



General Assembly

**Amendment**

February Session, 2008

LCO No. 4463

**\*HB0514504463HDO\***

Offered by:  
REP. HAMM, 34<sup>th</sup> Dist.

To: Subst. House Bill No. 5145      File No. 101      Cal. No. 63

**"AN ACT CONCERNING ENVIRONMENTALLY STRESSED AND ENVIRONMENTAL JUSTICE COMMUNITIES."**

1      After the last section, add the following and renumber sections and  
2      internal references accordingly:

3      "Sec. 501. Subsection (a) of section 8-2 of the general statutes is  
4      repealed and the following is substituted in lieu thereof (*Effective*  
5      *October 1, 2008*):

6      (a) The zoning commission of each city, town or borough is  
7      authorized to regulate, within the limits of such municipality, the  
8      height, number of stories and size of buildings and other structures;  
9      the percentage of the area of the lot that may be occupied; the size of  
10     yards, courts and other open spaces; the density of population and the  
11     location and use of buildings, structures and land for trade, industry,  
12     residence or other purposes, including water-dependent uses as  
13     defined in section 22a-93, and the height, size and location of  
14     advertising signs and billboards. Such bulk regulations may allow for  
15     cluster development as defined in section 8-18. Such zoning

16 commission may divide the municipality into districts of such number,  
17 shape and area as may be best suited to carry out the purposes of this  
18 chapter; and, within such districts, it may regulate the erection,  
19 construction, reconstruction, alteration or use of buildings or  
20 structures and the use of land. All such regulations shall be uniform  
21 for each class or kind of buildings, structures or use of land throughout  
22 each district, but the regulations in one district may differ from those  
23 in another district, and may provide that certain classes or kinds of  
24 buildings, structures or uses of land are permitted only after obtaining  
25 a special permit or special exception from a zoning commission,  
26 planning commission, combined planning and zoning commission or  
27 zoning board of appeals, whichever commission or board the  
28 regulations may, notwithstanding any special act to the contrary,  
29 designate, subject to standards set forth in the regulations and to  
30 conditions necessary to protect the public health, safety, convenience  
31 and property values. Such regulations shall be made in accordance  
32 with a comprehensive plan and in adopting such regulations the  
33 commission shall consider the plan of conservation and development  
34 prepared under section 8-23 of the 2008 supplement to the general  
35 statutes. Such regulations shall be designed to lessen congestion in the  
36 streets; to secure safety from fire, panic, flood and other dangers; to  
37 promote health and the general welfare; to provide adequate light and  
38 air; to prevent the overcrowding of land; to avoid undue concentration  
39 of population and to facilitate the adequate provision for  
40 transportation, water, sewerage, schools, parks and other public  
41 requirements. Such regulations shall be made with reasonable  
42 consideration as to the character of the district and its peculiar  
43 suitability for particular uses and with a view to conserving the value  
44 of buildings and encouraging the most appropriate use of land  
45 throughout such municipality. Such regulations may, to the extent  
46 consistent with soil types, terrain, infrastructure capacity and the plan  
47 of conservation and development for the community, provide for  
48 cluster development, as defined in section 8-18, in residential zones.  
49 Such regulations shall also encourage the development of housing  
50 opportunities, including opportunities for multifamily dwellings,

51 consistent with soil types, terrain and infrastructure capacity, for all  
52 residents of the municipality and the planning region in which the  
53 municipality is located, as designated by the Secretary of the Office of  
54 Policy and Management under section 16a-4a. Such regulations shall  
55 also promote housing choice and economic diversity in housing,  
56 including housing for both low and moderate income households, and  
57 shall encourage the development of housing which will meet the  
58 housing needs identified in the housing plan prepared pursuant to  
59 section 8-37t and in the housing component and the other components  
60 of the state plan of conservation and development prepared pursuant  
61 to section 16a-26. Zoning regulations shall be made with reasonable  
62 consideration for their impact on agriculture. Zoning regulations may  
63 be made with reasonable consideration for the protection of historic  
64 factors and shall be made with reasonable consideration for the  
65 protection of existing and potential public surface and ground  
66 drinking water supplies. Such regulations shall require as a condition  
67 of approval of any proposal for development within a municipality  
68 that: (1) Includes the addition of fifty or more residential dwelling  
69 units, or (2) requires a change to zoning regulations in order to permit  
70 increased residential density, that such proposal be accompanied by a  
71 written certification, in a format prescribed by the commission, that  
72 establishes that there is an adequate supply of drinking water to  
73 support the additional residential dwelling units included in the  
74 proposal. On and after July 1, 1985, the regulations shall provide that  
75 proper provision be made for soil erosion and sediment control  
76 pursuant to section 22a-329. Such regulations may also encourage  
77 energy-efficient patterns of development, the use of solar and other  
78 renewable forms of energy, and energy conservation. The regulations  
79 may also provide for incentives for developers who use passive solar  
80 energy techniques, as defined in subsection (b) of section 8-25 of the  
81 2008 supplement to the general statutes, in planning a residential  
82 subdivision development. The incentives may include, but not be  
83 limited to, cluster development, higher density development and  
84 performance standards for roads, sidewalks and underground facilities  
85 in the subdivision. Such regulations may provide for a municipal

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