



General Assembly

February Session, 2012

Raised Bill No. 102

LCO No. 797

00797_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT PROHIBITING LOCAL BUILDING STANDARDS.

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

1 Section 1. Subsection (a) of section 8-2 of the 2012 supplement to the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2012*):

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

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

51 Policy and Management under section 16a-4a. Such regulations shall
52 also promote housing choice and economic diversity in housing,
53 including housing for both low and moderate income households, and
54 shall encourage the development of housing which will meet the
55 housing needs identified in the state's consolidated plan for housing
56 and community development prepared pursuant to section 8-37t and
57 in the housing component and the other components of the state plan
58 of conservation and development prepared pursuant to section 16a-26.
59 Zoning regulations shall be made with reasonable consideration for
60 their impact on agriculture, as defined in subsection (q) of section 1-1.
61 Zoning regulations may be made with reasonable consideration for the
62 protection of historic factors and shall be made with reasonable
63 consideration for the protection of existing and potential public surface
64 and ground drinking water supplies. On and after July 1, 1985, the
65 regulations shall provide that proper provision be made for soil
66 erosion and sediment control pursuant to section 22a-329. Such
67 regulations may also encourage energy-efficient patterns of
68 development, the use of solar and other renewable forms of energy,
69 and energy conservation. The regulations may also provide for
70 incentives for developers who use passive solar energy techniques, as
71 defined in subsection (b) of section 8-25, in planning a residential
72 subdivision development. The incentives may include, but not be
73 limited to, cluster development, higher density development and
74 performance standards for roads, sidewalks and underground facilities
75 in the subdivision. Such regulations may provide for a municipal
76 system for the creation of development rights and the permanent
77 transfer of such development rights, which may include a system for
78 the variance of density limits in connection with any such transfer.
79 Such regulations may also provide for notice requirements in addition
80 to those required by this chapter. Such regulations may provide for
81 conditions on operations to collect spring water or well water, as
82 defined in section 21a-150, including the time, place and manner of
83 such operations. No such regulations shall prohibit the operation of
84 any family day care home or group day care home in a residential

85 zone. No such regulations shall prohibit the use of receptacles for the
86 storage of items designated for recycling in accordance with section
87 22a-241b or require that such receptacles comply with provisions for
88 bulk or lot area, or similar provisions, except provisions for side yards,
89 rear yards and front yards. No such regulations shall unreasonably
90 restrict access to or the size of such receptacles for businesses, given
91 the nature of the business and the volume of items designated for
92 recycling in accordance with section 22a-241b, that such business
93 produces in its normal course of business, provided nothing in this
94 section shall be construed to prohibit such regulations from requiring
95 the screening or buffering of such receptacles for aesthetic reasons.
96 Such regulations shall not impose conditions and requirements on
97 manufactured homes having as their narrowest dimension twenty-two
98 feet or more and built in accordance with federal manufactured home
99 construction and safety standards or on lots containing such
100 manufactured homes which are substantially different from conditions
101 and requirements imposed on single-family dwellings and lots
102 containing single-family dwellings. Such regulations shall not impose
103 conditions and requirements on developments to be occupied by
104 manufactured homes having as their narrowest dimension twenty-two
105 feet or more and built in accordance with federal manufactured home
106 construction and safety standards which are substantially different
107 from conditions and requirements imposed on multifamily dwellings,
108 lots containing multifamily dwellings, cluster developments or
109 planned unit developments. Such regulations shall not prohibit the
110 continuance of any nonconforming use, building or structure existing
111 at the time of the adoption of such regulations. Such regulations shall
112 not provide for the termination of any nonconforming use solely as a
113 result of nonuse for a specified period of time without regard to the
114 intent of the property owner to maintain that use. Such regulations
115 shall not provide for any building code or construction standard other
116 than those contained in the State Building Code. Any city, town or
117 borough which adopts the provisions of this chapter may, by vote of
118 its legislative body, exempt municipal property from the regulations

119 prescribed by the zoning commission of such city, town or borough;
120 but unless it is so voted municipal property shall be subject to such
121 regulations.

122 Sec. 2. Section 29-253 of the general statutes is repealed and the
123 following is substituted in lieu thereof (*Effective from passage*):

124 (a) The State Building Code, including any amendment to said code
125 adopted by the State Building Inspector and Codes and Standards
126 Committee, shall be the building code for all towns, cities and
127 boroughs.

128 (b) Any provision of a municipal ordinance or regulation that
129 requires any building code or construction standard other than those
130 contained in the State Building Code is superseded and shall be of no
131 force or effect. The provisions of this subsection shall not apply to any
132 municipal housing code that regulates the maintenance, sanitation,
133 ventilation, appearance or other condition of any building intended for
134 residential use.

135 [(b)] (c) Nothing in this section shall prevent any town, city or
136 borough from adopting an ordinance governing the demolition of
137 buildings deemed to be unsafe. As used in this subsection, "unsafe
138 building" means a building that constitutes a fire hazard or is
139 otherwise dangerous to human life or the public welfare.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	8-2(a)
Sec. 2	<i>from passage</i>	29-253

Statement of Purpose:

To ensure state-wide consistency in construction standards by prohibiting municipalities from enforcing local building codes or construction standards other than those found in the State Building Code.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]