



General Assembly

January Session, 2021

**Raised Bill No. 1024**

LCO No. 4773



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

***AN ACT CONCERNING ZONING AUTHORITY, CERTAIN DESIGN GUIDELINES, QUALIFICATIONS OF CERTAIN LAND USE OFFICIALS AND CERTAIN SEWAGE DISPOSAL SYSTEMS.***

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

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 Section 8-1a of the general statutes is repealed and the  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

3 (a) "Municipality" as used in this chapter shall include a district  
4 establishing a zoning commission under section 7-326. Wherever the  
5 words "town" and "selectmen" appear in this chapter, they shall be  
6 deemed to include "district" and "officers of such district", respectively.

7 (b) As used in this chapter and sections 5 and 6 of this act:

8 (1) "Accessory apartment" means a separate dwelling unit occupied  
9 by a family, or a single housekeeping unit, that (A) is located on the  
10 same lot as a principal dwelling unit of greater square footage, (B) has  
11 cooking facilities, and (C) complies with or is otherwise exempt from  
12 any applicable building code, fire code and health and safety  
13 regulations;

14       (2) "Affordable accessory apartment" means an accessory apartment  
15 that is subject to binding recorded deeds which contain covenants or  
16 restrictions that require such accessory apartment be sold or rented at,  
17 or below, prices that will preserve the unit as housing for which, for a  
18 period of not less than ten years, persons and families pay thirty per cent  
19 or less of income, where such income is less than or equal to eighty per  
20 cent of the median income;

21       (3) "As of right" means able to be approved in accordance with the  
22 terms of a zoning regulation or regulations and without requiring that  
23 a public hearing be held, a variance, special permit or special exception  
24 be granted or some other discretionary zoning action be taken, other  
25 than a determination that a site plan is in conformance with applicable  
26 zoning regulations;

27       (4) "Concentrated development" means any area defined by the  
28 United States Census Bureau with an aggregate population of at least  
29 five hundred persons per square mile, as determined by the most recent  
30 population estimate by the Department of Public Health;

31       (5) "Cottage cluster" means a grouping of at least four detached  
32 housing units, or live work units, per acre that are located around a  
33 common open area;

34       (6) "Live work unit" means a building, or space within a building, that  
35 may be used jointly for commercial and residential purposes by a person  
36 or persons living within such building or space and where the  
37 commercial purposes are not authorized as customary and incidental  
38 accessory home occupation use;

39       (7) "Main street corridor" means a portion of any public road, not less  
40 than one-quarter of a mile and not more than three-quarters of a mile in  
41 length, that satisfies two of the following: (A) Is classified as an Other  
42 Principal Arterial or Minor Arterial by the Federal Highway  
43 Administration; (B) encompasses an intersection of (i) two state routes,  
44 or (ii) a state route and a federal route; (C) has at least fifty per cent of  
45 the frontage along such portion being used for office, retail, service,

46 mixed-used development or general commercial purposes; and (D) is  
47 served by public transportation;

48 (8) "Middle housing" means duplexes, triplexes, quadplexes, cottage  
49 clusters and townhouses;

50 (9) "Mixed-used development" means a development containing both  
51 residential and nonresidential uses in any single building;

52 (10) "Townhouse" means a residential building constructed in a  
53 grouping of three or more attached units, each of which shares at least  
54 one common wall with an adjacent unit and has exterior walls on at least  
55 two sides; and

56 (11) "Transit station" means a rail station, bus rapid transit station,  
57 ferry terminal or bus terminal.

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

60 (a) Any municipality may, by ordinance, establish a schedule of  
61 reasonable fees for the processing of applications by a municipal zoning  
62 commission, planning commission, combined planning and zoning  
63 commission, zoning board of appeals or inland wetlands commission.  
64 Such schedule shall supersede any specific fees set forth in the general  
65 statutes, or any special act or established by a planning commission  
66 under section 8-26.

67 (b) A municipality may, by regulation, require any person applying  
68 to a municipal zoning commission, planning commission, combined  
69 planning and zoning commission, zoning board of appeals or inland  
70 wetlands commission for approval of a development project to pay the  
71 cost of reasonable consulting fees for necessary peer review of particular  
72 technical aspects of an application, such as regarding traffic or  
73 stormwater, for the benefit of such commission or board. Any such fees  
74 shall be accounted for separately from other funds of such commission  
75 or board and shall be used only for expenses associated with the  
76 technical review by consultants who are not salaried employees of the

77 municipality or such commission or board. Any amount of the fee  
78 remaining after payment of all expenses for such technical review,  
79 including any interest accrued, shall be returned to the applicant not  
80 later than forty-five days after the completion of the technical review.

81 (c) No municipality may adopt a schedule of fees under subsection  
82 (a) of this section that results in higher fees for (1) development projects  
83 built using the provisions of section 8-30g, as amended by this act, or (2)  
84 residential buildings containing four or more dwelling units, than for  
85 other residential dwellings, including, but not limited to, higher fees per  
86 dwelling unit, per square footage or per unit of construction cost.

87 Sec. 3. Subsection (j) of section 8-1bb of the general statutes is repealed  
88 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

89 (j) A municipality, by vote of its legislative body or, in a municipality  
90 where the legislative body is a town meeting, by vote of the board of  
91 selectmen, may opt out of the provisions of this section and the  
92 ~~[provision]~~ provisions of subdivision (5) of subsection [(a)] (d) of section  
93 8-2, as amended by this act, regarding authorization for the installation  
94 of temporary health care structures, provided the zoning commission or  
95 combined planning and zoning commission of the municipality: (1) First  
96 holds a public hearing in accordance with the provisions of section 8-7d  
97 on such proposed opt-out, (2) affirmatively decides to opt out of the  
98 provisions of said sections within the period of time permitted under  
99 section 8-7d, (3) states upon its records the reasons for such decision,  
100 and (4) publishes notice of such decision in a newspaper having a  
101 substantial circulation in the municipality not later than fifteen days  
102 after such decision has been rendered.

