



General Assembly

February Session, 2002

Raised Bill No. 68

LCO No. 170

Referred to Committee on Planning and Development

Introduced by:
(PD)

**AN ACT CONCERNING ZONING AND THE MUNICIPAL PLAN OF
CONSERVATION AND DEVELOPMENT.**

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

1 Section 1. Section 8-2 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

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, as
32 amended. Such regulations shall be designed to lessen congestion in
33 the streets; to secure safety from fire, panic, flood and other dangers; to
34 promote health and the general welfare; to provide adequate light and
35 air; to prevent the overcrowding of land; to avoid undue concentration
36 of population and to facilitate the adequate provision for
37 transportation, water, sewerage, schools, parks and other public
38 requirements. Such regulations shall be made with reasonable
39 consideration as to the character of the district and its peculiar
40 suitability for particular uses and with a view to conserving the value
41 of buildings and encouraging the most appropriate use of land
42 throughout such municipality. Such regulations may, to the extent
43 consistent with soil types, terrain, infrastructure capacity and the plan
44 of conservation and development for the community, provide for
45 cluster development, as defined in section 8-18, in residential zones.
46 Such regulations shall also encourage the development of housing
47 opportunities, including opportunities for multifamily dwellings,
48 consistent with soil types, terrain and infrastructure capacity, for all
49 residents of the municipality and the planning region in which the
50 municipality is located, as designated by the Secretary of the Office of

51 Policy and Management under section 16a-4a. Such regulations shall
52 also promote housing choice and economic diversity in housing,
53 including housing for both low and moderate income households, and
54 shall encourage the development of housing which will meet the
55 housing needs identified in the housing plan prepared pursuant to
56 section 8-37t and in the housing component and the other components
57 of the state plan of conservation and development prepared pursuant
58 to section 16a-26. Zoning regulations shall be made with reasonable
59 consideration for their impact on agriculture. Zoning regulations may
60 be made with reasonable consideration for the protection of historic
61 factors and shall be made with reasonable consideration for the
62 protection of existing and potential public surface and ground
63 drinking water supplies. On and after July 1, 1985, the regulations shall
64 provide that proper provision be made for soil erosion and sediment
65 control pursuant to section 22a-329. Such regulations may also
66 encourage energy-efficient patterns of development, the use of solar
67 and other renewable forms of energy, and energy conservation. The
68 regulations may also provide for incentives for developers who use
69 passive solar energy techniques, as defined in subsection (b) of section
70 8-25, as amended, in planning a residential subdivision development.
71 The incentives may include, but not be limited to, cluster development,
72 higher density development and performance standards for roads,
73 sidewalks and underground facilities in the subdivision. Such
74 regulations may provide for a municipal system for the creation of
75 development rights and the permanent transfer of such development
76 rights, which may include a system for the variance of density limits in
77 connection with any such transfer. Such regulations may also provide
78 for notice requirements in addition to those required by this chapter.
79 Such regulations may provide for conditions on operations to collect
80 spring water or well water, as defined in section 21a-150, including the
81 time, place and manner of such operations. No such regulations shall
82 prohibit the operation of any family day care home or group day care
83 home in a residential zone. Such regulations shall not impose
84 conditions and requirements on manufactured homes having as their

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

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

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.]