



General Assembly

January Session, 2019

**Committee Bill No. 6749**

LCO No. 4588



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

***AN ACT TO REORGANIZE THE ZONING ENABLING ACT AND  
PROMOTE MUNICIPAL COMPLIANCE.***

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 Section 8-2 of the general statutes is repealed and the  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 July 1, 2019*):

3 (a) (1) The zoning commission of each city, town or borough is  
4 authorized to regulate, within the limits of such municipality: [ the]  
5 (A) The height, number of stories and size of buildings and other  
6 structures; (B) the percentage of the area of the lot that may be  
7 occupied; (C) the size of yards, courts and other open spaces; (D) the  
8 density of population and the location and use of buildings, structures  
9 and land for trade, industry, residence or other purposes, including  
10 water-dependent uses, as defined in section 22a-93; [ ] and (E) the  
11 height, size, location, brightness and illumination of advertising signs  
12 and billboards, [ . Such bulk regulations may allow for cluster  
13 development, as defined in section 8-18] except as provided in  
14 subsection (f) of this section.

15 (2) Such zoning commission may divide the municipality into

16 districts of such number, shape and area as may be best suited to carry  
17 out the purposes of this chapter; and, within such districts, it may  
18 regulate the erection, construction, reconstruction, alteration or use of  
19 buildings or structures and the use of land. All [such] zoning  
20 regulations shall be uniform for each class or kind of buildings,  
21 structures or use of land throughout each district, but the regulations  
22 in one district may differ from those in another district. [, and]

23 (3) Zoning regulations 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]

32 (b) Zoning regulations adopted pursuant to subsection (a) of this  
33 section shall: [be]

34 (1) Be made in accordance with a comprehensive plan and in  
35 [adopting such regulations the commission shall consider]  
36 consideration of the plan of conservation and development [prepared]  
37 adopted under section 8-23; [, Such regulations shall be]

38 (2) Be designed to (A) lessen congestion in the streets; [to] (B) secure  
39 safety from fire, panic, flood and other dangers; [to] (C) promote  
40 health and the general welfare; [to] (D) provide adequate light and air;  
41 [to] (E) prevent the overcrowding of land; [to] (F) avoid undue  
42 concentration of population; [and to] (G) facilitate the adequate  
43 provision for transportation, water, sewerage, schools, parks and other  
44 public requirements; [, Such regulations shall be] and (H) affirmatively  
45 further fair housing;

46 (3) Be made with reasonable consideration as to [the character of the

47 district and its peculiar] a district's suitability for particular uses and  
48 with a view to conserving the value of buildings and encouraging the  
49 most appropriate use of land throughout [such] a municipality; [. Such  
50 regulations may, to the extent consistent with soil types, terrain,  
51 infrastructure capacity and the plan of conservation and development  
52 for the community, provide for cluster development, as defined in  
53 section 8-18, in residential zones. Such regulations shall also  
54 encourage]

55 (4) Provide for the development of housing opportunities, including  
56 opportunities for multifamily dwellings, consistent with soil types,  
57 terrain and infrastructure capacity, for all residents of the municipality  
58 and the planning region in which the municipality is located, as  
59 designated by the Secretary of the Office of Policy and Management  
60 under section 16a-4a; [. Such regulations shall also promote]

61 (5) Promote housing choice and economic diversity in housing,  
62 including housing for both low and moderate income households; [,  
63 and shall encourage]

64 (6) Provide for the development of housing which will meet the  
65 housing needs identified in the state's consolidated plan for housing  
66 and community development prepared pursuant to section 8-37t and  
67 in the housing component and the other components of the state plan  
68 of conservation and development prepared pursuant to section 16a-26;  
69 [ Zoning regulations shall be]

70 (7) Be made with reasonable consideration for their impact on  
71 agriculture, as defined in subsection (q) of section 1-1; [.]

72 (8) Provide that proper provisions be made for soil erosion and  
73 sediment control pursuant to section 22a-329;

74 (9) Be made with reasonable consideration for the protection of  
75 existing and potential public surface and ground drinking water  
76 supplies; and

77 (10) In any municipality that is contiguous to Long Island Sound,  
78 (A) be made with reasonable consideration for the restoration and  
79 protection of the ecosystem and habitat of Long Island Sound; (B) be  
80 designed to reduce hypoxia, pathogens, toxic contaminants and  
81 floatable debris on Long Island Sound; and (C) provide that the  
82 commission consider the environmental impact on Long Island Sound  
83 of any proposal for development.