103 Sec. 4. Section 8-2 of the general statutes is repealed and the following  
104 is substituted in lieu thereof (*Effective October 1, 2021*):

105 (a) (1) The zoning commission of each city, town or borough is  
106 authorized to regulate, within the limits of such municipality: ~~[, the]~~ (A)  
107 The height, number of stories and size of buildings and other structures;  
108 (B) the percentage of the area of the lot that may be occupied; (C) the

109 size of yards, courts and other open spaces; (D) the density of  
110 population and the location and use of buildings, structures and land  
111 for trade, industry, residence or other purposes, including water-  
112 dependent uses, as defined in section 22a-93; [,] and (E) the height, size,  
113 location, brightness and illumination of [advertising] signs and  
114 billboards, [. Such bulk regulations may allow for cluster development,  
115 as defined in section 8-18] except as provided in subsection (f) of this  
116 section.

117 (2) Such zoning commission may divide the municipality into  
118 districts of such number, shape and area as may be best suited to carry  
119 out the purposes of this chapter; and, within such districts, it may  
120 regulate the erection, construction, reconstruction, alteration or use of  
121 buildings or structures and the use of land. All [such] zoning regulations  
122 shall be uniform for each class or kind of buildings, structures or use of  
123 land throughout each district, but the regulations in one district may  
124 differ from those in another district. [, and]

125 (3) Such zoning regulations may provide that certain classes or kinds  
126 of buildings, structures or uses of land are permitted only after  
127 obtaining a special permit or special exception from a zoning  
128 commission, planning commission, combined planning and zoning  
129 commission or zoning board of appeals, whichever commission or  
130 board the regulations may, notwithstanding any special act to the  
131 contrary, designate, subject to standards set forth in the regulations and  
132 to conditions necessary to protect the public health, safety, convenience  
133 and property values. [Such]

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

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

140 (2) Be designed to (A) lessen congestion in the streets; [to] (B) secure

141 safety from fire, panic, flood and other dangers; [to] (C) promote health  
142 and the general welfare; [to provide adequate light and air; to prevent  
143 the overcrowding of land; to avoid undue concentration of population  
144 and to] (D) protect the state's historic, tribal, cultural and environmental  
145 resources; (E) facilitate the adequate provision for transportation, water,  
146 sewerage, schools, parks and other public requirements; [. Such  
147 regulations shall be made] (F) consider the impact, including as to  
148 housing affordability, of permitted land uses on contiguous  
149 municipalities and on the planning region, as defined in section 4-124i,  
150 in which such municipality is located, (G) combat discrimination and  
151 take other meaningful actions that overcome patterns of segregation and  
152 address significant disparities in housing needs and access to  
153 opportunities, and (I) provide for clear processes for and efficient review  
154 of development proposals;

155 (3) Be drafted with reasonable consideration as to the [character]  
156 physical site characteristics and architectural context of the district and  
157 its peculiar suitability for particular uses and with a view to [conserving  
158 the value of buildings and] encouraging the most appropriate use of  
159 land throughout such municipality; [. Such regulations may, to the  
160 extent consistent with soil types, terrain, infrastructure capacity and the  
161 plan of conservation and development for the community, provide for  
162 cluster development, as defined in section 8-18, in residential zones.  
163 Such regulations shall also encourage]

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

170 (5) Promote housing choice and economic diversity in housing,  
171 including housing for both low and moderate income households; [, and  
172 shall encourage]

173 (6) Expressly allow the development of housing which will meet the

174 housing needs identified in the state's consolidated plan for housing and  
175 community development prepared pursuant to section 8-37t and in the  
176 housing component and the other components of the state plan of  
177 conservation and development prepared pursuant to section 16a-26; [.]  
178 Zoning regulations shall be]

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

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

183 (9) Be made with reasonable consideration for the protection of  
184 existing and potential public surface and ground drinking water  
185 supplies; and

186 (10) In any municipality that is contiguous to or on a navigable  
187 waterway draining to Long Island Sound, (A) be made with reasonable  
188 consideration for the restoration and protection of the ecosystem and  
189 habitat of Long Island Sound; (B) be designed to reduce hypoxia,  
190 pathogens, toxic contaminants and floatable debris on Long Island  
191 Sound; and (C) provide that such municipality's zoning commission  
192 consider the environmental impact on Long Island Sound coastal  
193 resources, as defined in section 22a-93, of any proposal for development.

194 (c) Zoning regulations adopted pursuant to subsection (a) of this  
195 section may; [be]

196 (1) To the extent consistent with soil types, terrain and water, sewer  
197 and traffic infrastructure capacity for the community, provide for or  
198 require cluster development, as defined in section 8-18;

199 (2) Be made with reasonable consideration for the protection of  
200 historic factors; [and shall be made with reasonable consideration for  
201 the protection of existing and potential public surface and ground  
202 drinking water supplies. On and after July 1, 1985, the regulations shall  
203 provide that proper provision be made for soil erosion and sediment  
204 control pursuant to section 22a-329. Such regulations may also

205 encourage]

206 (3) Require or promote (A) energy-efficient patterns of development;  
207 [ ] (B) the use of distributed generation or freestanding solar, wind and  
208 other renewable forms of energy; [ ] (C) combined heat and power; and  
209 (D) energy conservation; [ . The regulations may also provide for]

210 (4) Provide incentives for developers who use [passive solar energy  
211 techniques, as defined in subsection (b) of section 8-25, in planning a  
212 residential subdivision development. The incentives may include, but  
213 not be] (A) solar and other renewable forms of energy; (B) combined  
214 heat and power; (C) water conservation, including demand offsets; and  
215 (D) energy conservation techniques, including, but not limited to,  
216 cluster development, higher density development and performance  
217 standards for roads, sidewalks and underground facilities in the  
218 subdivision; [ . Such regulations may provide]

