



# Senate

General Assembly

February Session, 2004

**File No. 470**

Senate Bill No. 496

*Senate, April 6, 2004*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE EFFECT OF ZONING CHANGES ON APPROVED SUBDIVISION PLANS FOR RESIDENTIAL PROPERTY.***

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2 repealed and the following is substituted in lieu thereof (*Effective from*  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) Notwithstanding the provisions of any general or special act or  
5 local ordinance, when a change is adopted in the zoning regulations or  
6 boundaries of zoning districts of any town, city or borough, no lot or  
7 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 for a  
12 period of ten years after the date such subdivision plan was filed or  
13 recorded with the town clerk. After the expiration of such period, any

14 new construction on or improvements to the lot or lots shown on such  
15 subdivision plan shall conform to such change, except that no such lot  
16 or lots shall be required to conform to any change in requirements for  
17 minimum lot size, minimum lot area, minimum lot dimension or  
18 minimum lot frontage from the requirements shown on such approved  
19 subdivision plan. The provisions of this subsection shall apply to  
20 subdivision plans approved by such planning commission or other  
21 body before, on or after the effective date of this section.

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

**JUD**      *Joint Favorable*

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:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:***

<b>Municipalities</b>	<b>Effect</b>	<b>FY 05 \$</b>	<b>FY 06 \$</b>
Various Municipalities	Savings	Potential	Potential

***Explanation***

The bill simplifies the application of municipal zoning regulations and could therefore result in administrative savings to municipalities. The magnitude of potential savings would vary according to each municipality's circumstances.

**OLR Bill Analysis**

SB 496

***AN ACT CONCERNING THE EFFECT OF ZONING CHANGES ON APPROVED SUBDIVISION PLANS FOR RESIDENTIAL PROPERTY*****SUMMARY:**

With certain exceptions, the bill requires that any new construction on or improvement to a lot shown on an approved subdivision plan, that occurs more than 10 years after the plan is filed or recorded in the land record must conform to changes in the zoning regulations or zoning districts boundaries. The bill excludes from this requirement changes for minimum lot size, area, dimension, or frontage requirements shown on the approved subdivision plan.

The bill applies to subdivision plans approved before, on, or after its effective date.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****Related Case***

The Appellate Court recently interpreted existing law as prohibiting towns from requiring lots in an approved subdivision from complying with zoning changes made after the subdivision plan was approved and filed or recorded in the land records of the town that approved it (*Poririer v. Zoning Board of Appeals*, 75 Conn. App. 289 (2003)). The case involved an application to add a garage and breezeway to a house. The officer denied the permit because the proposed buildings would, in combination with the existing house, exceed the maximum coverage allotments permitted in the local zoning regulations. When the subdivision plan including the plaintiff's lot was approved, the town had no coverage regulations.

***Related Legislation***

sSB 448 (File 338), favorably reported by the Planning and

Development Committee, requires that any modification or improvement to an existing structure or developed lot in a subdivision conform to changes in zoning regulations and maps adopted after the subdivision plan was approved. It continues to exempt construction on vacant lots from such changes. The exemption applies to subdivisions approved before, on, or after the bill's effective date.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Report  
Yea 20 Nay 18