



Outdoor Advertising Association of Connecticut, Inc.

**Written Testimony of  
Charles Ghione, General Manager - NextMedia Group  
Outdoor Advertising Association of Connecticut, Inc.  
Monday, March 3, 2008  
General Assembly's Planning & Development Committee**

**HB 5636, An Act Concerning Relocation Assistance for Displaced Retail  
Businesses and Compensation for Outdoor Advertising Structures**

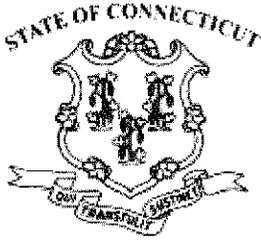
**Good afternoon Senator Coleman, Representative Feltman and members of the Planning & Development Committee, my name is Charles Ghione and I am testifying on behalf of the Outdoor Advertising Association of Connecticut, Inc. (Oaac). I am also the General Manager of NextMedia Group of Berlin. I appreciate you giving me this opportunity to testify on House Bill 5636, "An Act Concerning Relocation Assistance for Displaced Retail Businesses and Compensation for Outdoor Advertising Structures.**

**The Outdoor Advertising Association of Connecticut appreciates the committee raising this legislation which provides a technical clarification on the eminent domain legislation passed last session and gives guidance to zoning commissions on nonconforming structures.**

**Specifically, section 2 of this legislation clarifies that when the commissioner of DOT acquires an outdoor advertising structure the owner may relocate the structure to a new location or if the owner is unable to relocate the structure than the owner shall be compensated with the fair market value of the outdoor advertising structure. This legislation provides clarification to the original intent of last year's eminent domain legislation.**

**Section 3 of proposal provides direction to local zoning commissions in dealing with nonconforming structures. This section would prohibit zoning commissions from requiring the removal or alteration of nonconforming structures as a condition of zoning approval unless it meets specific statutory requirements. Attached to my testimony is an amendment which our Association would appreciate the favorable consideration of this committee. The amendment removes the reference to Chapter 588I, this chapter relates to projects that "promote the retention and expansion and increase the competitiveness of manufacturing and other economic base businesses." We believe that outdoor advertising is in harmony with the goals of this chapter.**

**Again, thank you for this opportunity to testify, I'd be glad to answer any questions.**



General Assembly  
February Session, 2008

**Raised Bill No. 5636**  
LCO No. 2043

Referred to Committee on Planning and Development

Introduced by:

(PD)

**AN ACT CONCERNING RELOCATION ASSISTANCE FOR DISPLACED RETAIL BUSINESSES  
AND COMPENSATION FOR OUTDOOR ADVERTISING STRUCTURES.**

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

Sec. 3. Section 8-13a of the general statutes is repealed and the following is substituted in lieu thereof  
(Effective October 1, 2008):

(a) When a building is so situated on a lot that it violates a zoning regulation of a municipality which prescribes the location of such a building in relation to the boundaries of the lot or when a building is situated on a lot that violates a zoning regulation of a municipality which prescribes the minimum area of the lot, and when such building has been so situated for three years without the institution of an action to enforce such regulation, such building shall be deemed a nonconforming building in relation to such boundaries or to the area of such lot, as the case may be.

(b) When a use of land or building (1) is on a parcel that is fifteen or more acres, (2) is included in industry numbers 1795, 2951, 3272 or 4953 of the Standard Industrial Classification Manual, United States Office of Management and Budget, 1987 edition, (3) is not permitted by the zoning regulations of a municipality, (4) has been established and continued in reasonable reliance on the actions of the municipality, and (5) has been in existence for twenty years prior to July 8, 1997, without the institution of court action to enforce the regulations regarding the use, such use shall be deemed a legally existing nonconforming use and may be continued. Nothing in this subsection shall be construed to exempt such use from the requirements of the general statutes or of any other municipal ordinance.

(c) The zoning commission shall not require the removal or alteration of a nonconforming structure as a condition for the issuance or continuation of [an approval under the zoning] zoning approval unless such removal or alteration is necessary to achieve the development or redevelopment of the

property on which the structure is located in accordance with a redevelopment plan approved under chapter 130 or a development plan approved under chapter 132[ or 588/].