

State Key

Sec. 8-2. Regulations. (a) The zoning commission of each city, town or borough is authorized to regulate, within the limits of such municipality, the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses, as defined in section 22a-93, and the height, size and location of advertising signs and billboards. Such bulk regulations may allow for cluster development, as defined in section 8-18. Such zoning commission may divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of this chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All such regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district, but the regulations in one district may differ from those in another district, and may provide that certain classes or kinds of buildings, structures or uses of land are permitted only after obtaining a special permit or special exception from a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals, whichever commission or board the regulations may, notwithstanding any special act to the contrary, designate, subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values. Such regulations shall be made in accordance with a comprehensive plan and in adopting such regulations the commission shall consider the plan of conservation and development prepared under section 8-23. Such regulations shall be designed to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality. Such regulations may, to the extent consistent with soil types, terrain, infrastructure capacity and the plan of conservation and development for the community, provide for cluster development, as defined in section 8-18, in residential zones. Such regulations shall also encourage the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil

types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a. Such regulations shall also promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and shall encourage the development of housing which will meet the housing needs identified in the housing plan prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26. Zoning regulations shall be made with reasonable consideration for their impact on agriculture. Zoning regulations may be made with reasonable consideration for the protection of historic factors and shall be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies. On and after July 1, 1985, the regulations shall provide that proper provision be made for soil erosion and sediment control pursuant to section 22a-329. Such regulations may also encourage energy-efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation. The regulations may also provide for incentives for developers who use passive solar energy techniques, as defined in subsection (b) of section 8-25, in planning a residential subdivision development. The incentives may include, but not be limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision. Such regulations may provide for a municipal system for the creation of development rights and the permanent transfer of such development rights, which may include a system for the variance of density limits in connection with any such transfer. Such regulations may also provide for notice requirements in addition to those required by this chapter. Such regulations may provide for conditions on operations to collect spring water or well water, as defined in section 21a-150, including the time, place and manner of such operations. No such regulations shall prohibit the operation of any family day care home or group day care home in a residential zone. No such regulations shall prohibit the use of receptacles for the storage of items designated for recycling in accordance with section 22a-241b or require that such receptacles comply with provisions for bulk or lot area, or similar provisions, except provisions for side yards, rear yards and front yards. No such regulations shall unreasonably restrict access to or the size of such receptacles for businesses, given the nature of the business and the volume of items designated for recycling in accordance with section 22a-241b, that such business produces in its normal course of business, provided nothing in this section shall be

construed to prohibit such regulations from requiring the screening or buffering of such receptacles for aesthetic reasons. Such regulations shall not impose conditions and requirements on manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards or on lots containing such manufactured homes which are substantially different from conditions and requirements imposed on single-family dwellings and lots containing single-family dwellings. Such regulations shall not impose conditions and requirements on developments to be occupied by manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards which are substantially different from conditions and requirements imposed on multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments. Such regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations. Such regulations shall not provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use. Any city, town or borough which adopts the provisions of this chapter may, by vote of its legislative body, exempt municipal property from the regulations prescribed by the zoning commission of such city, town or borough; but unless it is so voted municipal property shall be subject to such regulations.

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

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

regulations adopted under this section; and (3) selective timbering, grazing of domesticated animals and passive recreation.

(1949 Rev., S. 837; November, 1955, S. N10; 1959, P.A. 614, S. 2; 661; 1961, P.A. 569; 1963, P.A. 133; 1967, P.A. 801; P.A. 77-509, S. 1; P.A. 78-314, S. 1; P.A. 80-327, S. 1; P.A. 81-334, S. 2; P.A. 83-388, S. 6, 9; P.A. 84-263; P.A. 85-91, S. 2, 5; 85-279, S. 3; P.A. 87-215, S. 1, 7; 87-232; 87-474, S. 1; 87-490, S. 1; P.A. 88-105, S. 2; 88-203, S. 1; P.A. 89-277, S. 1; P.A. 91-170, S. 1; 91-392, S. 1; 91-395, S. 1, 11; P.A. 92-50; P.A. 93-385, S. 3; P.A. 95-239, S. 2; 95-335, S. 14, 26; P.A. 97-296, S. 2, 4; P.A. 98-105, S. 3; P.A. 10-87, S. 4.)

