



General Assembly

January Session, 2019

Committee Bill No. 5229

LCO No. 6021



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING THE REGULATION OF SIGNS BY ZONING COMMISSIONS.

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 Section 8-2 of the general statutes is repealed and the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

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, location, brightness and
11 illumination of [advertising] signs and billboards. Such bulk
12 regulations may allow for cluster development, as defined in section 8-
13 18. Such zoning commission may divide the municipality into districts
14 of such number, shape and area as may be best suited to carry out the
15 purposes of this chapter; and, within such districts, it may regulate the
16 erection, construction, reconstruction, alteration or use of buildings or

17 structures and the use of land. All such regulations shall be uniform
18 for each class or kind of buildings, structures or use of land throughout
19 each district, but the regulations in one district may differ from those
20 in another district, and may provide that certain classes or kinds of
21 buildings, structures or uses of land are permitted only after obtaining
22 a special permit or special exception from a zoning commission,
23 planning commission, combined planning and zoning commission or
24 zoning board of appeals, whichever commission or board the
25 regulations may, notwithstanding any special act to the contrary,
26 designate, subject to standards set forth in the regulations and to
27 conditions necessary to protect the public health, safety, convenience
28 and property values. Such regulations shall be made in accordance
29 with a comprehensive plan and in adopting such regulations the
30 commission shall consider the plan of conservation and development
31 prepared under section 8-23. Such regulations shall be designed to
32 lessen congestion in the streets; to secure safety from fire, panic, flood
33 and other dangers; to promote health and the general welfare; to
34 provide adequate light and air; to prevent the overcrowding of land; to
35 avoid undue concentration of population and to facilitate the adequate
36 provision for transportation, water, sewerage, schools, parks and other
37 public requirements. Such regulations shall be made with reasonable
38 consideration as to the character of the district and its peculiar
39 suitability for particular uses and with a view to conserving the value
40 of buildings and encouraging the most appropriate use of land
41 throughout such municipality. Such regulations may, to the extent
42 consistent with soil types, terrain, infrastructure capacity and the plan
43 of conservation and development for the community, provide for
44 cluster development, as defined in section 8-18, in residential zones.
45 Such regulations shall also encourage the development of housing
46 opportunities, including opportunities for multifamily dwellings,
47 consistent with soil types, terrain and infrastructure capacity, for all
48 residents of the municipality and the planning region in which the
49 municipality is located, as designated by the Secretary of the Office of
50 Policy and Management under section 16a-4a. Such regulations shall
51 also promote housing choice and economic diversity in housing,

52 including housing for both low and moderate income households, and
53 shall encourage the development of housing which will meet the
54 housing needs identified in the state's consolidated plan for housing
55 and community development prepared pursuant to section 8-37t and
56 in the housing component and the other components of the state plan
57 of conservation and development prepared pursuant to section 16a-26.
58 Zoning regulations shall be made with reasonable consideration for
59 their impact on agriculture, as defined in subsection (q) of section 1-1.
60 Zoning regulations may be made with reasonable consideration for the
61 protection of historic factors and shall be made with reasonable
62 consideration for the protection of existing and potential public surface
63 and ground drinking water supplies. On and after July 1, 1985, the
64 regulations shall provide that proper provision be made for soil
65 erosion and sediment control pursuant to section 22a-329. Such
66 regulations may also encourage energy-efficient patterns of
67 development, the use of solar and other renewable forms of energy,
68 and energy conservation. The regulations may also provide for
69 incentives for developers who use passive solar energy techniques, as
70 defined in subsection (b) of section 8-25, in planning a residential
71 subdivision development. The incentives may include, but not be
72 limited to, cluster development, higher density development and
73 performance standards for roads, sidewalks and underground facilities
74 in the subdivision. Such regulations may provide for a municipal
75 system for the creation of development rights and the permanent
76 transfer of such development rights, which may include a system for
77 the variance of density limits in connection with any such transfer.
78 Such regulations may also provide for notice requirements in addition
79 to those required by this chapter. Such regulations may provide for
80 conditions on operations to collect spring water or well water, as
81 defined in section 21a-150, including the time, place and manner of
82 such operations. No such regulations shall prohibit the operation of
83 any family child care home or group child care home in a residential
84 zone. No such regulations shall prohibit the use of receptacles for the
85 storage of items designated for recycling in accordance with section
86 22a-241b or require that such receptacles comply with provisions for

87 bulk or lot area, or similar provisions, except provisions for side yards,
88 rear yards and front yards. No such regulations shall unreasonably
89 restrict access to or the size of such receptacles for businesses, given
90 the nature of the business and the volume of items designated for
91 recycling in accordance with section 22a-241b, that such business
92 produces in its normal course of business, provided nothing in this
93 section shall be construed to prohibit such regulations from requiring
94 the screening or buffering of such receptacles for aesthetic reasons.
95 Such regulations shall not impose conditions and requirements on
96 manufactured homes having as their narrowest dimension twenty-two
97 feet or more and built in accordance with federal manufactured home
98 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 or require a special
111 permit or special exception for any such continuance. Such regulations
112 shall not provide for the termination of any nonconforming use solely
113 as a result of nonuse for a specified period of time without regard to
114 the intent of the property owner to maintain that use. Such regulations
115 shall not terminate or deem abandoned a nonconforming use, building
116 or structure unless the property owner of such use, building or
117 structure voluntarily discontinues such use, building or structure and
118 such discontinuance is accompanied by an intent to not reestablish
119 such use, building or structure. The demolition or deconstruction of a
120 nonconforming use, building or structure shall not by itself be
121 evidence of such property owner's intent to not reestablish such use,

122 building or structure. Unless such town opts out, in accordance with
123 the provisions of subsection (j) of section 8-1bb, such regulations shall
124 not prohibit the installation of temporary health care structures for use
125 by mentally or physically impaired persons in accordance with the
126 provisions of section 8-1bb if such structures comply with the
127 provisions of said section. Any city, town or borough which adopts the
128 provisions of this chapter may, by vote of its legislative body, exempt
129 municipal property from the regulations prescribed by the zoning
130 commission of such city, town or borough; but unless it is so voted
131 municipal property shall be subject to such regulations.

132 (b) In any municipality that is contiguous to Long Island Sound the
133 regulations adopted under this section shall be made with reasonable
134 consideration for restoration and protection of the ecosystem and
135 habitat of Long Island Sound and shall be designed to reduce hypoxia,
136 pathogens, toxic contaminants and floatable debris in Long Island
137 Sound. Such regulations shall provide that the commission consider
138 the environmental impact on Long Island Sound of any proposal for
139 development.

140 (c) In any municipality where a traprock ridge, as defined in section
141 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located
142 the regulations may provide for development restrictions in ridgeline
143 setback areas, as defined in said section. The regulations may restrict
144 quarrying and clear cutting, except that the following operations and
145 uses shall be permitted in ridgeline setback areas, as of right: (1)
146 Emergency work necessary to protect life and property; (2) any
147 nonconforming uses that were in existence and that were approved on
148 or before the effective date of regulations adopted under this section;
149 and (3) selective timbering, grazing of domesticated animals and
150 passive recreation.

151 (d) Any [advertising] sign or billboard that is not equipped with the
152 ability to calibrate brightness or illumination shall be exempt from any
153 municipal ordinance or regulation regulating such brightness or
154 illumination that is adopted by a city, town or borough after the date

155 of installation of such [advertising] sign or billboard pursuant to
156 subsection (a) of this section.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2019</i> | 8-2 |

PD *Joint Favorable*