84 (c) Zoning regulations adopted pursuant to subsection (a) of this  
85 section may: [be]

86 (1) To the extent consistent with soil types, terrain and  
87 infrastructure capacity for the community, provide for cluster  
88 development, as defined in section 8-18;

89 (2) Be made with reasonable consideration for the protection of  
90 historic factors; [and shall be made with reasonable consideration for  
91 the protection of existing and potential public surface and ground  
92 drinking water supplies. On and after July 1, 1985, the regulations shall  
93 provide that proper provision be made for soil erosion and sediment  
94 control pursuant to section 22a-329. Such regulations may also  
95 encourage]

96 (3) Encourage energy-efficient patterns of development, the use of  
97 solar and other renewable forms of energy, and energy conservation; [. The regulations may also provide]

99 (4) Provide for incentives for developers who use passive solar  
100 energy techniques, as defined in subsection (b) of section 8-25, in  
101 planning a residential subdivision development; [. The incentives may  
102 include, but not be] including, but not limited to, cluster development,  
103 higher density development and performance standards for roads,  
104 sidewalks and underground facilities in the subdivision; [. Such  
105 regulations may provide]

106 (5) Provide for a municipal system for the creation of development

107 rights and the permanent transfer of such development rights, which  
108 may include a system for the variance of density limits in connection  
109 with any such transfer; [. Such regulations may also provide]

110 (6) Provide for notice requirements in addition to those required by  
111 this chapter; [. Such regulations may provide]

112 (7) Provide for conditions on operations to collect spring water or  
113 well water, as defined in section 21a-150, including the time, place and  
114 manner of such operations; [. No such regulations shall prohibit] and

115 (8) In any municipality where a traprock ridge or an amphibolite  
116 ridge is located, (A) provide for development restrictions in ridgeline  
117 setback areas; and (B) restrict quarrying and clear cutting, except that  
118 the following operations and uses shall be permitted in ridgeline  
119 setback areas, as of right: (i) Emergency work necessary to protect life  
120 and property; (ii) any nonconforming uses that were in existence and  
121 that were approved on or before the effective date of regulations  
122 adopted pursuant to this section; and (iii) selective timbering, grazing  
123 of domesticated animals and passive recreation. As used in this  
124 subdivision, "traprock ridge", "amphibolite ridge" and "ridgeline  
125 setback area" have the same meanings as provided in section 8-1aa.

126 (d) Zoning regulations adopted pursuant to subsection (a) of this  
127 section shall not:

128 (1) Prohibit the operation of any family child care home or group  
129 child care home in a residential zone; [. No such regulations shall  
130 prohibit]

131 (2) (A) Prohibit the use of receptacles for the storage of items  
132 designated for recycling in accordance with section 22a-241b or require  
133 that such receptacles comply with provisions for bulk or lot area, or  
134 similar provisions, except provisions for side yards, rear yards and  
135 front yards; [. No such regulations shall] or (B) unreasonably restrict  
136 access to or the size of such receptacles for businesses, given the nature

137 of the business and the volume of items designated for recycling in  
138 accordance with section 22a-241b, that such business produces in its  
139 normal course of business, provided nothing in this section shall be  
140 construed to prohibit such regulations from requiring the screening or  
141 buffering of such receptacles for aesthetic reasons; [. Such regulations  
142 shall not impose]

143 (3) Impose conditions and requirements on manufactured homes,  
144 including mobile manufactured homes, having as their narrowest  
145 dimension twenty-two feet or more and built in accordance with  
146 federal manufactured home construction and safety standards, or on  
147 lots containing such manufactured homes, [which] including mobile  
148 manufactured home parks, if those conditions and requirements are  
149 substantially different from conditions and requirements imposed on  
150 (A) single-family dwellings; [and] (B) lots containing single-family  
151 dwellings; [. Such regulations shall not impose conditions and  
152 requirements on developments to be occupied by manufactured homes  
153 having as their narrowest dimension twenty-two feet or more and  
154 built in accordance with federal manufactured home construction and  
155 safety standards which are substantially different from conditions and  
156 requirements imposed on] or (C) multifamily dwellings, lots  
157 containing multifamily dwellings, cluster developments or planned  
158 unit developments; [. Such regulations shall not prohibit]

