
OLR Bill Analysis

SB 416

AN ACT CONCERNING THE CONVERSION OF COMMERCIAL REAL PROPERTY FOR RESIDENTIAL USE.

SUMMARY

This bill requires municipalities that exercise their zoning powers under state statute (rather than a special act) to allow developers to convert commercial buildings fully or partially into residential developments as of right (see BACKGROUND) under their zoning regulations. It prohibits municipalities from requiring the developer to correct any nonconforming use, structure, or lot (see BACKGROUND). However, the bill does not exempt converted buildings from any applicable building, fire safety, or fire prevention codes.

Under the bill, the applicable zoning commission must decide on a conversion application within 65 days after receiving it. The applicant may consent to one or more extensions of up to 65 days, or may withdraw its application.

Under the bill, commercial buildings are buildings that are primarily designed or used for nonresidential purposes (e.g., hotels, retail space, and offices), but do not include industrial buildings (e.g., warehouses, factories, storage facilities, or other buildings that generally exclude the public).

EFFECTIVE DATE: October 1, 2024

BACKGROUND

As-of-Right Development

By law, an as-of-right approval means the municipality must approve a proposal if it complies with normal zoning regulations. It cannot require (1) a public hearing, (2) a special permit or exception (see below), or (3) any other discretionary zoning action, other than a determination

a site plan conforms with applicable zoning regulations.

Special Permit or Exception

“Special permit” and “special exemption” are synonymous and the designated land use agency may grant one under the Zoning Enabling Act (CGS § 8-2) or special act, as applicable. They allow people to use a property in a way explicitly allowed by the zoning regulations but subject to conditions not applicable to other uses in the same district.

Nonconforming Use and Lots

A nonconforming use is a property use that was lawful at the time a zoning restriction prohibiting or limiting the use is adopted. (The term may also be used to refer to lots and structures that do not comply with zoning regulations.) For example, if a municipality adopts zoning regulations that permit only dwellings and schools in a particular zone, a restaurant that already operates in that zone would become a nonconforming use.

By law, regulations cannot prohibit the continuance of any nonconforming use, building, or structure existing at the time of the adoption of the regulations (CGS § 8-2(a)).

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable
Yea 13 Nay 8 (03/22/2024)