



General Assembly

January Session, 2021

**Raised Bill No. 6107**

LCO No. 2650



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 Section 8-2 of the general statutes is repealed and the  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, 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 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]

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  
98 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.

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

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

129 (2) (A) Prohibit the use of receptacles for the storage of items  
130 designated for recycling in accordance with section 22a-241b or require  
131 that such receptacles comply with provisions for bulk or lot area, or  
132 similar provisions, except provisions for side yards, rear yards and front  
133 yards; [. No such regulations shall] or (B) unreasonably restrict access to  
134 or the size of such receptacles for businesses, given the nature of the  
135 business and the volume of items designated for recycling in accordance  
136 with section 22a-241b, that such business produces in its normal course  
137 of business, provided nothing in this section shall be construed to  
138 prohibit such regulations from requiring the screening or buffering of

139 such receptacles for aesthetic reasons; [. Such regulations shall not  
140 impose]

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

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

173 prohibit]

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

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

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

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

203 [(d)] (f) Any advertising sign or billboard that is not equipped with  
204 the ability to calibrate brightness or illumination shall be exempt from

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

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

211 (a) [At] (1) Not later than June 1, 2023, and at least once every five  
212 years thereafter, each municipality shall prepare or amend and adopt an  
213 affordable housing plan for the municipality and shall submit a copy of  
214 such plan to the Secretary of the Office of Policy and Management, who  
215 shall post such plan on the Internet web site of said office. Such plan  
216 shall specify how the municipality intends to increase the number of  
217 affordable housing developments in the municipality.

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

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



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

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

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

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

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

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

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

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

269 (E) Two representatives of municipal advocacy organizations, one of  
270 whom is from the Connecticut Conference of Municipalities and one of  
271 whom is from the Connecticut Council of Small Towns;

272 (F) One representative of an organization that promotes  
273 comprehensive zoning enforcement policies who is from the  
274 Connecticut Association of Zoning Enforcement Officials;

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

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

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

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

283 (3) Not later than December 1, 2021, 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, 2022, 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 housing, in  
290 accordance with section 11-4a of the general statutes.

291 (b) (1) Not later than June 1, 2022, 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, 2023, 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, 2023, 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, 2022, 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, 2021*):

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, 2021</i>	8-2
Sec. 2	<i>July 1, 2021</i>	8-30j
Sec. 3	<i>July 1, 2021</i>	New section
Sec. 4	<i>July 1, 2021</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.]*