selective timbering, grazing of domesticated animals and
203 passive recreation.]

204 [(d)] (f) Any advertising sign or billboard that is not equipped with

205 the ability to calibrate brightness or illumination shall be exempt from
206 any municipal ordinance or regulation regulating such brightness or
207 illumination that is adopted by a city, town or borough, pursuant to
208 subsection (a) of this section, after the date of installation of such
209 advertising sign or billboard. [pursuant to subsection (a) of this section.]

210 Sec. 2. Section 8-30j of the general statutes is repealed and the
211 following is substituted in lieu thereof (*Effective July 1, 2021*):

212 (a) [At] (1) Not later than June 1, 2022, and at least once every five
213 years thereafter, each municipality shall prepare or amend and adopt an
214 affordable housing plan for the municipality and shall submit a copy of
215 such plan to the Secretary of the Office of Policy and Management, who
216 shall post such plan on the Internet web site of said office. Such plan
217 shall specify how the municipality intends to increase the number of
218 affordable housing developments in the municipality.

219 (2) If, at the same time the municipality is required to submit to the
220 Secretary of the Office of Policy and Management an affordable housing
221 plan pursuant to subdivision (1) of this section, the municipality is also
222 required to submit to the secretary a plan of conservation and
223 development pursuant to section 8-23, such affordable housing plan
224 may be included as part of such plan of conservation and development.
225 The municipality may, to coincide with its submission to the secretary
226 of a plan of conservation and development, submit to the secretary an
227 affordable housing plan early, provided the municipality's next such
228 submission of an affordable housing plan shall be five years thereafter.

229 (b) The municipality may hold public informational meetings or
230 organize other activities to inform residents about the process of
231 preparing the plan and shall post a copy of any draft plan or amendment
232 to such plan on the Internet web site of the municipality. If the
233 municipality holds a public hearing, such posting shall occur at least
234 thirty-five days prior to the public hearing. [on the adoption, the
235 municipality shall file in the office of the town clerk of such municipality
236 a copy of such draft plan or any amendments to the plan, and if

237 applicable, post such draft plan on the Internet web site of the
238 municipality.] After adoption of the plan, the municipality shall file the
239 final plan in the office of the town clerk of such municipality and [, if
240 applicable,] post the plan on the Internet web site of the municipality.

241 (c) Following adoption, the municipality shall regularly review and
242 maintain such plan. The municipality may adopt such geographical,
243 functional or other amendments to the plan or parts of the plan, in
244 accordance with the provisions of this section, as it deems necessary. If
245 the municipality fails to amend and submit to the Secretary of the Office
246 of Policy and Management such plan every five years, the chief elected
247 official of the municipality shall submit a letter to the [Commissioner of
248 Housing] secretary that (1) explains why such plan was not amended,
249 and (2) designates a date by which an amended plan shall be submitted.

250 Sec. 3. (NEW) (*Effective July 1, 2021*) (a) (1) The Secretary of the Office
251 of Policy and Management, or the secretary's designee, shall convene
252 and chair a working group to develop and recommend to the secretary
253 guidelines and incentives for compliance with (A) the requirements for
254 affordable housing plans prepared pursuant to section 8-30j of the
255 general statutes, as amended by this act, and (B) subdivisions (4) to (6),
256 inclusive, of subsection (b) of section 8-2 of the general statutes, as
257 amended by this act. The working group shall also make
258 recommendations to the secretary as to how such compliance should be
259 determined, as well as the form and manner in which evidence of such
260 compliance should be demonstrated.

261 (2) The working group shall consist of the following members, who
262 shall be appointed by the Secretary of the Office of Policy and
263 Management, in consultation with the Commissioner of Housing, not
264 later than sixty days after July 1, 2021:

265 (A) The Secretary of the Office of Policy and Management, or the
266 secretary's designee;

267 (B) The Commissioner of Housing, or the commissioner's designee;