History: 1959 acts required that regulations be uniform for use of land in district and authorized requirement of special permits or exceptions; 1961 act deleted provision authorizing reconstruction of nonconforming structure destroyed or damaged by fire or casualty provided cost be less than 50% of fair market value of property and reconstruction be commenced within six months; 1963 act allowed municipality to exempt municipal property from zoning regulations; 1967 act specified that special acts contrary to provision re special permits or special exceptions have no bearing; P.A. 77-509 allowed considerations of historic factors, sedimentation control and erosion in zoning regulations; P.A. 78-314 allowed regulations to encourage energy-efficient development, energy conservation and use of renewable forms of energy; P.A. 80-327 allowed consideration of water supply protection; P.A. 81-334 authorized regulations to provide for incentives for developers using passive solar energy techniques; P.A. 83-388 required provision be made for soil erosion and sediment control, effective July 1, 1985; P.A. 84-263 provided the regulations shall encourage the development of housing opportunities for all citizens of the municipality consistent with soil types, terrain and infrastructure capacity (Revisor's note: P.A. 84-263, which took effect on October 1, 1984, incorporated the amendment enacted by P.A. 83-388, but the Revisors are of the opinion that (1) this in no way changed the July 1, 1985, effective date of the 1983 act, and (2) the further amendment in the 1984 act took effect on October 1, 1984); P.A. 85-91 specified the date by which provision for soil erosion and sediment control is required; P.A. 85-279 made consideration of the protection of surface water and groundwater mandatory where before it had been discretionary; P.A. 87-215 authorized regulations to provide for additional notice requirements; P.A. 87-232 provided that no regulations shall prohibit the operation of any family day care home or group day care home in a

residential zone; P.A. 87-474 clarified authority to regulate water-dependent uses; P.A. 87-490 inserted provisions concerning creation and transfer of development rights; P.A. 88-105 required zoning regulations to be made with reasonable consideration for their impact on agriculture; P.A. 88-203 added provisions re imposition of conditions and requirements on certain manufactured homes and developments to be occupied by certain manufactured homes; P.A. 89-277 added provision specifying that the regulations shall not provide for the termination of a nonconforming use solely as a result of nonuse without regard to intent; P.A. 91-170 designated existing language as Subsec. (a) and added Subsec. (b) re regulations in municipalities contiguous to Long Island Sound; P.A. 91-392 required regulations to encourage opportunities for multifamily dwellings for residents of municipality and planning region, to promote housing choice and economic diversity in housing and to encourage housing development consistent with the state housing plan and the state plan of conservation and development; P.A. 91-395 authorized adoption of regulations under this section to provide for cluster development; P.A. 92-50 amended Subsec. (a) to eliminate reference to adoption of regulations in accordance with the comprehensive plan and substituted consideration of the plan of development in lieu thereof; P.A. 93-385 amended Subsec. (a) by requiring that regulations be made in accordance with a comprehensive plan; P.A. 95-239 added Subsec. (c) re development restrictions in ridgeline setback areas (Revisor's note: Uppercase alphabetic Subdiv. indicators were replaced editorially by the Revisors with numeric indicators for consistency with customary statutory usage); P.A. 95-335 amended Subsec. (a) to change "plan of development" to "plan of conservation and development", effective July 1, 1995; P.A. 97-296 amended Subsec. (a) to allow regulations to provide for conditions on operations to collect spring or well water, effective July 8, 1997; P.A. 98-105 amended Subsec. (c) to provide for protection of amphibolite ridgelines; P.A. 10-87 amended Subsec. (a) by making technical changes and adding provision prohibiting regulations from prohibiting use of receptacles for storage of items designated for recycling or requiring such receptacles to comply with provisions for bulk or lot area and prohibiting regulations from unreasonably restricting access to or size of such receptacles for businesses.

