



General Assembly

February Session, 2020

Raised Bill No. 5132

LCO No. 1215



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

**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 Section 8-2 of the general statutes is repealed and the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, 2020*):

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

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

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; [.
69 Zoning regulations shall be]

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

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

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

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

84 (c) Zoning regulations adopted pursuant to subsection (a) of this
85 section may: [be]

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

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

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

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

106 (5) Provide for a municipal system for the creation of development
107 rights and the permanent transfer of such development rights, which

108 may include a system for the variance of density limits in connection
109 with any such transfer; [. Such regulations may also provide]

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

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

115 (8) In any municipality where a traprock ridge or an amphibolite
116 ridge is located, (A) provide for development restrictions in ridgeline
117 setback areas; and (B) restrict quarrying and clear cutting, except that
118 the following operations and uses shall be permitted in ridgeline setback
119 areas, as of right: (i) Emergency work necessary to protect life and
120 property; (ii) any nonconforming uses that were in existence and that
121 were approved on or before the effective date of regulations adopted
122 pursuant to this section; and (iii) selective timbering, grazing of
123 domesticated animals and passive recreation. As used in this
124 subdivision, "traprock ridge", "amphibolite ridge" and "ridgeline
125 setback area" have the same meanings as provided in section 8-1aa.

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

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

131 (2) (A) Prohibit the use of receptacles for the storage of items
132 designated for recycling in accordance with section 22a-241b or require
133 that such receptacles comply with provisions for bulk or lot area, or
134 similar provisions, except provisions for side yards, rear yards and front
135 yards; [. No such regulations shall] or (B) unreasonably restrict access to
136 or the size of such receptacles for businesses, given the nature of the
137 business and the volume of items designated for recycling in accordance
138 with section 22a-241b, that such business produces in its normal course

139 of business, provided nothing in this section shall be construed to
140 prohibit such regulations from requiring the screening or buffering of
141 such receptacles for aesthetic reasons; [. Such regulations shall not
142 impose]

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

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

173 structure; [. Unless such town opts out, in accordance with the
174 provisions of subsection (j) of section 8-1bb, such regulations shall not
175 prohibit] and

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

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

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

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

205 [(d)] (f) Any advertising sign or billboard that is not equipped with
206 the ability to calibrate brightness or illumination shall be exempt from
207 any municipal ordinance or regulation regulating such brightness or
208 illumination that is adopted by a city, town or borough, pursuant to
209 subsection (a) of this section, after the date of installation of such
210 advertising sign or billboard. [pursuant to subsection (a) of this section.]

211 Sec. 2. Section 8-30j of the general statutes is repealed and the
212 following is substituted in lieu thereof (*Effective July 1, 2020*):

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

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

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

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

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

252 Sec. 3. (NEW) (*Effective July 1, 2020*) (a) (1) The Secretary of the Office
253 of Policy and Management, or the secretary's designee, shall convene
254 and chair a working group to develop and recommend to the secretary
255 guidelines and incentives for compliance with (A) the requirements for
256 affordable housing plans prepared pursuant to section 8-30j of the
257 general statutes, as amended by this act, and (B) subdivisions (4) to (6),
258 inclusive, of subsection (b) of section 8-2 of the general statutes, as
259 amended by this act. The working group shall also make
260 recommendations to the secretary as to how such compliance should be
261 determined, as well as the form and manner in which evidence of such
262 compliance should be demonstrated.

263 (2) The working group shall consist of the following members, who
264 shall be appointed by the Secretary of the Office of Policy and
265 Management, in consultation with the Commissioner of Housing, not
266 later than sixty days after the effective date of this section:

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

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

270 (C) Two representatives with expertise in fair housing issues;

271 (D) Two representatives with expertise in state or local planning;

272 (E) Two representatives of municipal advocacy organizations, one of
273 whom is from the Connecticut Conference of Municipalities and one of
274 whom is from the Connecticut Council of Small Towns;

275 (F) One representative with expertise in addressing homelessness in
276 the state;

277 (G) One representative with expertise in state affordable housing
278 policy;

279 (H) One representative with expertise in the residential housing
280 construction trade; and

281 (I) One attorney with expertise in zoning practices that promote the
282 creation of affordable housing opportunities.