219 (5) Provide for a municipal system for the creation of development  
220 rights and the permanent transfer of such development rights, which  
221 may include a system for the variance of density limits in connection  
222 with any such transfer; [ . Such regulations may also provide]

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

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

228 (8) Provide for floating zones, overlay zones and planned  
229 development districts;

230 (9) Require estimates of vehicle miles traveled and vehicle trips  
231 generated in lieu of level of service traffic calculations to assess (A) the  
232 anticipated traffic impact of proposed developments; and (B) potential  
233 mitigation strategies such as reducing the amount of required parking  
234 for a development or requiring public sidewalks, crosswalks, bicycle  
235 paths, bicycle racks or bus shelters, including off-site; and



236 (10) In any municipality where a traprock ridge or an amphibolite  
237 ridge is located, (A) provide for development restrictions in ridgeline  
238 setback areas; and (B) restrict quarrying and clear cutting, except that  
239 the following operations and uses shall be permitted in ridgeline setback  
240 areas, as of right: (i) Emergency work necessary to protect life and  
241 property; (ii) any nonconforming uses that were in existence and that  
242 were approved on or before the effective date of regulations adopted  
243 pursuant to this section; and (iii) selective timbering, grazing of  
244 domesticated animals and passive recreation.

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

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

250 (2) (A) Prohibit the use of receptacles for the storage of items  
251 designated for recycling in accordance with section 22a-241b or require  
252 that such receptacles comply with provisions for bulk or lot area, or  
253 similar provisions, except provisions for side yards, rear yards and front  
254 yards; [. No such regulations shall] or (B) unreasonably restrict access to  
255 or the size of such receptacles for businesses, given the nature of the  
256 business and the volume of items designated for recycling in accordance  
257 with section 22a-241b, that such business produces in its normal course  
258 of business, provided nothing in this section shall be construed to  
259 prohibit such regulations from requiring the screening or buffering of  
260 such receptacles for aesthetic reasons; [. Such regulations shall not  
261 impose]

262 (3) Impose conditions and requirements on manufactured homes,  
263 including mobile manufactured homes, having as their narrowest  
264 dimension twenty-two feet or more and built in accordance with federal  
265 manufactured home construction and safety standards or on lots  
266 containing such manufactured homes, [which] including mobile  
267 manufactured home parks, if those conditions and requirements are  
268 substantially different from conditions and requirements imposed on

269 (A) single-family dwellings; [and] (B) lots containing single-family  
270 dwellings; [. Such regulations shall not impose conditions and  
271 requirements on developments to be occupied by manufactured homes  
272 having as their narrowest dimension twenty-two feet or more and built  
273 in accordance with federal manufactured home construction and safety  
274 standards which are substantially different from conditions and  
275 requirements imposed on] or (C) multifamily dwellings, lots containing  
276 multifamily dwellings, cluster developments or planned unit  
277 developments; [. Such regulations shall not prohibit]

278 (4) (A) Prohibit the continuance of any nonconforming use, building  
279 or structure existing at the time of the adoption of such regulations  
280 except as provided in subparagraph (D) of this subdivision; [or] (B)  
281 require a special permit or special exception for any such continuance;  
282 [. Such regulations shall not] (C) provide for the termination of any (i)  
283 nonconforming use solely as a result of nonuse for a [specified period of  
284 time without regard to the intent of the property owner to maintain that  
285 use. Such regulations shall not] period of less than five years, or (ii)  
286 residential nonconforming use, building or structure solely on the basis  
287 of the demolition or deconstruction of such use, building or structure;  
288 or (D) terminate or deem abandoned a nonconforming use, building or  
289 structure unless (i) the property owner of such use, building or structure  
290 voluntarily discontinues such use, building or structure and such  
291 discontinuance is accompanied by an intent to not reestablish such use,  
292 building or structure, [. The demolition or deconstruction of a  
293 nonconforming use, building or structure shall not by itself be evidence  
294 of such property owner's intent to not reestablish such use, building or  
295 structure. Unless such town opts out, in accordance with the provisions  
296 of subsection (j) of section 8-1bb, such regulations shall not prohibit] or  
297 (ii) the zoning commission (I) declares, after notice of a cease and desist  
298 order duly presented to the property owner in accordance with  
299 applicable regulations and after a public hearing on such order, that a  
300 nonresidential nonconforming use, building or structure in a residential  
301 zone is inconsistent with the plan of conservation and development or  
302 is a public nuisance, and (II) specifies a reasonable time for the  
303 termination of such nonconforming use;

304 (5) Prohibit the installation of temporary health care structures for  
305 use by mentally or physically impaired persons [in accordance with the  
306 provisions of section 8-1bb if such structures comply with the provisions  
307 of said section] pursuant to section 8-1bb, as amended by this act, unless  
308 the municipality opts out pursuant to subsection (j) of said section;

309 (6) Prohibit the operation in a residential zone of any cottage food  
310 operation, as defined in section 21a-62b;

311 (7) Establish for any dwelling unit a minimum floor area that is  
312 greater than required under the Public Health Code;

313 (8) Place a fixed numerical or percentage cap on the number of  
314 dwelling units that constitute multifamily housing over four units,  
315 middle housing or mixed-use development that may be permitted;

316 (9) Require more than one parking space for each studio or one-  
317 bedroom dwelling unit or more than two parking spaces for each  
318 dwelling unit with two or more bedrooms; or

319 (10) Be applied to deny any land use application, including for any  
320 site plan approval, special permit, special exception or other zoning  
321 approval, on the basis of (A) a district's character unless such character  
322 is expressly articulated in such regulations by clear and explicit physical  
323 standards for site work and structures, or (B) the immutable  
324 characteristics, source of income or income level of any applicant or end  
325 user, other than age or disability whenever age-restricted or disability-  
326 restricted housing may be permitted.