Regulation prohibiting in light industrial zone a use noxious by reason of odor, dust, gas or smoke has rational relation to health and public welfare. 110 C. 102. Exclusion from residential zones of buildings devoted to most business uses is proper. *Id.*, 138. "Farming" in regulation construed. 113 C. 53. Cited. 123 C. 264. Where

change in regulations seriously affects value of property of an individual. Id., 286. Cited. 126 C. 237. Not a violation of this section to treat signs referring to business on property where signs stand differently from signs not so related to such a business. 131 C. 304. What constitutes a zoning regulation. Id., 647. Cited. 132 C. 216. Cited. 134 C. 293. To permit business in small area within residential zone may fall within scope of a "comprehensive plan", and unless it amounts to unreasonable or arbitrary action, is not unlawful. 136 C. 89. Change of zone for small area can be made only if it falls within requirements of comprehensive plan. Id., 452. Ordinance valid as meeting requirements of enabling act if plan is comprehensive as to territory, public needs and time and if it promotes public welfare. 138 C. 434. Action of commission was spot zoning. 139 C. 59. Extension of industrial zone into residential area is proper if in accord with comprehensive plan and general welfare. Id., 603. Requires zoning regulations be expressive of plan which is comprehensive and promotes public welfare. 141 C. 349. Zoning regulations shall be made in accordance with "a comprehensive plan" which is general plan to control and direct use and development of property in municipality or large part thereof by dividing it into districts according to present and potential use of properties. 142 C. 265. Zoning regulations must be made upon reasonable consideration of character of district and its peculiar suitability for particular purposes and with view to conserving value of buildings and encouraging most appropriate use of land throughout the town. Id., 580. Cited. 143 C. 280. Zoning commission and not town meeting authorized to divide municipality into districts and to regulate erection or use of buildings or structures and use of land. Id., 448. Power to determine what are needs of town with reference to use of real property and to legislate in such manner that those needs will be satisfied vests exclusively in zoning commission. Id., 542. Comprehensive plan in accordance with which zoning regulations are to be adopted is such a plan as zoning commission devises. 144 C. 117. Permits change in zonal classification only when change is made in accordance with comprehensive plan. Id., 160. Regulations should be made in accordance with comprehensive plan. Id., 560. Elements of spot zoning. Id., 600. Spot zoning defined. 145 C. 26; 148 C. 97. Granting of change of zone within two months of refusal of similar application and after private conference with applicants opens commission to criticism. 145 C. 237. Anything which weakens public confidence in commission and undermines sense of security of individual's rights is against public policy. Id. Zoning regulations are invalid if not made in accordance with comprehensive plan (former statute). Id., 394. Deviation from comprehensive plan permissible. Zone change which may increase traffic in area not necessarily barred. Id., 435. Interpretation of special

act similar to this section. Id., 476. Requisites to establish nonconforming use. Id., 682. Main, principal and dominant use of a building determines its character. 146 C. 70. Change of zone increased rather than lessened congestion in streets; action of commission held illegal. Id., 321. Maximum possible enrichment of developers is not controlling purpose of zoning. Id., 531. Powers of zoning commission distinguished from those of planning commission. Id., 570. Dicta that zoning regulations may in their operation result in prohibition under some circumstances. Id., 697. One aim of zoning is elimination of nonconforming uses. 147 C. 30. Provision re continuance of nonconforming uses not applicable to regulations enacted prior to effective date of this amendment. Id., 358. Use held not to be permissible nonconforming use because lot was not being used for such purpose when zoning regulations were adopted. 148 C. 84. A proposed use cannot constitute an existing nonconforming use. Id., 299. Conflict between public welfare and private gain discussed. Id. An essential purpose of zoning is to stabilize use of property. Id., 492. "Comprehensive plan" defined. Id. Interpretation that regulation, prohibiting premises to be used for sale of liquor if entrance to same was within 1,500 feet of entrance to other premises used for such sale, prohibited certification of premises in question because liquor outlet was located within 1,500 feet, although in another town, held proper and did not give extraterritorial effect to regulation. 149 C. 292. Fact that this section forbids zoning regulations affecting antecedent nonconforming uses is no benefit to plaintiff who merely contemplates such a use. Id., 678. In order to attack constitutionality of regulations, plaintiff must demonstrate that it is affected by them. Challenge of unconstitutional delegation of legislative power is successfully met if ordinance declares a legislative policy, establishes primary standards for carrying it out or lays down an intelligible principle to which agency must conform with proper regard for protection of public interest. Regulations themselves are not unconstitutional because of failure to establish adequate standards to meet constitutional requirement. In order to hold zoning regulation unconstitutional as violative of due process of law or equal protection clauses of state or federal constitution, it must appear that provisions are clearly arbitrary and unreasonable, having no substantial relation to public health, safety, morals or general welfare. Regulations did no more than offer assurance of measure of supervision by responsible public authority over conditions which affected public health, safety and general welfare, and consequently they were a proper exercise of the police power. Id., 712. Question of power or authority of commission either to hear or to decide application for change of zone must be decided before further action is taken. Trial court should have determined the question, it being basic

