

**Proposed Substitute  
Bill No. 6749**

LCO No. 6609

**AN ACT TO REORGANIZE THE ZONING ENABLING ACT AND  
PROMOTE 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 Section 8-2 of the general statutes is repealed and the  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, 2019*):

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

22 in one district may 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  
40 health and the general welfare; [to] (D) provide adequate light and air;  
41 [to] (E) prevent the overcrowding of land; [to] (F) avoid undue  
42 concentration of population; [and to] (G) facilitate the adequate  
43 provision for transportation, water, sewerage, schools, parks and other  
44 public requirements; [. Such regulations shall be] and (H) affirmatively  
45 further the purposes of the federal Fair Housing Act, 42 USC 3600 et  
46 seq., as 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  
55 encourage]

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

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

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

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

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,  
79 (A) 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 the  
83 commission consider the environmental impact on Long Island Sound  
84 of any proposal for development.

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

87 (1) To the extent consistent with soil types, terrain and  
88 infrastructure capacity for the community, provide for cluster  
89 development, as defined 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  
120 setback areas, as of right: (i) Emergency work necessary to protect life  
121 and property; (ii) any nonconforming uses that were in existence and  
122 that were approved on or before the effective date of regulations  
123 adopted pursuant to this section; and (iii) selective timbering, grazing  
124 of domesticated animals and passive recreation. As used in this  
125 subdivision, "traprock ridge", "amphibolite ridge" and "ridgeline  
126 setback area" have the same meanings as provided in section 8-1aa.

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

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

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

144 (3) Impose conditions and requirements on manufactured homes,  
145 including mobile manufactured homes, having as their narrowest  
146 dimension twenty-two feet or more and built in accordance with  
147 federal manufactured home construction and safety standards, or on  
148 lots containing such manufactured homes, [which] including mobile

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

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

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

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

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

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

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

212 Sec. 2. Subsection (a) of section 8-30j of the general statutes is  
213 repealed and the following is substituted in lieu thereof (*Effective July*  
214 *1, 2019*):

215 (a) [At] Not later than January 1, 2021, and at least once every five  
216 years thereafter, each municipality shall prepare or amend and adopt  
217 an affordable housing plan for the municipality. Such plan shall  
218 specify how the municipality intends to increase the number of  
219 affordable housing developments in the municipality.

220 Sec. 3. (NEW) (*Effective July 1, 2019*) (a) (1) The Commissioner of  
221 Housing shall convene a working group to conduct a study of the  
222 requirements for municipal zoning to:

223 (A) Provide for the development of housing opportunities,  
224 including opportunities for multifamily dwellings consistent with soil  
225 types, terrain and infrastructure capacity, for all residents of a  
226 municipality and the planning region in which such municipality is  
227 located, as designated by the Secretary of the Office of Policy and  
228 Management pursuant to section 16a-4a of the general statutes;

229 (B) Promote housing choice and economic diversity in housing,  
230 including housing for both low and moderate income households; and

231 (C) Provide for the development of housing that will meet the needs  
232 identified in the state's consolidated plan for housing and community  
233 development, prepared pursuant to section 8-37t of the general  
234 statutes, and in the housing and other components of the state plan of  
235 conservation and development, prepared pursuant to section 16a-26 of  
236 the general statutes.

237 (2) Such study shall include an examination of (A) how the  
238 Commissioner of Housing should determine each municipality's  
239 compliance with such zoning requirements, (B) the form and manner  
240 in which evidence of such compliance should be provided to said  
241 commissioner, and (C) how such compliance should be incorporated  
242 into each municipality's affordable housing plan prepared pursuant to  
243 section 8-30j of the general statutes, as amended by this act.

244 (3) The working group shall consist of the following members, who  
245 shall be appointed by the Commissioner of Housing not later than



246 sixty days after the effective date of this section:

247 (A) Two representatives with expertise in fair housing issues;

248 (B) Two representatives with expertise in state or local planning;

249 (C) Two representatives with expertise in addressing homelessness  
250 in the state;

251 (D) One representative of a municipal advocacy organization;

252 (E) One representative with expertise in the housing construction  
253 trade; and

254 (F) The Secretary of the Office of Policy and Management, or the  
255 secretary's designee.

256 (4) Not later than January 1, 2020, the Commissioner of Housing  
257 shall submit a report regarding the outcome and recommendations of  
258 the working group, including any recommended legislation, to the  
259 joint standing committee of the General Assembly having cognizance  
260 of matters relating to planning and development, in accordance with  
261 section 11-4a of the general statutes.

262 (b) (1) Not later than January 1, 2021, and at least once every ten  
263 years thereafter, each municipality that adopts the provisions of this  
264 chapter pursuant to section 8-1 of the general statutes, as amended by  
265 this act, shall demonstrate, in a form and manner prescribed by the  
266 Commissioner of Housing, compliance with subdivisions (4) to (6),  
267 inclusive, of subsection (b) of section 8-2 of the general statutes, as  
268 amended by this act. Said commissioner, in consultation with the  
269 working group established pursuant to subsection (a) of this section,  
270 shall prescribe the form and manner in which each municipality shall  
271 provide evidence of such compliance, except that, not later than April  
272 1, 2020, said commissioner shall provide guidance to municipalities  
273 regarding the demonstration of such compliance.

274 (2) The Commissioner of Housing shall notify the Secretary of the

275 Office of Policy and Management of the failure of any municipality to  
276 demonstrate compliance in accordance with subdivision (1) of this  
277 subsection. Any municipality that fails to demonstrate such  
278 compliance shall be ineligible for discretionary state funding until said  
279 commissioner notifies the secretary that such municipality has so  
280 complied, except that the secretary may expressly waive such  
281 ineligibility.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	8-2
Sec. 2	<i>July 1, 2019</i>	8-30j(a)
Sec. 3	<i>July 1, 2019</i>	New section