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

332 [(b) In any municipality that is contiguous to Long Island Sound the  
333 regulations adopted under this section shall be made with reasonable  
334 consideration for restoration and protection of the ecosystem and

335 habitat of Long Island Sound and shall be designed to reduce hypoxia,  
336 pathogens, toxic contaminants and floatable debris in Long Island  
337 Sound. Such regulations shall provide that the commission consider the  
338 environmental impact on Long Island Sound of any proposal for  
339 development.

340 (c) In any municipality where a traprock ridge, as defined in section  
341 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the  
342 regulations may provide for development restrictions in ridgeline  
343 setback areas, as defined in said section. The regulations may restrict  
344 quarrying and clear cutting, except that the following operations and  
345 uses shall be permitted in ridgeline setback areas, as of right: (1)  
346 Emergency work necessary to protect life and property; (2) any  
347 nonconforming uses that were in existence and that were approved on  
348 or before the effective date of regulations adopted under this section;  
349 and (3) selective timbering, grazing of domesticated animals and  
350 passive recreation.]

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

357 (g) Any aggrieved party alleging that the zoning regulations of a  
358 municipality are noncompliant with the provisions of subsection (b) or  
359 (d) of this section or section 5 or 6 of this act, may file an application in  
360 the superior court for the judicial district in which such municipality is  
361 located to enjoin the enforcement of such regulations. If such court finds  
362 that such municipality failed to comply with the provisions of either of  
363 said subsections or either of said sections, as applicable, such court may  
364 issue an injunction for such purpose.

365 Sec. 5. (NEW) (Effective October 1, 2021) (a) Any zoning regulations  
366 adopted pursuant to section 8-2 of the general statutes, as amended by  
367 this act, shall:

368 (1) Designate locations or zoning districts within the municipality in  
369 which accessory apartments are allowed, provided at least one  
370 accessory apartment shall be allowed as of right on each lot that contains  
371 a single-family dwelling and no such accessory apartment shall be  
372 required to be an affordable accessory apartment;

373 (2) Allow accessory apartments to be attached to or located within the  
374 proposed or existing principal dwelling, or detached from the proposed  
375 or existing principal dwelling and located on the same lot as such  
376 dwelling;

377 (3) Set a maximum net floor area for an accessory apartment of not  
378 less than thirty per cent of the net floor area of the principal dwelling, or  
379 one thousand square feet, whichever is less, except that such regulations  
380 may allow a larger net floor area for such apartments;

381 (4) Require setbacks, lot size and building frontage less than or equal  
382 to that which is required for the principal dwelling, and require lot  
383 coverage greater than or equal to that which is required for the principal  
384 dwelling;

385 (5) Provide for height, landscaping and architectural design  
386 standards that do not exceed any such standards as they are applied to  
387 single-family dwellings in the municipality;

388 (6) Be prohibited from requiring (A) a passageway between any such  
389 accessory apartment and any such principal dwelling, (B) an exterior  
390 door for any such accessory apartment, except as required by the  
391 applicable building or fire code, (C) any more than one parking space  
392 for any such accessory apartment, or fees in lieu of parking otherwise  
393 allowed by section 8-2c of the general statutes, or (D) a familial, marital  
394 or employment relationship between occupants of the principal  
395 dwelling and accessory apartment, (E) a minimum age for occupants of  
396 the accessory apartment, (F) separate billing of utilities otherwise  
397 connected to, or used by, the principal dwelling unit, or (G) periodic  
398 renewals for permits for such accessory apartments; and

399 (7) Be interpreted and enforced such that nothing in this section shall  
400 be in derogation of (A) applicable building code requirements, (B) the  
401 ability of a municipality to require owner occupancy or to prohibit or  
402 limit the use of accessory apartments for short-term rentals or vacation  
403 stays, or (C) other requirements where a private sewerage system is  
404 being used, provided approval for any such accessory apartment shall  
405 not be unreasonably withheld.

406 (b) The as of right permit application and review process for approval  
407 of accessory apartments shall require that a decision on any such  
408 application be rendered not later than sixty-five days after receipt of  
409 such application by the applicable zoning commission, except that an  
410 applicant may consent to one or more extensions of not more than an  
411 additional sixty-five days or may withdraw such application.

412 (c) A municipality shall not (1) condition the approval of an accessory  
413 apartment on the correction of a nonconforming use, structure or lot, or  
414 (2) require the installation of fire sprinklers in an accessory apartment if  
415 such sprinklers are not required for the principal dwelling located on  
416 the same lot or otherwise required by the fire code.

417 (d) A municipality, special district, sewer or water authority shall not  
418 (1) consider an accessory apartment to be a new residential use for the  
419 purposes of calculating connection fees or capacity charges for utilities,  
420 including water and sewer service, unless such accessory apartment  
421 was constructed with a new single-family dwelling on the same lot, or  
422 (2) require the installation of a new or separate utility connection  
423 directly to an accessory apartment or impose a related connection fee or  
424 capacity charge.

425 (e) If a municipality fails to adopt new regulations or amend existing  
426 regulations by June 1, 2022, for the purpose of complying with the  
427 provisions of this section, any noncompliant existing regulation shall  
428 become null and void and such municipality shall approve or deny  
429 applications for accessory apartments in accordance with the  
430 requirements for regulations set forth in the provisions of this section  
431 until such municipality adopts or amends a regulation in compliance

432 with this section. A municipality may not use or impose additional  
433 standards beyond those set forth in this section.