159 (4) (A) Prohibit the continuance of any nonconforming use, building  
160 or structure existing at the time of the adoption of such regulations;  
161 [or] (B) require a special permit or special exception for any such  
162 continuance; [. Such regulations shall not] (C) provide for the  
163 termination of any nonconforming use solely as a result of nonuse for a  
164 specified period of time without regard to the intent of the property  
165 owner to maintain that use; [. Such regulations shall not] or (D)  
166 terminate or deem abandoned a nonconforming use, building or  
167 structure unless the property owner of such use, building or structure  
168 voluntarily discontinues such use, building or structure and such  
169 discontinuance is accompanied by an intent to not reestablish such use,

170 building or structure. The demolition or deconstruction of a  
171 nonconforming use, building or structure shall not by itself be  
172 evidence of such property owner's intent to not reestablish such use,  
173 building or structure; [. Unless such town opts out, in accordance with  
174 the provisions of subsection (j) of section 8-1bb, such regulations shall  
175 not prohibit] and

176 (5) Prohibit the installation of temporary health care structures for  
177 use by mentally or physically impaired persons [in accordance with  
178 the provisions of section 8-1bb if such structures comply with the  
179 provisions of said section] pursuant to section 8-1bb, unless the  
180 municipality opts out pursuant to subsection (j) of said section.

181 (e) Any city, town or borough which adopts the provisions of this  
182 chapter may, by vote of its legislative body, exempt municipal  
183 property from the regulations prescribed by the zoning commission of  
184 such city, town or borough, [;] but unless it is so voted, municipal  
185 property shall be subject to such regulations.

186 [(b) In any municipality that is contiguous to Long Island Sound the  
187 regulations adopted under this section shall be made with reasonable  
188 consideration for restoration and protection of the ecosystem and  
189 habitat of Long Island Sound and shall be designed to reduce hypoxia,  
190 pathogens, toxic contaminants and floatable debris in Long Island  
191 Sound. Such regulations shall provide that the commission consider  
192 the environmental impact on Long Island Sound of any proposal for  
193 development.

194 (c) In any municipality where a traprock ridge, as defined in section  
195 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located  
196 the regulations may provide for development restrictions in ridgeline  
197 setback areas, as defined in said section. The regulations may restrict  
198 quarrying and clear cutting, except that the following operations and  
199 uses shall be permitted in ridgeline setback areas, as of right: (1)  
200 Emergency work necessary to protect life and property; (2) any  
201 nonconforming uses that were in existence and that were approved on

202 or before the effective date of regulations adopted under this section;  
203 and (3) selective timbering, grazing of domesticated animals and  
204 passive recreation.]

205 [(d)] (f) Any advertising sign or billboard that is not equipped with  
206 the ability to calibrate brightness or illumination shall be exempt from  
207 any municipal ordinance or regulation regulating such brightness or  
208 illumination that is adopted by a city, town or borough after the date  
209 of installation of such advertising sign or billboard pursuant to  
210 subsection (a) of this section.

211 (g) (1) On or before July 1, 2020, and at least once every five years  
212 thereafter, each municipality that adopts the provisions of this chapter  
213 pursuant to section 8-1 shall demonstrate, in a form and manner  
214 prescribed by the Commissioner of Housing, compliance with  
215 subdivisions (4) to (6), inclusive, of subsection (b) of this section. The  
216 commissioner shall notify the Secretary of the Office of Policy and  
217 Management of the failure of any municipality to demonstrate  
218 compliance.

219 (2) A municipality that fails to demonstrate such compliance shall  
220 be ineligible for discretionary state funding until the commissioner  
221 notifies the secretary that the municipality has satisfied the  
222 requirements, unless such ineligibility is expressly waived by the  
223 secretary.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	8-2

**Statement of Purpose:**

To enable zoning commissions and lay people to more easily understand the requirements of section 8-2 of the general statutes and provide an administrative mechanism to promote municipal compliance with said section.



*[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.]*

Co-Sponsors: REP. LEMAR, 96th Dist.

H.B. 6749