

Accessory Dwelling Units (ADUs)

PA 21-29 creates provisions that allow construction of ADUs on lots accompanying single-family homes unless the Town opts-out.

- ADUs - permitted as of right in residential districts
- Opt-out deadline - January 1, 2023
- Section 6.13 - Accessory Apartments: few provisions conflict the new law

Multifamily Housing

PA 21-29 strengthens municipal obligations to enable multifamily housing and housing for households at different incomes. SB 1202 also includes provisions to support improved housing access.

- Application review fees for multifamily housing and/or 8-30g housing must not be disproportionately high compared to fees charged for single-family housing. (Regulations permitting fees to cover the cost of necessary technical consultants are allowed.)
- Municipalities cannot place a numerical or percentage cap on the total number of multifamily homes in a district.
- Establishing minimum unit sizes that are larger than the minimum unit size established by Building Code is not allowed.

Multifamily Housing

- PA 21-29 requires zoning to provide for opportunities for housing, including multifamily housing, and to allow for housing that meets the needs outlined in the State Plan of Conservation and Development and Consolidated Plan for Housing and Community Development. Previous language required that zoning merely "encourage" and "promote" such housing.
- PA 21-29 establishes an initial deadline of June 1, 2022 for municipalities to have adopted their first Affordable Housing Plans (and every five years thereafter) as required by CGS Section 8-30j.

Multifamily Housing

Commission on Connecticut's Housing Development and Future to evaluate policies related to land use, conservation, housing affordability, and infrastructure.

Must submit two reports, in 2022 and 2023, with recommendations for changes:

- to zoning enabling statutes,
- to the process for adopting and implementation of State plans, and
- for guidance/incentives to ensure municipal compliance with Affordable Housing Plan and develop the metrics for compliance.

The Commission will also make recommendations on model design guidelines and associated education and training on the guidelines.

SB 1202 requires the OPM secretary to collect, analyze, and report on data related to existing state and federal housing programs and economic and racial segregation (initial report by Jan 1, 2022, and then every two years).

Other zoning changes in PA 21-29:

- Updates the language of zoning enabling statute 8-2 to remove language allowing zoning to be used to "prevent the overcrowding of land and avoid undue concentration of population"
- Requires that regulations be designed to protect historic, tribal, cultural, and environmental resources
- Consider impacts to adjacent municipalities
- Address disparities in housing needs and access to opportunities including employment and education
- Promote efficient application review
- Affirmatively further the purposes of the Federal Fair Housing Act
- "Character" defined as "physical characteristics"
- Zoning must not prohibit "Cottage Food" activities in residential zones (i.e, small-scale home-based food production)

Outdoor Dining

Through March 31, 2022:

- 10-day turnaround on applications.
- Relaxed documentation requirements for applications.
- Conditions for use of public sidewalks and pedestrian pathways.
- Automatic extension of approvals for outdoor dining approved under Executive Order 7MM.
- Waiving of minimum parking requirements to enable outdoor dining.

April 1, 2022:

- Municipal zoning to allow outdoor food and beverage services as an accessory use to a licensed food establishment.

Adult-use Recreational Cannabis

Key Definitions

- Cannabis establishment: a producer, dispensary, manufacturer, retailer, packager, or delivery service/transporter
- Cultivator: a large grower with an establishment not less than 15,000 square feet of grow space
- Delivery service: delivers cannabis products
- Hybrid retailer: establishment licensed to sell cannabis and medical marijuana
- Food and beverage manufacturer: acquires cannabis to produce food and beverages (edible cannabis products)
- Micro-cultivator: small grower with a grow space of 2,000 to 10,000 square feet
- Retailer: sells cannabis to consumers and research programs

Cannabis - Municipal Tax Revenues

Under SB 1201, a municipality will receive the proceeds of a 3% municipal sales tax on the gross receipts from the sale of cannabis from cannabis retailer or micro cultivator operating within the Town. This revenue is in addition to state taxes on recreational cannabis sales. Municipal tax proceeds must be used for the following purposes:

- streetscape improvements and other neighborhood developments in communities where cannabis or hybrid retailers or micro-cultivators are located;
- education programs or youth employment and training programs in the municipality;
- services for individuals living in the municipality who were released from DOC custody, probation, or parole;
- mental health or addiction services;
- youth service bureaus and municipal juvenile review boards; and
- community civic engagement efforts.

Adult-use / Recreational Cannabis

- ▶ Municipalities can enact certain zoning regulations or ordinances for cannabis establishments.
- ▶ If municipal zoning is silent as to cannabis establishments, these establishments shall be regulated as similar uses would be.
- ▶ A municipality may grant zoning approval to no more than one retail and one micro-cultivator for every 25,000 residents. The Commissioner of the Connecticut Department of Consumer Protection (DCP) may establish a new numerical cap on July 1, 2024.

Adult-use / Recreational Cannabis

Municipal zoning regulations may establish rules regulating the following regarding cannabis establishments:

- prohibit their operation - Municipal electors may petition for referendum on whether to allow local sale of recreation marijuana.
- reasonably restrict their hours and signage
- restrict their proximity to religious institutions, schools, charitable institutions, hospitals, veterans' homes, or certain military establishments.

Municipal chief zoning officials must report zoning changes related to cannabis to the OPM secretary and DCP within 14 days after adopting change.

Municipalities cannot prohibit delivery or transport of cannabis products by authorized individuals.

Adult-use / Recreational Cannabis

- Municipalities may regulate the burning of cannabis products on municipal property, and in the outdoor sections of restaurants.
- Municipalities with more than 50,000 residents must designate a place where public consumption of cannabis is permitted - this provision does not address consumption of edible cannabis products.
- Cannabis production does not qualify as agriculture as defined by the CGS.

Resources

CRCOG: <https://crcog.org/event/regional-planning-commission-meeting-18/>

CCAPA/CAZEO : <https://www.youtube.com/watch?v=l11UKLSJ6zc>

List of Bills: <https://ct.planning.org/policy-advocacy/ccapa-legislative-activity-2021/>

Meeting Procedures (including Remote)

