

Zoning Regulations



Background:

Connecticut is considered a “home rule” state by the nature of its state Constitution which means that each of the 169 Connecticut municipalities may regulate land use and agricultural activities through their own planning and zoning regulations. Zoning regulations may differ from town to town.

Key Points:

- At least once every ten years each municipality’s planning commission is required by state law to update its Plan of Conservation and Development (POCD). A town’s POCD is the foundation for setting land use policies, goals and standards for the municipality, including agriculture and helps guide local planning and zoning regulations.
- Zoning regulations are established to maintain orderly development, and regulate what uses, structure types, and activities are allowed in each area of a municipality. They also establish a procedure for application and review of proposed activity and set performance standards to determine whether land uses would be harmonious with the overall Plan of Conservation and Development.
- Local zoning regulations are administered by the local Zoning Commission or Planning and Zoning Commission made up of local citizen volunteers who are elected or appointed as members to the Commission.
- Zoning regulations are enforced by paid municipal staff.
- Zoning regulations can regulate farming and agriculture.
- The state Right to Farm law does not exempt farmers from complying with municipal zoning regulations.
- Local Right to Farm ordinances do not exempt farmers from complying with municipal zoning regulations.
- Zoning regulations shall be made with reasonable consideration for their impact on agriculture as defined in CGS 1-1q, the state definition of agriculture and farming.
- Most zoning regulations are written in such a manner that if a particular activity is not identified in the regulations it is prohibited.
- A municipality may prohibit agriculture.

Tips:

- For any farm business to be successful it is important to become knowledgeable with the zoning regulations in the municipality in which the farm property is located.
- New and beginning farmers should check with their local zoning enforcement agent and/or town planner before purchasing or leasing land for farming. Check to be sure that any and all potential activities are permitted in the zoning regulations and whether any of the activities require a permit.

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- Existing and transitioning farmers should check with their local zoning enforcement agent and/or town planner before undertaking any diversification of the existing farming operation such as agritourism activities, on-farm retail, added-value processing of agricultural products, addition of livestock, etc. Check to be sure that any and all potential activities are permitted in the zoning regulations and whether any of the activities require a permit.
- Kindly request that the response to your inquiry be put in writing.
- Asking a zoning official to put something in writing is often referred to as a “certificate of zoning compliance” which requires a fee.

Statute:

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 state's consolidated plan for housing and community development 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, as defined in subsection (q) of section 1-1. 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

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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.

FAQs:

Q: How can I encourage zoning regulations that favor agriculture in my municipality?

A: Here are some steps you can take to advocate for agriculturally friendly zoning regulations in your town.

- 1) Familiarize yourself with the municipal zoning regulations in the town in which your farm or agricultural activity is located.
- 2) Engage your local agricultural commission/committee or regional agricultural council to assist you in reviewing and writing “farm friendly” amendments to your local zoning regulations.
- 3) Consider coordinating an informal forum of local farm businesses, representatives from your agricultural commission and economic development commission to get feedback on what changes, if any, need to be made to your zoning regulations to encourage local agricultural businesses.

- 4) Consider the various agricultural activities you and other farmers in your town engage in, or want to engage in, and see if these activities are allowed in your zoning regulations. If they are not, guidance is available from agricultural service providers such as the Connecticut Farm Bureau Association and the AGvocate program who can provide you with model agricultural regulations that have been adopted in other Connecticut municipalities.
- 5) Suggest the town adopt CGS 1-1q when defining farming and agriculture in their zoning regulations.
- 6) Utilize guidance provided in the following publications:
 - [*Planning for Agriculture – A Guide for Connecticut Municipalities*](#)
 - [*Guidance and Recommendations for Connecticut Municipalities – Zoning Regulations and Ordinances for Livestock*](#)
 - [*Farmland ConneCTions – A Guide for Connecticut Towns, Institutions and Land Trusts Using or Leasing Farmland*](#)
 - [*CT Department of Agriculture Programs and Services – A Guide for Municipalities*](#)
- 7) Additional resources and publications are available at:
<http://ctplanningforagriculture.com/>

Q: What are some zoning issues that can impact local agriculture?

A: Here are some zoning regulations that can impact local agriculture:

- 1) Minimum lot size required to be considered a farm or conduct any farming activity.
- 2) Minimum lot size required for the keeping of livestock or poultry.
- 3) Setback requirements for farm buildings, fencing for livestock, manure storage areas, temporary structures including but not limited to: high tunnels, hoopouses and calf hutches.
- 4) Any activity that will bring the general public on to your farm, including but not limited to: any on-farm retail, pick-your-own operations, Community Supported Agriculture (CSA)s, corn mazes, hay rides, farm tours, wine tastings, etc.
- 5) Weddings and other non-agricultural activities that may bring income to the farm.
- 6) Signage at the farm location and directional signage.
- 7) Any added-value processing including, but not limited to: on-farm commercial kitchens or farm-based kitchens, meat processing, wineries, breweries, packaging and/or storing of agricultural products, etc.
- 8) Keeping of livestock or poultry.
- 9) Recognition of leased farm acreage for compliance with local zoning regulations.
- 10) On-farm retail store site that is not on or adjacent to crop production acreage.
- 11) Housing for seasonal farm workers.
- 12) Special permits.

Notes: