



General Assembly

February Session, 2014

Raised Bill No. 117

LCO No. 914



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT AUTHORIZING MUNICIPALITIES TO MODIFY ZONING STANDARDS.

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

1 Section 1. Section 8-2 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

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

16 construction, reconstruction, alteration or use of buildings or
17 structures and the use of land. [All] Except as provided in subsection
18 (d) of this section, such regulations shall be uniform for each class or
19 kind of buildings, structures or use of land throughout each district,
20 but the regulations in one district may differ from those in another
21 district, and may provide that certain classes or kinds of buildings,
22 structures or uses of land are permitted only after obtaining a special
23 permit or special exception from a zoning commission, planning
24 commission, combined planning and zoning commission or zoning
25 board of appeals, whichever commission or board the regulations may,
26 notwithstanding any special act to the contrary, designate, subject to
27 standards set forth in the regulations and to conditions necessary to
28 protect the public health, safety, convenience and property values.
29 Such regulations shall be made in accordance with a comprehensive
30 plan and in adopting such regulations the commission shall consider
31 the plan of conservation and development prepared under section 8-
32 23. Such regulations shall be designed to lessen congestion in the
33 streets; to secure safety from fire, panic, flood and other dangers; to
34 promote health and the general welfare; to provide adequate light and
35 air; to prevent the overcrowding of land; to avoid undue concentration
36 of population and to facilitate the adequate provision for
37 transportation, water, sewerage, schools, parks and other public
38 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] that 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] that are substantially different from
101 conditions and requirements imposed on single-family dwellings and
102 lots containing single-family dwellings. Such regulations shall not
103 impose conditions and requirements on developments to be occupied
104 by manufactured homes having as their narrowest dimension twenty-
105 two feet or more and built in accordance with federal manufactured
106 home construction and safety standards [which] that are substantially
107 different from conditions and requirements imposed on multifamily
108 dwellings, lots containing multifamily dwellings, cluster developments
109 or 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. Any city, town or
115 borough [which] that adopts the provisions of this chapter may, by
116 vote of its legislative body, exempt municipal property from the
117 regulations prescribed by the zoning commission of such city, town or

118 borough; but unless it is so voted municipal property shall be subject
119 to such regulations.

120 (b) In any municipality that is contiguous to Long Island Sound the
121 regulations adopted under this section shall be made with reasonable
122 consideration for restoration and protection of the ecosystem and
123 habitat of Long Island Sound and shall be designed to reduce hypoxia,
124 pathogens, toxic contaminants and floatable debris in Long Island
125 Sound. Such regulations shall provide that the commission consider
126 the environmental impact on Long Island Sound of any proposal for
127 development.

128 (c) In any municipality where a traprock ridge, as defined in section
129 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located
130 the regulations may provide for development restrictions in ridgeline
131 setback areas, as defined in said section. The regulations may restrict
132 quarrying and clear cutting, except that the following operations and
133 uses shall be permitted in ridgeline setback areas, as of right: (1)
134 Emergency work necessary to protect life and property; (2) any
135 nonconforming uses that were in existence and that were approved on
136 or before the effective date of regulations adopted under this section;
137 and (3) selective timbering, grazing of domesticated animals and
138 passive recreation.

139 (d) The regulations may authorize the zoning commission to grant a
140 modification of a bulk or dimensional standard by a three-quarters
141 vote of all members of the commission. The regulations shall clearly
142 identify any such authorization and specify the conditions under
143 which the zoning commission may grant a modification. The zoning
144 commission shall not grant a modification unless an applicant has
145 made a written request at the time an application is filed. The
146 commission shall state upon its records the reasons for which a
147 modification is granted or denied.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2014	8-2
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Statement of Purpose:

To authorize zoning commissions to modify bulk or dimensional standards contained within their regulations.

[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.]