



Senate

General Assembly

File No. 338

February Session, 2004

Substitute Senate Bill No. 448

Senate, March 30, 2004

The Committee on Planning and Development reported through SEN. FONFARA of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT REQUIRING SUBDIVISIONS TO COMPLY WITH
SUBSEQUENTLY ENACTED ZONING REGULATIONS.**

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

1 Section 1. Subsection (b) of section 8-26a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) (1) Notwithstanding the provisions of any general or special act
5 or local ordinance, when a change is adopted in the zoning regulations
6 or boundaries of zoning districts of any town, city or borough, no lot
7 or lots shown on a subdivision plan for residential property which has
8 been approved, prior to the effective date of such change, by the
9 planning commission of such town, city or borough, or other body
10 exercising the powers of such commission, and filed or recorded with
11 the town clerk, shall be required to conform to such change.

12 (2) Any construction on a vacant lot on a subdivision plan approved

13 before, on or after the effective date of this section shall not be required
 14 to conform to a change in the zoning regulations or boundaries of
 15 zoning district in a town, city or borough adopted after the approval of
 16 the subdivision. Notwithstanding subdivision (1) of this section, any
 17 modification or improvement to an existing structure on a developed
 18 lot on a subdivision plan approved before, on or after the effective date
 19 of this section shall be required to conform to such change in zoning
 20 regulations or boundaries adopted prior to such modification or
 21 improvement.

22 (3) The provisions of this subsection shall not be construed to apply
 23 to the terms and conditions of a building permit issued before or on
 24 the effective date of this section.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

Statement of Legislative Commissioners:

The last sentence of Subdiv. (2) was reworded for clarity.

PD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sSB 448

**AN ACT REQUIRING SUBDIVISIONS TO COMPLY WITH
SUBSEQUENTLY ENACTED ZONING REGULATIONS****SUMMARY:**

This bill requires, under certain circumstances, that lots and structures in subdivisions conform to changes in zoning regulations and maps adopted after the subdivision is approved. Under current law, once a subdivision plan for residential property in a subdivision has been approved and filed or recorded with the town clerk, lots shown on the plan are not required to conform to subsequent changes in the town's zoning regulations or zoning map. The bill instead requires that any modification or improvement to an existing structure on a developed lot conform to such changes that are adopted before the modification or improvement takes place. It continues to exempt construction on vacant lots from changes in the zoning regulations and maps adopted after the subdivision is approved. The exemption applies to subdivisions approved before, on, or after the bill's effective date.

The bill does not affect the terms and conditions of any building permit issued on or before the bill's effective date.

EFFECTIVE DATE: Upon passage

BACKGROUND***Related Court Case***

In *Poirier v. Zoning Board of Appeals of the Town of Wilton*, 75 Conn. App. 289 (2003), the Appellate Court held that the plain terms of CGS § 8-26a(b) gave lot owners in approved subdivisions a vested right, and that this right entitles them to develop their property in accordance with the zoning regulations in place at the time that the subdivision was approved.

Related Bill

SB 496, "An Act Concerning the Effect of Zoning Changes on Approved Subdivision Plans For Residential Property, favorably reported by the Judiciary Committee, subjects new construction or improvements on lots in an approved subdivision to changes in zoning law 10 years after the subdivision is approved. But the lots are not required to conform to any change in requirements for minimum lot size, area, dimension, or frontage from the requirements shown on the approved subdivision plan.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 0