434 Sec. 6. (NEW) (*Effective October 1, 2021*) (a) Any zoning regulations  
435 adopted pursuant to section 8-2 of the general statutes, as amended by  
436 this act, shall allow as of right and with no minimum parking  
437 requirements for dwelling units:

438 (1) Mixed-used developments with at least four dwelling units,  
439 mixed-used developments with at least four live work units and  
440 multifamily housing with at least four dwelling units (A) at a minimum  
441 density of fifteen units per acre, and (B) in at least fifty per cent of the  
442 lot area served by water and sewer infrastructure and within a one-half-  
443 mile radius of any municipality's primary transit station. In the case of  
444 the zoning obligations described in this subparagraph, a municipality  
445 may satisfy up to fifty per cent of such obligations in the area between a  
446 one-half-mile radius and a one-mile radius of such transit station only if  
447 the land zoned to satisfy such obligations is located only a public right  
448 of way that directly connects to such transit station with adequate  
449 sidewalks, crosswalks and other similar pedestrian facilities; and

450 (2) Multifamily housing or at least two types of middle housing (A)  
451 in any municipality with (i) concentrated development, or (ii) a  
452 minimum population of seven thousand five hundred in the preceding  
453 calendar year, and (B) in at least fifty per cent of the lot area within a  
454 one-quarter-mile distance from at least one main street corridor. If any  
455 such municipality does not have a clearly identifiable main street  
456 corridor, such municipality shall allow as of right multifamily housing  
457 or at least two types of middle housing in contiguous land  
458 encompassing an area of one-quarter square miles.

459 (b) The calculation of lot area as described in subparagraph (B) of  
460 subdivision (1) of subsection (a) of this section and subparagraph (B) of  
461 subdivision (2) of subsection (a) of this section shall include the square  
462 footage of total lot area, excluding roadways, sidewalks, railways,  
463 regulated inland wetlands and watercourses areas, steep slopes of  
464 fifteen per cent or more in grade change with a single lot, ledges, special

465 flood hazard areas defined by the Federal Emergency Management  
466 Agency, wetlands, as defined in section 22a-29 of the general statutes,  
467 public parkland, coastal resources, as defined in section 22a-93 of the  
468 general statutes, areas necessary for the protection of drinking water  
469 supplies and areas likely to be inundated during a thirty-year flood  
470 event, as identified by the Connecticut Institute of Climate Resilience  
471 and Adaptation at The University of Connecticut pursuant to section 25-  
472 68o of the general statutes.

473 (c) For any development or housing allowed under subsection (a) of  
474 this section that includes ten or more residential units, at least ten per  
475 cent of such residential units shall be an affordable housing  
476 development, as defined in section 8-30g of the general statutes, as  
477 amended by this act.

478 (d) The as of right permit application and review process for approval  
479 of housing that is described in this section shall require that a decision  
480 on any such application be rendered not later than sixty-five days after  
481 receipt of such application by the applicable zoning commission, except  
482 that an applicant may consent to one or more extensions of not more  
483 than an additional sixty-five days or may withdraw such application.

484 (e) If a municipality fails to adopt new regulations or amend existing  
485 regulations by June 1, 2022, for the purpose of complying with the  
486 provisions of this section, any noncompliant existing regulation shall  
487 become null and void and such municipality shall approve or deny  
488 applications for housing described in this section in accordance with the  
489 requirements for regulations set forth in the provisions of this section  
490 until such municipality adopts or amends a regulation in compliance  
491 with this section.

492 (f) A municipality shall not (1) use or impose standards that  
493 discourage through unreasonable costs or delays the development of  
494 housing described in this section, or (2) condition the approval of such  
495 housing on the correction of a nonconforming use, structure or lot.

496 Sec. 7. Subsection (k) of section 8-30g of the general statutes is



497 repealed and the following is substituted in lieu thereof (*Effective October*  
498 *1, 2021*):

499 (k) The affordable housing appeals procedure established under this  
500 section shall not be available if the real property which is the subject of  
501 the application is located in a municipality in which at least ten per cent  
502 of all dwelling units in the municipality are (1) assisted housing, (2)  
503 currently financed by Connecticut Housing Finance Authority  
504 mortgages, (3) subject to binding recorded deeds containing covenants  
505 or restrictions which require that such dwelling units be sold or rented  
506 at, or below, prices which will preserve the units as housing for which  
507 persons and families pay thirty per cent or less of income, where such  
508 income is less than or equal to eighty per cent of the median income, (4)  
509 mobile manufactured homes located in mobile manufactured home  
510 parks or legally approved accessory apartments, which homes or  
511 apartments are subject to binding recorded deeds containing covenants  
512 or restrictions which require that such dwelling units be sold or rented  
513 at, or below, prices which will preserve the units as housing for which,  
514 for a period of not less than ten years, persons and families pay thirty  
515 per cent or less of income, where such income is less than or equal to  
516 eighty per cent of the median income, or (5) mobile manufactured  
517 homes located in resident-owned mobile manufactured home parks. For  
518 the purposes of calculating the total number of dwelling units in a  
519 municipality, accessory apartments built or permitted after January 1,  
520 2022, but that are not described in subdivision (4) of this subsection shall  
521 not be counted toward such total number. The municipalities meeting  
522 the criteria set forth in this subsection shall be listed in the report  
523 submitted under section 8-37qqq. As used in this subsection, "accessory  
524 apartment" [means a separate living unit that (A) is attached to the main  
525 living unit of a house, which house has the external appearance of a  
526 single-family residence, (B) has a full kitchen, (C) has a square footage  
527 that is not more than thirty per cent of the total square footage of the  
528 house, (D) has an internal doorway connecting to the main living unit  
529 of the house, (E) is not billed separately from such main living unit for  
530 utilities, and (F) complies with the building code and health and safety  
531 regulations] has the same meaning as provided in section 8-1a, as

532 amended by this act, and "resident-owned mobile manufactured home  
533 park" means a mobile manufactured home park consisting of mobile  
534 manufactured homes located on land that is deed restricted, and, at the  
535 time of issuance of a loan for the purchase of such land, such loan  
536 required seventy-five per cent of the units to be leased to persons with  
537 incomes equal to or less than eighty per cent of the median income, and  
538 either (i) forty per cent of said seventy-five per cent to be leased to  
539 persons with incomes equal to or less than sixty per cent of the median  
540 income, or (ii) twenty per cent of said seventy-five per cent to be leased  
541 to persons with incomes equal to or less than fifty per cent of the median  
542 income.

