



General Assembly

January Session, 2001

Raised Bill No. 6599

LCO No. 3098

Referred to Committee on Planning and Development

Introduced by:

(PD)

AN ACT CONCERNING LOCAL ZONING.

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

1 Section 8-2 of the general statutes is repealed and the following is
2 substituted in lieu thereof:

3 (a) The zoning commission of each city, town or borough is
4 authorized to regulate, within the limits of such municipality, the
5 height, number of stories and size of buildings and other structures;
6 the percentage of the area of the lot that may be occupied; the size of
7 yards, courts and other open spaces; the density of population and the
8 location and use of buildings, structures and land for trade, industry,
9 residence or other purposes, including water-dependent uses as
10 defined in section 22a-93, and the height, size and location of
11 advertising signs and billboards. Such bulk regulations may allow for
12 cluster development as defined in section 8-18. Such zoning
13 commission may divide the municipality into districts of such number,
14 shape and area as may be best suited to carry out the purposes of this
15 chapter; and, within such districts, it may regulate the erection,
16 construction, reconstruction, alteration or use of buildings or
17 structures and the use of land. All such regulations shall be uniform

18 for each class or kind of buildings, structures or use of land throughout
19 each district, but the regulations in one district may differ from those
20 in another district, and may provide that certain classes or kinds of
21 buildings, structures or uses of land are permitted only after obtaining
22 a special permit or special exception from a zoning commission,
23 planning commission, combined planning and zoning commission or
24 zoning board of appeals, whichever commission or board the
25 regulations may, notwithstanding any special act to the contrary,
26 designate, subject to standards set forth in the regulations and to
27 conditions necessary to protect the public health, safety, convenience
28 and property values. Such regulations shall be made in accordance
29 with a comprehensive plan and [in adopting such regulations the
30 commission shall consider] shall be consistent with the plan of
31 conservation and development prepared under section 8-23. Such
32 regulations shall be designed to lessen congestion in the streets; to
33 secure safety from fire, panic, flood and other dangers; to promote
34 health and the general welfare; to provide adequate light and air; to
35 prevent the overcrowding of land; to avoid undue concentration of
36 population and to facilitate the adequate provision for transportation,
37 water, sewerage, schools, parks and other public requirements. Such
38 regulations shall be made with reasonable consideration as to the
39 character of the district and its peculiar suitability for particular uses
40 and with a view to conserving the value of buildings and encouraging
41 the most appropriate use of land throughout such municipality. Such
42 regulations may, to the extent consistent with soil types, terrain,
43 infrastructure capacity and the plan of conservation and development
44 for the community, provide for cluster development, as defined in
45 section 8-18, in residential zones. Such regulations shall also encourage
46 the development of housing opportunities, including opportunities for
47 multifamily dwellings, consistent with soil types, terrain and
48 infrastructure capacity, for all residents of the municipality and the
49 planning region in which the municipality is located, as designated by
50 the Secretary of the Office of Policy and Management under section
51 16a-4a. Such regulations shall also promote housing choice and

52 economic diversity in housing, including housing for both low and
53 moderate income households, and shall encourage the development of
54 housing which will meet the housing needs identified in the housing
55 plan prepared pursuant to section 8-37t and in the housing component
56 and the other components of the state plan of conservation and
57 development prepared pursuant to section 16a-26. Zoning regulations
58 shall be made with reasonable consideration for their impact on
59 agriculture. Zoning regulations may be made with reasonable
60 consideration for the protection of historic factors and shall be made
61 with reasonable consideration for the protection of existing and
62 potential public surface and ground drinking water supplies. On and
63 after July 1, 1985, the regulations shall provide that proper provision
64 be made for soil erosion and sediment control pursuant to section 22a-
65 329. Such regulations may also encourage energy-efficient patterns of
66 development, the use of solar and other renewable forms of energy,
67 and energy conservation. The regulations may also provide for
68 incentives for developers who use passive solar energy techniques, as
69 defined in subsection (b) of section 8-25, in planning a residential
70 subdivision development. The incentives may include, but not be
71 limited to, cluster development, higher density development and
72 performance standards for roads, sidewalks and underground facilities
73 in the subdivision. Such regulations may provide for a municipal
74 system for the creation of development rights and the permanent
75 transfer of such development rights, which may include a system for
76 the variance of density limits in connection with any such transfer.
77 Such regulations may also provide for notice requirements in addition
78 to those required by this chapter. Such regulations may provide for
79 conditions on operations to collect spring water or well water, as
80 defined in section 21a-150, including the time, place and manner of
81 such operations. No such regulations shall prohibit the operation of
82 any family day care home or group day care home in a residential
83 zone. Such regulations shall not impose conditions and requirements
84 on manufactured homes having as their narrowest dimension twenty-
85 two feet or more and built in accordance with federal manufactured

86 home construction and safety standards or on lots containing such
87 manufactured homes which are substantially different from conditions
88 and requirements imposed on single-family dwellings and lots
89 containing single-family dwellings. Such regulations shall not impose
90 conditions and requirements on developments to be occupied by
91 manufactured homes having as their narrowest dimension twenty-two
92 feet or more and built in accordance with federal manufactured home
93 construction and safety standards which are substantially different
94 from conditions and requirements imposed on multifamily dwellings,
95 lots containing multifamily dwellings, cluster developments or
96 planned unit developments. Such regulations shall not prohibit the
97 continuance of any nonconforming use, building or structure existing
98 at the time of the adoption of such regulations. Such regulations shall
99 not provide for the termination of any nonconforming use solely as a
100 result of nonuse for a specified period of time without regard to the
101 intent of the property owner to maintain that use. Any city, town or
102 borough which adopts the provisions of this chapter may, by vote of
103 its legislative body, exempt municipal property from the regulations
104 prescribed by the zoning commission of such city, town or borough;
105 but unless it is so voted municipal property shall be subject to such
106 regulations.

107 (b) In any municipality that is contiguous to Long Island Sound the
108 regulations adopted under this section shall be made with reasonable
109 consideration for restoration and protection of the ecosystem and
110 habitat of Long Island Sound and shall be designed to reduce hypoxia,
111 pathogens, toxic contaminants and floatable debris in Long Island
112 Sound. Such regulations shall provide that the commission consider
113 the environmental impact on Long Island Sound of any proposal for
114 development.

115 (c) In any municipality where a traprock ridge, as defined in section
116 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located
117 the regulations may provide for development restrictions in ridgeline
118 setback areas, as defined in said section. The regulations may restrict

119 quarrying and clear cutting, except that the following operations and
120 uses shall be permitted in ridgeline setback areas, as of right: (1)
121 Emergency work necessary to protect life and property; (2) any
122 nonconforming uses that were in existence and that were approved on
123 or before the effective date of regulations adopted under this section;
124 and (3) selective timbering, grazing of domesticated animals and
125 passive recreation.

Statement of Purpose:

To require that local zoning regulations be consistent with the municipal plan of conservation and development.

[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.]