



Zoning Regulations

Overview

Through the Zoning Enabling Act (Chapter 124), the state gives each town and city authority to adopt their own zoning regulations.* Because zoning authority is a delegation of authority from the state, local regulations generally must be consistent with the requirements, prohibitions, and options outlined in the act under [CGS § 8-2](#) (see reverse).

Zoning regulations aim to control the use of real estate in the interest of promoting the community's needs. Local zoning regulations divide a municipality into districts and regulate the use of land and construction within those districts. In Connecticut, regulations can be conventional Euclidean or form-based and may incorporate provisions that give municipalities and developers more flexibility, such as special permits, developer incentives, or floating zones.

When does zoning apply to the state?

Courts have held that state government's use of its own property is immune from municipal zoning and other land use controls. Several attorney general's opinions extend this immunity to situations in which (1) the state leases private property for a state purpose or (2) a private business operates on state property in furtherance of a governmental function. However, zoning regulations generally apply to a private entity that has been delegated a state function, or operates with some state funding or support, but does not operate on state property. OLR Report [2023-R-0271](#) provides more detail, in the context of housing development.

*Some municipalities operate under special acts of the legislature that outline their zoning authority. Most of these were adopted before the legislature broadly granted zoning authority to municipalities in the 1920s. While CGS § 8-2 does not govern the content of these municipalities' zoning regulations, other Zoning Enabling Act provisions may apply to their exercise of zoning authority.

Many municipalities which were originally governed by special acts have since opted to exercise zoning authority under the general statutes instead.

Below, we briefly highlight required, prohibited, and optional provisions for regulations adopted under CGS § 8-2, with a focus on provisions that may impact housing development.

Regulations must:

- Be uniform for each class or kind of buildings, structures, or land use throughout each district, but the regulations in one district may differ from those in another district
- Promote health and welfare and protect historic, tribal, cultural, and environmental resources
- Conform to a comprehensive plan and consider the municipality's local plan of conservation and development
- Encourage the most appropriate use of land throughout the municipality and consider impacts on surrounding municipalities and the region
- Consider the physical site characteristics of a district and its peculiar suitability for particular uses
- Address significant disparities in housing needs and access to educational, occupational, and other opportunities
- Provide for the development of housing opportunities, including multifamily housing, that is consistent with soil types, terrain, and infrastructure capacity, as well as affirmatively further the purposes of the federal Fair Housing Act
- Promote housing choice and economic diversity in housing and expressly allow the development of housing opportunities that will fill the housing gap identified by state agencies
- Consider impacts on agriculture and water supplies, as well as Long Island Sound in certain cases
- Provide for soil erosion and sediment control
- Allow accessory apartments on lots with a single family home, unless the municipality opted out before 2023 ([CGS § 8-2o](#))
- Allow temporary health care structures on lots with single family homes, unless the municipality opts out
- Allow the conversion of nursing homes into multifamily housing ([PA 24-143](#), § 3)

Regulations may:

- Provide that certain types of buildings, structures, or land uses are allowed only by special permit or special exception
- Provide for floating zones, overlay zones, or planned development districts or provide for or require cluster development
- Allow for the as-of-right development of any type of middle housing on any lot that allows for residential use, commercial use, or mixed-use development ([PA 24-143](#), § 11)
- Consider the protection of historic factors and limit activities near a traprock or an amphibolite ridge
- Require or promote energy-efficient patterns of development and incentivize developers to incorporate energy efficiencies
- Exempt municipal property from the regulations

Regulations cannot:

- Prohibit legally protected nonconforming uses, buildings, or structures (i.e., those existing at the time a zoning regulation or restriction is adopted)
- Make a district's character a basis for denying applications, unless it is clearly articulated with physical standards
- Make an end-user's immutable characteristics, source of income, or income level a basis for denying applications, with limited exceptions
- Establish minimum floor area requirements that exceed those in applicable codes (e.g., building or housing codes)
- Require more than one parking space for a unit with up to one bedroom, or more than two spaces for any larger units, unless the municipality opts out
- Cap the number of multifamily properties, middle housing, or mixed-use properties in the municipality
- Impose on manufactured homes, including mobile homes and associated lots and parks, conditions that are substantially different from those imposed on other residences or residential developments
- Prohibit within a residence in a residential zone a cottage food operation or family or group child care home

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“Issue Brief: CGS 8-30g, The Affordable Housing Land Use Procedure,” OLR [2024-R-0147](#) (this procedure may preempt local regulations in certain circumstances)

[Public Act Summary](#) for PA 21-29 (the most recent comprehensive CGS § 8-2 legislation)