283 (3) Not later than December 1, 2020, the working group convened
284 pursuant to this subsection shall provide its recommendations to the
285 Secretary of the Office of Policy and Management. Not later than March
286 1, 2021, the secretary shall submit a report regarding such
287 recommendations, including any recommended legislation, to the joint
288 standing committees of the General Assembly having cognizance of
289 matters relating to planning and development and to housing, in
290 accordance with section 11-4a of the general statutes.

291 (b) (1) Not later than June 1, 2021, the Secretary of the Office of Policy
292 and Management, in consultation with the working group convened
293 pursuant to subsection (a) of this section, shall provide guidance to
294 municipalities regarding the demonstration of compliance with section
295 8-30j of the general statutes, as amended by this act, and subdivisions
296 (4) to (6), inclusive, of subsection (b) of section 8-2 of the general statutes,
297 as amended by this act.

298 (2) Not later than June 1, 2022, and at least once every five years
299 thereafter, each municipality that has a zoning commission or a
300 combined planning and zoning commission shall demonstrate, in a
301 form and manner prescribed by the Secretary of the Office of Policy and
302 Management, compliance with subdivisions (4) to (6), inclusive, of
303 subsection (b) of section 8-2 of the general statutes, as amended by this
304 act. The secretary shall post on the Internet web site of said office all
305 evidence submitted by a municipality to demonstrate compliance in
306 accordance with this subdivision.

307 (3) Not later than June 1, 2027, and at least once every five years
308 thereafter, each municipality shall demonstrate, in a form and manner
309 prescribed by the Secretary of the Office of Policy and Management,
310 compliance with section 8-30j of the general statutes, as amended by this
311 act, except that, if the provision of guidance by the secretary as to said
312 section under subdivision (1) of this subsection is delayed beyond June
313 1, 2021, the time for satisfying the requirement to demonstrate such
314 compliance shall be extended by the length of time of any such delay.
315 The secretary shall post on the Internet web site of said office all
316 evidence submitted by a municipality to demonstrate compliance in
317 accordance with this subdivision.

318 Sec. 4. Subsection (j) of section 8-1bb of the general statutes is repealed
319 and the following is substituted in lieu thereof (*Effective July 1, 2020*):

320 (j) A municipality, by vote of its legislative body or, in a municipality
321 where the legislative body is a town meeting, by vote of the board of
322 selectmen, may opt out of the provisions of this section and the
323 ~~[provision]~~ provisions of subdivision (5) of subsection [(a)] (d) of section
324 8-2, as amended by this act, regarding authorization for the installation
325 of temporary health care structures, provided the zoning commission or
326 combined planning and zoning commission of the municipality: (1) First
327 holds a public hearing in accordance with the provisions of section 8-7d
328 on such proposed opt-out, (2) affirmatively decides to opt out of the
329 provisions of said sections within the period of time permitted under
330 section 8-7d, (3) states upon its records the reasons for such decision,

331 and (4) publishes notice of such decision in a newspaper having a
332 substantial circulation in the municipality not later than fifteen days
333 after such decision has been rendered.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2020</i>	8-2
Sec. 2	<i>July 1, 2020</i>	8-30j
Sec. 3	<i>July 1, 2020</i>	New section
Sec. 4	<i>July 1, 2020</i>	8-1bb(j)

Statement of Purpose:

To (1) restructure the Zoning Enabling Act for clarity, (2) promote the purposes of the federal Fair Housing Act, (3) provide an administrative mechanism to promote compliance with municipal affordable housing plans, and (4) require the Secretary of the Office of Policy and Management to convene a working group to study municipal affordable housing plans and zoning regulations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]