

AN ORDINANCE TO OPT OUT OF THE PROVISIONS OF SUBSECTION (a) OF SECTION 8-2 OF THE GENERAL STATUTES, AS AMENDED BY PUBLIC ACT 17-155 CONCERNING TEMPORARY HEALTH STRUCTURES.

WHEREAS, Connecticut Public Act 17-155, effective October 1, 2017, amends the provisions of subsection (a) of section 8-2 of the General Statutes to authorize the installation of temporary health care structures in certain residential zoning districts; and

WHEREAS, a municipality, by vote of its legislative body may opt out of the provisions of Public Act 17-155 and the provisions of subsection (a) of section 8-2 of the General Statutes, as amended by Public Act 17-155, provided the zoning commission or combined planning and zoning commission pursuant to Public Act 17-155(j), (1) first holds a public hearing in accordance with the provisions of section 8-7d of the General Statutes on such proposed opt-out, (2) affirmly decides to opt out of the provisions of said sections within the period of time permitted under section 8-7d of the General Statutes, (3) states upon its records the reasons for such decision, and (4) publishes a notice of such decision in a newspaper having substantial circulation in a municipality not later than 15 days after such a decision has been rendered; and

WHEREAS, the Council of the City of Norwich serves both as the zoning commission and legislative body and for the City of Norwich; and

WHEREAS, the Council of the City of Norwich, as zoning commission of the City of Norwich, has complied with the requirements of section (j) of Public Act 17-155 prior to acting upon this ordinance.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that pursuant to section (j) of Public Act 17-155 the City of Norwich opts out of the provisions of Public Act 17-155 concerning temporary health care structures and the provisions of subsection (a) of section 8-2 of the General Statutes as amended by Public Act 17-155 for the reasons expressed in a Resolution adopted by the Council of the City of Norwich acting as zoning commission on October 16, 2017, a copy of which is attached hereto.

Mayor Deberay Hinchey

THIS IS TO CERTIFY that the following is a true and attested copy of a resolution adopted by the Council of the City of Norwich at a meeting held on October 16, 2017, and that the same has not been amended or rescinded:

WHEREAS, the General Assembly of the State of Connecticut in 2017 passed, and the Governor signed into law, Public Act 17-155, amending among other provisions subsection (a) of section 8-2 of the Connecticut General Statutes, thereby requiring a municipality to allow temporary healthcare structures in certain residential zoning districts as defined therein; and

WHEREAS, Public Act 17-155 aims to overrule local regulation, including but not limited to, local zoning regulation, of temporary healthcare structures, but allows municipalities to opt out of the provisions of Public Act 17-155 and the amendment it makes to provisions of subsection a of section 8-2 of the General Statute by action of the municipal Zoning Commission and the municipal Legislative Body, both the Council of the City of Norwich in the case of Norwich; and

WHEREAS, the Council of the City of Norwich has referred this resolution and a proposed ordinance opting out of the provisions of Public Act 17-155 to the Norwich Commission on the City Plan for its consideration as to consistency with the Norwich plan of conservation and development; and

WHEREAS, the Council has reviewed the provisions of Public Act 17-155 with the aims and stated intent of the city's zoning regulations.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that it, acting as the city zoning commission, declares its affirmative decision to opt-out of the provisions of Public Act 17-155, including any amended provisions to subsection (a) of section 8-2 of the General Statutes which may require a municipality to allow installation of temporary healthcare structures as defined therein; and

BE IT FURTHER RESOLVED THAT THE COUNCIL OF THE CITY OF NORWICH as ZONING COMMISSION bases this decision and declaration on multiple factors including (1) the density of occupation and concentration of structures in many of Norwich's residential districts (2) the incompatibility of temporary healthcare structures within the Norwich Historic Districts and residential neighborhood which have been designated as historic or are eligible for such a designation (3) Norwich's large number of multi-family housing units and affordable housing options suitable for providing temporary, affordable housing options for individuals likely to be served pursuant to Public Act 17-155 (4) the failure of Public Act 17-155 to provide the Council of the City of Norwich, the Zoning Commission and the people of the City of Norwich with enough flexibility to regulate temporary healthcare structures in a way that is compatible with the goals of the Norwich Zoning Regulations and the Plan of Conservation and Development, (5) the small number of zoning enforcement personnel available to the City of Norwich whereby it may be difficult if not impossible to assess whether a particular temporary healthcare structure actually complies with the provisions of Public Act 17-155.

AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that by adoption of this resolution the Council of the City of Norwich as the legislative body of the City of Norwich votes to opt out of the provisions of this law, and also to consider amending its zoning regulations to include as a prohibited use "temporary healthcare structures pursuant to the amendments made to the General Statutes by Public Act 17-155" with the recognition that such provision shall not be valid and effective until the Council of the City of Norwich as legislative body of the City of Norwich also holds a vote to opt out of the provisions of Public Act 17-155; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH and ZONING COMMISSION that the city clerk be directed to publish notice of the passage of this resolution having substantial circulation in the City of Norwich not later than fifteen (15) days after this Resolution has been adopted.

Dated at Norwich, Connecticut this 17th day of October 2017.

ATTEST: 
Betsy M. Barrett
City Clerk