to issue of validity of change of zone. *Id.*, 746. Legislative history and purposes discussed. Zoning commission can by regulation reserve to itself or delegate to any of the other specified agencies power to grant a special permit or special exception. Purpose of this section is to establish means by which special requirements affecting particular property could be imposed whether they affected buildings and structures or land. Provision that zoning regulations must conform to a comprehensive plan is to prevent arbitrary, unreasonable and discriminatory exercise of zoning power. Comprehensive plan of Ridgefield found in scheme of zoning regulations themselves. Courts cannot substitute their discretion for wide and liberal discretion enjoyed by local zoning agencies. Relief can be granted on appeal only when local authority has acted arbitrarily or illegally and thus has abused discretion vested in it. 150 C. 79. Change of zone for small area is open to suspicion as spot zoning but can be sustained if it is in harmony with comprehensive plan. Zoning commission may accept long-continued nonconforming use as permanent and inevitable and find that change of zone which would render use conforming would encourage most appropriate use of land in town. *Id.*, 129. Cited. *Id.*, 146. Nonconforming uses should be abolished or reduced to conformity as speedily as fair interest of parties will permit, and in no case should be allowed to increase. *Id.*, 439. Power to stipulate restrictions re garden apartments implied power to withhold approval entirely. *Id.*, 672. Where zoning regulations excluded uses not specifically permitted and made no provision for storing vehicles on vacant lots in residential zone, plaintiff was in violation for doing so. 151 C. 46. Burden of proof as to whether commission acted improperly is on aggrieved party. *Id.*, 484. If any reason for action of commission in denying a zone change is supported, subsequent appeal must fail. 152 C. 262. Cited. *Id.*, 329. Word "school" used in zoning regulations of Westport construed. *Id.*, 559. Fact that zoning regulations were designated as "interim" does not make them invalid. 153 C. 187. Where zoning regulations imposed restrictions on lot size, the placement of building on property and minimum living areas of residential property, with exceptions for seasonal properties within 500 feet of the high-water mark of any body of water, held that a "comprehensive" plan was established, even though no restriction was placed on the particular uses which might be made of the property since the community was small, rural and almost entirely residential and since, because the zoning commission is clothed with liberal discretion in enacting the regulations, a court is not justified in upsetting its decision merely because it feels a different classification might have been preferable. *Id.*, 191. It is not required that zoning regulations divide town into districts as long as every owner of property located in the town can ascertain with reasonable

certainty what uses he may legally make of any portion of his property. *Id.* Cited. *Id.*, 310. Where the plaintiff's application to the board does not make it clear whether a permit under the zoning ordinance or an approval under the statutes is requested, the board must decide each issue separately and the required number of votes for each must be met in order for the application to be approved. 154 C. 32, 36. In the absence of standards set up by the local zoning ordinance, the power to grant a special permit under this statute is denied despite the fact that the statute itself provides for certain standards. *Id.*, 156, 161. Cited. *Id.*, 210. Zoning commission's refusal of a change of zone as to plaintiff's property shown by the record as not arbitrary or an abuse of discretion but for the general welfare of the community. *Id.*, 309. Standards used for special exceptions for hospital found sufficiently definite. 154 C. 399, 403. Zoning authority acts as a legislative body in making zoning changes. Commission acted reasonably in rezoning a central area to meet the changing conditions of the town. *Id.*, 463. Amendment adopted by zoning commission involved a debatable question within its legislative capacity to resolve. Courts are cautious about disturbing commission's decisions. *Id.*, 470. Record does not show town plan and zoning commission acted illegally, arbitrarily or in abuse of its discretion in upgrading zone of an undeveloped residential area, particularly when change of zone was made in accordance with comprehensive plan lately adopted. *Id.*, 638. Although commission should not ordinarily alter classification of area in absence of changed conditions, rule being a restriction on legislative discretion will be applied only when zoning amendment is patently arbitrary. 155 C. 209. Spot zoning defined. *Id.*, 210. Change of zone predicated on interest in providing housing for persons displaced by redevelopment project, if otherwise consistent with accepted zoning principles, is reasonable exercise of board's discretionary powers. *Id.* Cited. *Id.*, 563; 156 C. 102, 287, 300. Zoning board of appeals upheld where it granted exception to town to locate sanitary landfill operation as record showed public welfare was served thereby and neighboring property not substantially injured. 157 C. 106. Responsibility and authority for zoning rests with zoning commission and unless its action is clearly contrary to a rational development of the town's comprehensive plan, courts will not interfere with commission's decisions. *Id.*, 434. Regulation requiring signature of owner on future developer's petition for change was waived by lack of timely objection and its omission did not affect jurisdiction of commission. *Id.*, 520. Change of zone enacted by commission substantially not in accordance with comprehensive plan of zoning of town held arbitrary, illegal and in abuse of its discretion. 158 C. 78. Only in cases where zoning authority has acted arbitrarily or illegally will courts reverse such