543       Sec. 8. (*Effective July 1, 2021*) (a) Not later than September 1, 2021, the  
544 Secretary of the Office of Policy and Management, or the secretary's  
545 designee, shall convene and chair a working group to develop model  
546 design guidelines for both buildings and context-appropriate streets  
547 that municipalities may adopt, in whole or in part, as part of their zoning  
548 or subdivision regulations. Such guidelines shall (1) identify common  
549 architectural and site design features of building types used throughout  
550 this state, (2) create a catalogue of common building types, particularly  
551 those typically associated with housing, (3) establish reasonable and  
552 cost-effective design review standards for approval of common building  
553 types, accounting for topography, geology, climate change and  
554 infrastructure capacity, (4) establish procedures for expediting the  
555 approval of buildings or streets that satisfy such design review  
556 standards, whether for zoning or subdivision regulations, and (5) create  
557 a design manual for context-appropriate streets that complement  
558 common building types.

559       (b) The working group shall consist of the following members, who  
560 shall be appointed by the Secretary of the Office of Policy and  
561 Management, in consultation with the Commissioner of Housing, not  
562 later than sixty days after the effective date of this section:

563       (1) The Secretary of the Office of Policy and Management, or the  
564 secretary's designee;

565 (2) The Commissioner of Housing, or said commissioner's designee;

566 (3) The Commissioner of Transportation, or said commissioner's  
567 designee;

568 (4) Two representatives with expertise in fair housing issues or  
569 affordable housing advocacy;

570 (5) Two representatives with expertise in state, regional or local  
571 planning;

572 (6) Two representatives with expertise in architecture or design;

573 (7) One representative of the Connecticut Conference of  
574 Municipalities; and

575 (8) One representative with expertise in the housing construction  
576 trade.

577 (c) Not later than April 1, 2022, the working group convened  
578 pursuant to this section shall submit a report proposing the model  
579 design guidelines for both buildings and context-appropriate streets  
580 that such group developed to the joint standing committee of the  
581 General Assembly having cognizance of matters relating to planning  
582 and development, in accordance with section 11-4a of the general  
583 statutes. Not later than April 1, 2022, the Secretary of the Office of Policy  
584 and Management shall post such model design guidelines with any  
585 necessary revisions on the Internet web site of the Office of Policy and  
586 Management for use and adoption by municipalities of this state.

587 (d) Not later than June 1, 2021, the regional councils of government  
588 shall collectively develop and implement an education and training  
589 program for delivery of such model design guidelines for both buildings  
590 and context-appropriate streets. Each regional council of governments  
591 shall report its activities relative to such program as part of the annual  
592 report required under section 4-66r of the general statutes.

593 Sec. 9. (NEW) (*Effective October 1, 2021*) (a) (1) (A) Except as provided

594 in subdivision (2) of this subsection, beginning January 1, 2022, and  
595 annually thereafter, each member of a zoning, planning or combined  
596 planning and zoning commission or a zoning board of appeals who  
597 serves on such commission or board for more than six months in a  
598 calendar year shall complete not less than six hours of training in  
599 Connecticut land use law and general planning principles during such  
600 calendar year. Such training shall consist of (i) not less than one hour  
601 concerning process and procedural matters, including the conduct of  
602 effective meetings and public hearings and the Freedom of Information  
603 Act, as defined in section 1-200 of the general statutes, (ii) not less than  
604 one hour concerning the interpretation of site plans, surveys, maps and  
605 architectural conventions, (iii) not less than one hour concerning the  
606 impact of zoning on the environment, agriculture and historic resources,  
607 and (iv) not less than two hours concerning affordable and fair housing  
608 policies.

609 (B) Beginning January 1, 2022, and annually thereafter, each member  
610 of an inland wetlands agency who serves on such agency for more than  
611 six months in a calendar year shall complete not less than three hours of  
612 training in Connecticut land use law and general planning principles  
613 during such calendar year. Such training shall consist of (i) not less than  
614 one hour concerning process and procedural matters, including the  
615 conduct of effective meetings and public hearings and the Freedom of  
616 Information Act, as defined in section 1-200 of the general statutes, and  
617 (ii) not less than one hour concerning the interpretation of site plans,  
618 surveys, maps and architectural conventions.

619 (2) In the case of any member of any such commission, board or  
620 agency who is certified by the American Institute of Certified Planners,  
621 such member shall be exempt from the training requirements under  
622 subdivision (1) of this section.

623 (b) (1) Except as provided in subdivision (2) of this subsection, not  
624 later than January 1, 2022, the Secretary of the Office of Policy and  
625 Management shall establish guidelines for such training in collaboration  
626 with land use training providers, including, but not limited to, the

627 Connecticut Association of Zoning Enforcement Officials, the  
628 Connecticut Conference of Municipalities, the Connecticut Chapter of  
629 the American Planning Association, the Connecticut Bar Association,  
630 regional councils of governments and other nonprofit or educational  
631 institutions that provide land use training.

632 (2) In the case that said secretary fails to establish such guidelines,  
633 such land use training providers may create and administer appropriate  
634 training for members of commissions, boards and agencies described in  
635 subsection (a) of this section, which may be used by such members for  
636 the purpose of complying with the provisions of said subsection.