- 268 (C) Two representatives with expertise in fair housing issues;
- 269 (D) Two representatives with expertise in state or local planning;
- 270 (E) Two representatives of municipal advocacy organizations, one of
271 whom is from the Connecticut Conference of Municipalities and one of
272 whom is from the Connecticut Council of Small Towns;
- 273 (F) One representative of an organization that promotes
274 comprehensive zoning enforcement policies, who is from the
275 Connecticut Association of Zoning Enforcement Officials;
- 276 (G) One representative with expertise in addressing homelessness in
277 the state;
- 278 (H) One representative with expertise in state affordable housing
279 policy;
- 280 (I) One representative with expertise in the residential housing
281 construction trade; and
- 282 (J) One attorney with expertise in zoning practices that promote the
283 creation of affordable housing opportunities.
- 284 (3) Not later than December 1, 2021, the working group convened
285 pursuant to this subsection shall provide its recommendations to the
286 Secretary of the Office of Policy and Management. Not later than March
287 1, 2022, the secretary shall submit a report regarding such
288 recommendations, including any recommended legislation, to the joint
289 standing committees of the General Assembly having cognizance of
290 matters relating to planning and development and housing, in
291 accordance with section 11-4a of the general statutes.
- 292 (b) (1) Not later than June 1, 2022, the Secretary of the Office of Policy
293 and Management, in consultation with the working group convened
294 pursuant to subsection (a) of this section, shall provide guidance to
295 municipalities regarding the demonstration of compliance with section

296 8-30j of the general statutes, as amended by this act, and subdivisions
297 (4) to (6), inclusive, of subsection (b) of section 8-2 of the general statutes,
298 as amended by this act.

299 (2) Not later than June 1, 2023, and at least once every five years
300 thereafter, each municipality that has a zoning commission or a
301 combined planning and zoning commission shall demonstrate, in a
302 form and manner prescribed by the Secretary of the Office of Policy and
303 Management, compliance with subdivisions (4) to (6), inclusive, of
304 subsection (b) of section 8-2 of the general statutes, as amended by this
305 act. The secretary shall post on the Internet web site of said office all
306 evidence submitted by a municipality to demonstrate compliance in
307 accordance with this subdivision.

308 (3) Not later than June 1, 2023, and at least once every five years
309 thereafter, each municipality shall demonstrate, in a form and manner
310 prescribed by the Secretary of the Office of Policy and Management,
311 compliance with section 8-30j of the general statutes, as amended by this
312 act, except that, if the provision of guidance by the secretary as to said
313 section under subdivision (1) of this subsection is delayed beyond June
314 1, 2022, the time for satisfying the requirement to demonstrate such
315 compliance shall be extended by the length of time of any such delay.
316 The secretary shall post on the Internet web site of said office all
317 evidence submitted by a municipality to demonstrate compliance in
318 accordance with this subdivision.

319 Sec. 4. Subsection (j) of section 8-1bb of the general statutes is repealed
320 and the following is substituted in lieu thereof (*Effective July 1, 2021*):

321 (j) A municipality, by vote of its legislative body or, in a municipality
322 where the legislative body is a town meeting, by vote of the board of
323 selectmen, may opt out of the provisions of this section and the
324 [provision] provisions of subdivision (5) of subsection [(a)] (d) of section
325 8-2, as amended by this act, regarding authorization for the installation
326 of temporary health care structures, provided the zoning commission or
327 combined planning and zoning commission of the municipality: (1) First

328 holds a public hearing in accordance with the provisions of section 8-7d
 329 on such proposed opt-out, (2) affirmatively decides to opt out of the
 330 provisions of said sections within the period of time permitted under
 331 section 8-7d, (3) states upon its records the reasons for such decision,
 332 and (4) publishes notice of such decision in a newspaper having a
 333 substantial circulation in the municipality not later than fifteen days
 334 after such decision has been rendered.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2021	8-2
Sec. 2	July 1, 2021	8-30j
Sec. 3	July 1, 2021	New section
Sec. 4	July 1, 2021	8-1bb(j)

Statement of Legislative Commissioners:

"In Section 1(a)(3), "uses" was changed to "[uses] use" for consistency; in Section 1(b)(7), "their impact" was changed to "[their] the impact of such regulations" for clarity; and in Section 1(d)(4), after the semi-colon in the last sentence, "or" was inserted for consistency.

PD *Joint Favorable Subst.*