authority's disapproval of reclassification. *Id.*, 111. Zoning commission's delegation of power to grant exception to zoning board of appeals was invalid as no criteria were given and delegation of power was too broad. *Id.*, 196. Denial of plaintiff's application for change of zone for property he owned not unreasonable merely on ground zoning authority had approved the same changes the previous year. *Id.*, 301. Where plaintiff's filling station was an existing use which predated zoning ordinance and ordinance provided for filling stations as exceptional use in his area, the use was not a nonconforming but a permitted use. *Id.*, 516. Language herein is sufficiently broad to permit creation of floating zones. 159 C. 192; 197. Section does not militate against change in general zoning classification that is reasonable and in community interest. *Id.*, 192. Cited. 160 C. 120, 121. Zoning commissions may grant special building permits subject to certain conditions to protect public health, safety, convenience and property values. *Id.*, 295. Although zoning commission has wide discretion it must predicate its decisions on fair and proper motives and follow legislative direction of the statute. *Id.*, 397. Cited. 161 C. 32; *Id.*, 182; *Id.*, 430. Cited. 162 C. 23. Cited. 163 C. 49, 190. Power to vary ordinance in zoning board of appeals. *Id.*, 453. "Congestion in the streets" means density of traffic, not overall volume. 164 C. 215. Cited. 165 C. 533. Cited. 166 C. 305. Cited. 168 C. 358. Cited. 172 C. 306. Cited. 173 C. 23. Cited. 174 C. 212. Cited. 176 C. 479; *Id.*, 581. Cited. 177 C. 420. Cited. 178 C. 657. Cited. 179 C. 650. Cited. 181 C. 230. Cited. 185 C. 135; *Id.*, 294. Cited. 186 C. 106. Commission was justified in considering drainage, historical and rural factors although these factors not specifically incorporated in the municipal regulations. 189 C. 261. Cited. 193 C. 506. Moratorium was not beyond the powers delegated by this statute. 194 C. 152. Cited. 199 C. 575. Cited. 201 C. 700. Cited. 205 C. 703. Includes "... the power to terminate nonconforming uses solely because of nonuse for a specified period." 206 C. 595. Cited. 208 C. 146. Minimum floor area requirements held not to be rationally related to any legitimate purpose of zoning under the section. *Id.*, 267. "... statute has not delegated to municipalities the power to regulate colors in a sign." *Id.*, 480. Cited. 212 C. 570. Cited. 213 C. 604. Cited. 214 C. 400. Cited. 217 C. 103; *Id.*, 447. Cited. 220 C. 61; *Id.*, 527; *Id.*, 584; *Id.*, 556. Cited. 222 C. 216; *Id.*, 607. Cited. 224 C. 124; *Id.*, 823. Cited. 225 C. 731. Cited. 227 C. 71. Cited. 232 C. 122; *Id.*, 419. Cited. 234 C. 221; *Id.*, 498. Decision by zoning commission re historic overlay zone not a decision on floating zone and is an administrative function, requiring substantial supporting evidence. 258 C. 205.