637 (c) Not later than February 1, 2022, and annually thereafter, each  
638 municipality in which such commission, board or agency is located shall  
639 verify the compliance by each member of such commission, board or  
640 agency with the requirements of this section in a form and manner  
641 prescribed by the Office of Policy and Management.

642 (d) Any member of a commission, board or agency described in  
643 subsection (a) of this section who fails to comply with the provisions of  
644 said subsection for the preceding calendar year or portion of such year  
645 exceeding six months, whichever is applicable, shall be ineligible to vote  
646 on matters that come before such commission, board or agency until  
647 such member demonstrates that such member has so complied.

648 Sec. 10. Subsection (e) of section 8-3 of the general statutes is repealed  
649 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

650 (e) (1) The zoning commission shall provide for the manner in which  
651 the zoning regulations shall be enforced, except that any person  
652 appointed as a zoning enforcement officer on and after January 1, 2023,  
653 shall be certified in accordance with the provisions of subdivision (2) of  
654 this subsection.

655 (2) Beginning January 1, 2023, and annually thereafter, each person  
656 appointed as a zoning enforcement officer shall obtain certification from  
657 the Connecticut Association of Zoning Enforcement Officials and

658 maintain such certification for the duration of employment as a zoning  
659 enforcement officer.

660 Sec. 11. Section 7-245 of the general statutes is repealed and the  
661 following is substituted in lieu thereof (*Effective October 1, 2021*):

662 For the purposes of this chapter: (1) "Acquire a sewerage system"  
663 means obtain title to all or any part of a sewerage system or any interest  
664 therein by purchase, condemnation, grant, gift, lease, rental or  
665 otherwise; (2) "alternative sewage treatment system" means a sewage  
666 treatment system serving one or more buildings that utilizes a method  
667 of treatment other than a subsurface sewage disposal system and that  
668 involves a discharge to the groundwaters of the state; (3) "community  
669 sewerage system" means any sewerage system serving two or more  
670 residences in separate structures which is not connected to a municipal  
671 sewerage system or which is connected to a municipal sewerage system  
672 as a distinct and separately managed district or segment of such system,  
673 except that in the case of a residence that is an accessory apartment, as  
674 defined in section 8-1a, such residence shall include the larger principal  
675 dwelling unit located on the same lot; (4) "construct a sewerage system"  
676 means to acquire land, easements, rights-of-way or any other real or  
677 personal property or any interest therein, plan, construct, reconstruct,  
678 equip, extend and enlarge all or any part of a sewerage system; (5)  
679 "decentralized system" means managed subsurface sewage disposal  
680 systems, managed alternative sewage treatment systems or community  
681 sewerage systems that discharge sewage flows of less than [five] seven  
682 thousand five hundred gallons per day, are used to collect and treat  
683 domestic sewage, and involve a discharge to the groundwaters of the  
684 state from areas of a municipality; (6) "decentralized wastewater  
685 management district" means areas of a municipality designated by the  
686 municipality through a municipal ordinance when an engineering  
687 report has determined that the existing subsurface sewage disposal  
688 systems may be detrimental to public health or the environment and  
689 that decentralized systems are required and such report is approved by  
690 the Commissioner of Energy and Environmental Protection with  
691 concurring approval by the Commissioner of Public Health, after

692 consultation with the local director of health; (7) "municipality" means  
693 any metropolitan district, town, consolidated town and city,  
694 consolidated town and borough, city, borough, village, fire and sewer  
695 district, sewer district and each municipal organization having  
696 authority to levy and collect taxes; (8) "operate a sewerage system"  
697 means own, use, equip, reequip, repair, maintain, supervise, manage,  
698 operate and perform any act pertinent to the collection, transportation  
699 and disposal of sewage; (9) "person" means any person, partnership,  
700 corporation, limited liability company, association or public agency; (10)  
701 "remediation standards" means pollutant limits, performance  
702 requirements, design parameters or technical standards for application  
703 to existing sewage discharges in a decentralized wastewater  
704 management district for the improvement of wastewater treatment to  
705 protect public health and the environment; (11) "sewage" means any  
706 substance, liquid or solid, which may contaminate or pollute or affect  
707 the cleanliness or purity of any water; and (12) "sewerage system" means  
708 any device, equipment, appurtenance, facility and method for  
709 collecting, transporting, receiving, treating, disposing of or discharging  
710 sewage, including, but not limited to, decentralized systems within a  
711 decentralized wastewater management district when such district is  
712 established by municipal ordinance pursuant to section 7-247.

713 Sec. 12. Subsection (b) of section 7-246 of the general statutes is  
714 repealed and the following is substituted in lieu thereof (*Effective October*  
715 *1, 2021*):

716 (b) Each municipal water pollution control authority designated in  
717 accordance with this section may prepare and periodically update a  
718 water pollution control plan for the municipality. Such plan shall  
719 designate and delineate the boundary of: (1) Areas served by any  
720 municipal sewerage system; (2) areas where municipal sewerage  
721 facilities are planned and the schedule of design and construction  
722 anticipated or proposed; (3) areas where sewers are to be avoided; (4)  
723 areas served by any community sewerage system not owned by a  
724 municipality; (5) areas to be served by any proposed community  
725 sewerage system not owned by a municipality; [and] (6) areas to be

726 designated as decentralized wastewater management districts; and (7)  
727 specific allocations of capacity to serve areas that are able to be  
728 developed for residential or mixed-use buildings containing four or  
729 more dwelling units. Such plan shall also describe the means by which  
730 municipal programs are being carried out to avoid community pollution  
731 problems and describe any programs wherein the local director of  
732 health manages subsurface sewage disposal systems. The authority  
733 shall file a copy of the plan and any periodic updates of such plan with  
734 the Commissioner of Energy and Environmental Protection and the  
735 Commissioner of Housing, and shall manage or ensure the effective  
736 supervision, management, control, operation and maintenance of any  
737 community sewerage system or decentralized wastewater management  
738 district not owned by a municipality.

