



General Assembly

Amendment

January Session, 2001

LCO No. 6666

Offered by:

REP. BLACKWELL, 12th Dist.

REP. DAVIS, 50th Dist.

REP. FONTANA, 87th Dist.

To: House Bill No. 6599

File No. 211

Cal. No. 185

"AN ACT CONCERNING LOCAL ZONING."

1 Strike out everything after the enacting clause and insert the
2 following in lieu thereof:

3 "Section 8-2 of the general statutes is repealed and the following is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

5 (a) The zoning commission of each city, town or borough is
6 authorized to regulate, within the limits of such municipality, the
7 height, number of stories and size of buildings and other structures;
8 the percentage of the area of the lot that may be occupied; the size of
9 yards, courts and other open spaces; the density of population and the
10 location and use of buildings, structures and land for trade, industry,
11 residence or other purposes, including water-dependent uses as
12 defined in section 22a-93, and the height, size and location of
13 advertising signs and billboards. Such bulk regulations may allow for
14 cluster development as defined in section 8-18. Such zoning

15 commission may divide the municipality into districts of such number,
16 shape and area as may be best suited to carry out the purposes of this
17 chapter; and, within such districts, it may regulate the erection,
18 construction, reconstruction, alteration or use of buildings or
19 structures and the use of land. All such regulations shall be uniform
20 for each class or kind of buildings, structures or use of land throughout
21 each district, but the regulations in one district may differ from those
22 in another district, and may provide that certain classes or kinds of
23 buildings, structures or uses of land are permitted only after obtaining
24 a special permit or special exception from a zoning commission,
25 planning commission, combined planning and zoning commission or
26 zoning board of appeals, whichever commission or board the
27 regulations may, notwithstanding any special act to the contrary,
28 designate, subject to standards set forth in the regulations and to
29 conditions necessary to protect the public health, safety, convenience
30 and property values. Such regulations shall be made in accordance
31 with a comprehensive plan and [in adopting such regulations the
32 commission shall consider] shall be consistent with the plan of
33 conservation and development prepared under section 8-23 after the
34 first review of such plan pursuant to subsection (b) of section 8-23
35 occurring on and after the effective date of this act. Such regulations
36 shall be designed to lessen congestion in the streets; to secure safety
37 from fire, panic, flood and other dangers; to promote health and the
38 general welfare; to provide adequate light and air; to prevent the
39 overcrowding of land; to avoid undue concentration of population and
40 to facilitate the adequate provision for transportation, water, sewerage,
41 schools, parks and other public requirements. Such regulations shall be
42 made with reasonable consideration as to the character of the district
43 and its peculiar suitability for particular uses and with a view to
44 conserving the value of buildings and encouraging the most
45 appropriate use of land throughout such municipality. Such
46 regulations may, to the extent consistent with soil types, terrain,
47 infrastructure capacity and the plan of conservation and development
48 for the community, provide for cluster development, as defined in
49 section 8-18, in residential zones. Such regulations shall also encourage

50 the development of housing opportunities, including opportunities for
51 multifamily dwellings, consistent with soil types, terrain and
52 infrastructure capacity, for all residents of the municipality and the
53 planning region in which the municipality is located, as designated by
54 the Secretary of the Office of Policy and Management under section
55 16a-4a. Such regulations shall also promote housing choice and
56 economic diversity in housing, including housing for both low and
57 moderate income households, and shall encourage the development of
58 housing which will meet the housing needs identified in the housing
59 plan prepared pursuant to section 8-37t and in the housing component
60 and the other components of the state plan of conservation and
61 development prepared pursuant to section 16a-26. Zoning regulations
62 shall be made with reasonable consideration for their impact on
63 agriculture. Zoning regulations may be made with reasonable
64 consideration for the protection of historic factors and shall be made
65 with reasonable consideration for the protection of existing and
66 potential public surface and ground drinking water supplies. On and
67 after July 1, 1985, the regulations shall provide that proper provision
68 be made for soil erosion and sediment control pursuant to section 22a-
69 329. Such regulations may also encourage energy-efficient patterns of
70 development, the use of solar and other renewable forms of energy,
71 and energy conservation. The regulations may also provide for
72 incentives for developers who use passive solar energy techniques, as
73 defined in subsection (b) of section 8-25, in planning a residential
74 subdivision development. The incentives may include, but not be
75 limited to, cluster development, higher density development and
76 performance standards for roads, sidewalks and underground facilities
77 in the subdivision. Such regulations may provide for a municipal
78 system for the creation of development rights and the permanent
79 transfer of such development rights, which may include a system for
80 the variance of density limits in connection with any such transfer.
81 Such regulations may also provide for notice requirements in addition
82 to those required by this chapter. Such regulations may provide for
83 conditions on operations to collect spring water or well water, as
84 defined in section 21a-150, including the time, place and manner of

85 such operations. No such regulations shall prohibit the operation of
86 any family day care home or group day care home in a residential
87 zone. Such regulations shall not impose conditions and requirements
88 on manufactured homes having as their narrowest dimension twenty-
89 two feet or more and built in accordance with federal manufactured
90 home construction and safety standards or on lots containing such
91 manufactured homes which are substantially different from conditions
92 and requirements imposed on single-family dwellings and lots
93 containing single-family dwellings. Such regulations shall not impose
94 conditions and requirements on developments to be occupied by
95 manufactured homes having as their narrowest dimension twenty-two
96 feet or more and built in accordance with federal manufactured home
97 construction and safety standards which are substantially different
98 from conditions and requirements imposed on multifamily dwellings,
99 lots containing multifamily dwellings, cluster developments or
100 planned unit developments. Such regulations shall not prohibit the
101 continuance of any nonconforming use, building or structure existing
102 at the time of the adoption of such regulations. Such regulations shall
103 not provide for the termination of any nonconforming use solely as a
104 result of nonuse for a specified period of time without regard to the
105 intent of the property owner to maintain that use. Any city, town or
106 borough which adopts the provisions of this chapter may, by vote of
107 its legislative body, exempt municipal property from the regulations
108 prescribed by the zoning commission of such city, town or borough;
109 but unless it is so voted municipal property shall be subject to such
110 regulations.

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

119 (c) In any municipality where a traprock ridge, as defined in section
120 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located
121 the regulations may provide for development restrictions in ridgeline
122 setback areas, as defined in said section. The regulations may restrict
123 quarrying and clear cutting, except that the following operations and
124 uses shall be permitted in ridgeline setback areas, as of right: (1)
125 Emergency work necessary to protect life and property; (2) any
126 nonconforming uses that were in existence and that were approved on
127 or before the effective date of regulations adopted under this section;
128 and (3) selective timbering, grazing of domesticated animals and
129 passive recreation."