Cited. 6 CA 237. Violation of uniformity requirement of statute by creation of a

buffer area discussed. *Id.*, 686. Cited. 7 CA 684. Cited. 10 CA 190. Cited. 12 CA 90. Cited. 13 CA 159; *Id.*, 448; *Id.*, 699. Cited. 15 CA 110. Cited. 16 CA 303. Zoning power "to regulate" under Sec. 8-2 does not include power "to prohibit" unless prohibition is supported by a rational relation to purposes of zoning. 17 CA 17; judgment reversed. see 212 C. 570. Cited. 19 CA 334. Cited. 21 CA 538. Cited. 24 CA 5; *Id.*, 526. Cited. 25 CA 375; *Id.*, 392; judgment reversed. see 222 C. 607. Cited. 26 CA 212. Cited. 28 CA 314. Cited. 30 CA 627. Cited. 31 CA 643. Cited. 35 CA 594; *Id.*, 820. Cited. 36 CA 98. Cited. 37 CA 303. Cited. 40 CA 501. Reiterated previous holdings that regulation of uses of land, like regulations for classes of buildings and structures, must be uniform and use of special exceptions authorized. 85 CA 820. Planned development district under special act not authorized under statute since no uniform standards for applications. *Id.* Test of the commission's action is twofold: (1) The zone change must be in accord with a comprehensive plan and (2) it must be reasonably related to normal police power purposes enumerated in section. Only where local zoning authority has acted arbitrarily or illegally and thus abused the discretion vested in it can courts grant relief on appeal. 99 CA 768.

Standards by which regulations are to be scrutinized. 15 CS 485. Change of zone classification of large lot in center of residential area to business is spot zoning. 16 CS 189. Cited. *Id.*, 328. Where zoning ordinance attempted to zone by individual pieces of property, held not in accordance with comprehensive plan. *Id.*, 422. Power of zoning commission to fix minimum lot sizes and minimum floor areas upheld. 19 CS 24. Cited. *Id.*, 447. Omission of any direct mention of a mobile home park as a permitted use of land anywhere in a town does not render zoning law void or unconstitutional. 21 CS 275. In order to qualify as nonconforming use, use must be in existence when ordinance goes into effect or in such a state of preparation that it is naturally recognized in neighborhood as such a use. *Id.* Restrictive covenant and zoning restrictions are two entirely separate and unrelated limitations on use of property. Where deeds to all lots sold under general development scheme contain same restrictive covenants, each grantee is entitled to enforce them in absence of conduct on his part constituting laches, waiver or abandonment. 22 CS 235. Nonconforming use may be increased in extent by natural expansion and growth. 24 CS 221. Cited. 25 CS 277. Zoning commission has no statutory power to enact ordinance limiting occupancy of certain areas to elderly persons. 26 CS 128. To change nonconforming business use to nonconforming liquor use is an increase in use and zoning board of appeals acted arbitrarily, illegally and in abuse of discretion in

denying plaintiff's appeal. *Id.*, 457. Refusal of zoning variance to permit use of plaintiff's property as gasoline station, its claimed best use, was not an unconstitutional confiscation of their property. *Id.*, 475. Change of zone dependent for proper functioning on action by other agencies over which zoning commission has no control cannot be sustained unless action appears not a possibility but a probability. *Id.*, 503. Community as a whole must benefit from commission action. *Id.* Regulation of defendant zoning commission requiring gasoline station sites to be 1500 feet apart is an exercise of police power which plaintiff failed to prove unreasonable or confiscatory of his property's value. 27 CS 362. Cited. 30 CS 157, 164. Cited. 32 CS 217. Cited. 34 CS 177. Cited. 35 CS 246. Statute provides no authority to planning and zoning commissions to modify statutes under which they acquire authority. 36 CS 281. Cited. 39 CS 436. Cited. 41 CS 196; *Id.*, 593. Cited. 42 CS 256. Cited. 43 CS 373.

Subsec. (a):

Zoning commission amendment to town's zoning regulations satisfied the uniformity requirements of Subsec. and was reasonably related to balancing conservation and development. 259 C. 402. Soil contamination issue not limited to review of site plan application but also relevant to adoption of proposed text amendment because Subsec. requires regulations to "promote health and general welfare". 271 C. 1. That this Subsec. explicitly authorizes special permits demonstrates that legislature itself recognized the need for exceptions to uniformity, and, therefore, complete uniformity was not mandated. 281 C. 66. Subdivision of property into more than 30 residential lots that otherwise comply with applicable zoning regulations is not a distinct "use of land" subject to special permit regulations under this Subsec. 288 C. 730.

Implicitly requires uniform enforcement of zoning regulations. 49 CA 669. Use of property as gasoline station was not a preexisting, nonconforming use. 74 CA 622. Does not necessarily confer authority in zoning commission to promulgate regulations re noise pollution and does not contradict legislature's specific enactment in Sec. 22a-67 et seq. 76 CA 199.

Cited. 36 CS 98.