739 Sec. 13. Section 19a-35a of the general statutes is repealed and the  
740 following is substituted in lieu thereof (*Effective October 1, 2021*):

741 (a) Notwithstanding the provisions of chapter 439 and sections 22a-  
742 430 and 22a-430b, not later than January 1, 2022, the Commissioner of  
743 Public Health shall, [within available appropriations,] pursuant to  
744 section 19a-36, establish and define categories of discharge that  
745 constitute alternative on-site sewage treatment systems with capacities  
746 of [five] seven thousand five hundred gallons or less per day and  
747 subsurface community sewerage systems with capacities of seven  
748 thousand five hundred gallons or less per day. After the establishment  
749 of such categories, said commissioner shall have jurisdiction [, within  
750 available appropriations,] to issue or deny permits and approvals for  
751 such systems and for all discharges of domestic sewage to the  
752 groundwaters of the state from such systems. Said commissioner shall,  
753 pursuant to section 19a-36, [and within available appropriations,]  
754 establish minimum requirements for alternative on-site sewage  
755 treatment systems and subsurface community sewerage systems under  
756 said commissioner's jurisdiction, including, but not limited to: (1)  
757 Requirements related to activities that may occur on the property; (2)  
758 changes that may occur to the property or to buildings on the property  
759 that may affect the installation or operation of such systems; and (3)



760 procedures for the issuance of permits or approvals by said  
761 commissioner, a local director of health, or a sanitarian licensed  
762 pursuant to chapter 395. A permit or approval granted by said  
763 commissioner, such local director of health or such sanitarian for an  
764 alternative on-site sewage treatment system or subsurface community  
765 sewerage system pursuant to this section shall: (A) Not be inconsistent  
766 with the requirements of the federal Water Pollution Control Act, 33  
767 USC 1251 et seq., the federal Safe Drinking Water Act, 42 USC 300f et  
768 seq., and the standards of water quality adopted pursuant to section  
769 22a-426, as such laws and standards may be amended from time to time,  
770 (B) not be construed or deemed to be an approval for any other purpose,  
771 including, but not limited to, any planning and zoning or municipal  
772 inland wetlands and watercourses requirement, and (C) be in lieu of a  
773 permit issued under section 22a-430 or 22a-430b. For purposes of this  
774 section, "alternative on-site sewage treatment system" means a sewage  
775 treatment system serving one or more buildings on a single parcel of  
776 property that utilizes a method of treatment other than a subsurface  
777 sewage disposal system and that involves a discharge of domestic  
778 sewage to the groundwaters of the state, and "subsurface community  
779 sewerage system" means a community sewerage system, as defined in  
780 section 7-245, as amended by this act, that involves a discharge of  
781 domestic sewage to the groundwaters of the state.

782 (b) In establishing and defining categories of discharge that constitute  
783 alternative on-site sewage treatment systems and subsurface  
784 community sewerage systems pursuant to subsection (a) of this section,  
785 and in establishing minimum requirements for such systems pursuant  
786 to section 19a-36, said commissioner shall consider all relevant factors,  
787 including, but not limited to: (1) The impact that such systems or  
788 discharges may have individually or cumulatively on public health and  
789 the environment, (2) the impact that such systems and discharges may  
790 have individually or cumulatively on land use patterns, and (3)  
791 recommendations regarding responsible growth made to said  
792 commissioner by the Secretary of the Office of Policy and Management  
793 through the Office of Responsible Growth established by Executive  
794 Order No. 15 of Governor M. Jodi Rell.

795 (c) The Commissioner of Energy and Environmental Protection shall  
 796 retain jurisdiction over any alternative on-site sewage treatment system  
 797 or subsurface community sewerage system not under the jurisdiction of  
 798 the Commissioner of Public Health. The provisions of title 22a shall  
 799 apply to any such system not under the jurisdiction of the  
 800 Commissioner of Public Health. The provisions of this section shall not  
 801 affect any permit issued by the Commissioner of Energy and  
 802 Environmental Protection prior to ~~July 1, 2007~~ January 1, 2022, and the  
 803 provisions of title 22a shall continue to apply to any such permit until  
 804 such permit expires.

805 (d) A permit or approval denied by the Commissioner of Public  
 806 Health, a local director of health or a sanitarian pursuant to subsection  
 807 (a) of this section shall be subject to an appeal in the manner provided  
 808 in section 19a-229.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	8-1a
Sec. 2	<i>October 1, 2021</i>	8-1c
Sec. 3	<i>October 1, 2021</i>	8-1bb(j)
Sec. 4	<i>October 1, 2021</i>	8-2
Sec. 5	<i>October 1, 2021</i>	New section
Sec. 6	<i>October 1, 2021</i>	New section
Sec. 7	<i>October 1, 2021</i>	8-30g(k)
Sec. 8	<i>July 1, 2021</i>	New section
Sec. 9	<i>October 1, 2021</i>	New section
Sec. 10	<i>October 1, 2021</i>	8-3(e)
Sec. 11	<i>October 1, 2021</i>	7-245
Sec. 12	<i>October 1, 2021</i>	7-246(b)
Sec. 13	<i>October 1, 2021</i>	19a-35a

**Statement of Purpose:**

To (1) allow municipalities to require that land use applicants pay the costs of any technical review of applications, (2) make several changes to the Zoning Enabling Act, (3) establish requirements for zoning regulations concerning accessory apartments, mixed-use developments and multifamily housing, (4) convene a working group to develop

model design guidelines for buildings and context-appropriate streets, (5) require certain qualifications of certain land use officials, and (6) address the jurisdiction and capacities of certain sewage disposal systems.

*[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.]*