



General Assembly

February Session, 2002

Amendment

LCO No. 5617

HB0553205617SR0

Offered by:

SEN. FREEDMAN, 26th Dist.

SEN. SMITH, 14th Dist.

SEN. CAPPIELLO, 24th Dist.

SEN. MCKINNEY, 28th Dist.

SEN. RORABACK, 30th Dist.

To: Subst. House Bill No. 5532

File No. 634

Cal. No. 454

"AN ACT REQUIRING REDUCTION IN GLARE AND LIGHT POLLUTION FROM PRIVATE AREA FLOODLIGHTING LOCATED WITHIN THE STATE RIGHT-OF-WAY."

1 After line 83, insert the following:

2 "Sec. 2. Subsection (a) of section 8-2 of the general statutes is
3 repealed and the following is substituted in lieu thereof (*Effective*
4 *October 1, 2002*):

5 (a) The zoning commission of each city, town or borough is
6 authorized to regulate, within the limits of such municipality, (1) the
7 height, number of stories and size of buildings and other structures; (2)
8 the height, size, location and number of telecommunications towers
9 and associated telecommunications equipment used in a personal
10 communications services system, as defined in the Code of Federal

11 Regulations Title 47, Part 24, as amended; (3) the percentage of the area
12 of the lot that may be occupied; (4) the size of yards, courts and other
13 open spaces; (5) the density of population and the location and use of
14 buildings, structures and land for trade, industry, residence or other
15 purposes, including water-dependent uses, as defined in section 22a-
16 93; [.] and (6) the height, size and location of advertising signs and
17 billboards. Such bulk regulations may allow for cluster development,
18 as defined in section 8-18. Such zoning commission may divide the
19 municipality into districts of such number, shape and area as may be
20 best suited to carry out the purposes of this chapter; and, within such
21 districts, it may regulate the erection, construction, reconstruction,
22 alteration or use of buildings or structures and the use of land. All such
23 regulations shall be uniform for each class or kind of buildings,
24 structures or use of land throughout each district, but the regulations
25 in one district may differ from those in another district, and may
26 provide that certain classes or kinds of buildings, structures or uses of
27 land are permitted only after obtaining a special permit or special
28 exception from a zoning commission, planning commission, combined
29 planning and zoning commission or zoning board of appeals,
30 whichever commission or board the regulations may, notwithstanding
31 any special act to the contrary, designate, subject to standards set forth
32 in the regulations and to conditions necessary to protect the public
33 health, safety, convenience and property values. Such regulations shall
34 be made in accordance with a comprehensive plan and in adopting
35 such regulations the commission shall consider the plan of
36 conservation and development prepared under section 8-23, as
37 amended. Such regulations shall be designed to lessen congestion in
38 the streets; to secure safety from fire, panic, flood and other dangers; to
39 promote health and the general welfare; to provide adequate light and
40 air; to prevent the overcrowding of land; to avoid undue concentration
41 of population and to facilitate the adequate provision for
42 transportation, water, sewerage, schools, parks and other public
43 requirements. Such regulations shall be made with reasonable
44 consideration as to the character of the district and its peculiar
45 suitability for particular uses and with a view to conserving the value

46 of buildings and encouraging the most appropriate use of land
47 throughout such municipality. Such regulations may, to the extent
48 consistent with soil types, terrain, infrastructure capacity and the plan
49 of conservation and development for the community, provide for
50 cluster development, as defined in section 8-18, in residential zones.
51 Such regulations shall also encourage the development of housing
52 opportunities, including opportunities for multifamily dwellings,
53 consistent with soil types, terrain and infrastructure capacity, for all
54 residents of the municipality and the planning region in which the
55 municipality is located, as designated by the Secretary of the Office of
56 Policy and Management under section 16a-4a. Such regulations shall
57 also promote housing choice and economic diversity in housing,
58 including housing for both low and moderate income households, and
59 shall encourage the development of housing which will meet the
60 housing needs identified in the housing plan prepared pursuant to
61 section 8-37t and in the housing component and the other components
62 of the state plan of conservation and development prepared pursuant
63 to section 16a-26. Zoning regulations shall be made with reasonable
64 consideration for their impact on agriculture. Zoning regulations may
65 be made with reasonable consideration for the protection of historic
66 factors and shall be made with reasonable consideration for the
67 protection of existing and potential public surface and ground
68 drinking water supplies. On and after July 1, 1985, the regulations shall
69 provide that proper provision be made for soil erosion and sediment
70 control pursuant to section 22a-329. Such regulations may also
71 encourage energy-efficient patterns of development, the use of solar
72 and other renewable forms of energy, and energy conservation. The
73 regulations may also provide for incentives for developers who use
74 passive solar energy techniques, as defined in subsection (b) of section
75 8-25, as amended, in planning a residential subdivision development.
76 The incentives may include, but not be limited to, cluster development,
77 higher density development and performance standards for roads,
78 sidewalks and underground facilities in the subdivision. Such
79 regulations may provide for a municipal system for the creation of
80 development rights and the permanent transfer of such development

81 rights, which may include a system for the variance of density limits in
82 connection with any such transfer. Such regulations may also provide
83 for notice requirements in addition to those required by this chapter.
84 Such regulations may provide for conditions on operations to collect
85 spring water or well water, as defined in section 21a-150, including the
86 time, place and manner of such operations. No such regulations shall
87 prohibit the operation of any family day care home or group day care
88 home in a residential zone. Such regulations shall not impose
89 conditions and requirements on manufactured homes having as their
90 narrowest dimension twenty-two feet or more and built in accordance
91 with federal manufactured home construction and safety standards or
92 on lots containing such manufactured homes which are substantially
93 different from conditions and requirements imposed on single-family
94 dwellings and lots containing single-family dwellings. Such
95 regulations shall not impose conditions and requirements on
96 developments to be occupied by manufactured homes having as their
97 narrowest dimension twenty-two feet or more and built in accordance
98 with federal manufactured home construction and safety standards
99 which are substantially different from conditions and requirements
100 imposed on multifamily dwellings, lots containing multifamily
101 dwellings, cluster developments or planned unit developments. Such
102 regulations shall not prohibit the continuance of any nonconforming
103 use, building or structure existing at the time of the adoption of such
104 regulations. Such regulations shall not provide for the termination of
105 any nonconforming use solely as a result of nonuse for a specified
106 period of time without regard to the intent of the property owner to
107 maintain that use. Any city, town or borough which adopts the
108 provisions of this chapter may, by vote of its legislative body, exempt
109 municipal property from the regulations prescribed by the zoning
110 commission of such city, town or borough; but unless it is so voted
111 municipal property shall be subject to such regulations.

112 Sec. 3. (NEW) (*Effective October 1, 2002*) (a) When an application,
113 petition, request or plan is filed with the zoning commission, planning
114 and zoning commission or zoning board of appeals of any

115 municipality concerning a telecommunications tower or associated
116 telecommunications equipment used in a personal communications
117 services system, as defined in the Code of Federal Regulations Title 47,
118 Part 24, as amended, the applicant or the person making the filing shall
119 provide written notice of the application, petition, request or plan to
120 the Connecticut Siting Council. Such notice shall be made by certified
121 mail, return receipt requested, and shall be mailed no later than seven
122 days after the date of the application.

123 (b) The presiding officer of the zoning commission, planning and
124 zoning commission or zoning board of appeals shall grant the
125 Connecticut Siting Council intervenor status at any hearing on any
126 such application, petition, request or plan, and shall define the
127 Connecticut Siting Council's intervenor rights in accordance with
128 subsection (d) of section 4-177a of the general statutes.

129 Sec. 4. Subsection (a) of section 16-50i of the general statutes is
130 repealed and the following is substituted in lieu thereof (*Effective*
131 *October 1, 2002*):

132 (a) "Facility" means: (1) An electric transmission line of a design
133 capacity of sixty-nine kilovolts or more, including associated
134 equipment but not including a transmission line tap, as defined in
135 subsection (e) of this section; (2) a fuel transmission facility, except a
136 gas transmission line having a design capability of less than two
137 hundred pounds per square inch gauge pressure; (3) any electric
138 generating or storage facility using any fuel, including nuclear
139 materials, including associated equipment for furnishing electricity but
140 not including an emergency generating device, as defined in
141 subsection (f) of this section or a facility (i) owned and operated by a
142 private power producer, as defined in section 16-243b, (ii) which is a
143 qualifying small power production facility or a qualifying
144 cogeneration facility under the Public Utility Regulatory Policies Act of
145 1978, as amended, or a facility determined by the council to be
146 primarily for a producer's own use and (iii) which has, in the case of a
147 facility utilizing renewable energy sources, a generating capacity of

148 one megawatt of electricity or less and, in the case of a facility utilizing
149 cogeneration technology, a generating capacity of twenty-five
150 megawatts of electricity or less; (4) any electric substation or
151 switchyard designed to change or regulate the voltage of electricity at
152 sixty-nine kilovolts or more or to connect two or more electric circuits
153 at such voltage, which substation or switchyard may have a substantial
154 adverse environmental effect, as determined by the council established
155 under section 16-50j, and other facilities which may have a substantial
156 adverse environmental effect as the council may, by regulation,
157 prescribe; (5) such community antenna television towers and head-end
158 structures, including associated equipment, which may have a
159 substantial adverse environmental effect, as said council shall, by
160 regulation, prescribe; and (6) such telecommunication towers,
161 including associated telecommunications equipment, owned or
162 operated by the state, a public service company or a certified
163 telecommunications provider or used in a cellular system, as defined
164 in the Code of Federal Regulations Title 47, Part 22, as amended,
165 except for telecommunication towers or associated
166 telecommunications equipment used in a personal communications
167 system, as defined in the Code of Federal Regulations Title 47, Part 22,
168 as amended, which may have a substantial adverse environmental
169 effect, as said council shall, by regulation, prescribe."