



# CCM's Research & Information Service

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## Bulletin

The Connecticut Conference of Municipalities (CCM) Research and Information Services has received multiple requests in regard to floating zone regulations. In response to these requests we have compiled information, including some sample regulations, on floating zones. We believe that this information may also be of interest to you and your municipality. Please pass this onto other departments if applicable.

The following is taken from a 2006 Office of Legislative Research Report on "Alternative Zoning Techniques". The excerpt below, from that report, gives some explanation to what floating zones entail and how they are created.

*"The Connecticut Supreme Court has defined floating zones as a special detailed use district of undetermined location in which the proposed kind, size, and form of structures must be preapproved. It is legislatively pre-deemed compatible with the area in which it eventually locates if specified standards are met and the particular application is not unreasonable. . . . It differs from the traditional Euclidean zone in that it has no defined boundaries and is said to float over the entire area where it may eventually be established.*

*(Schwartz v. Town Plan and Zoning Commission of Hamden, 168 Conn. 22, 23 (1975))*

*According to Land Use Law and Practice (B. Fuller, 2006), establishing a floating zone is a two-step process. The zoning commission first adopts the floating zone regulations, which do not apply to any particular property, but merely designate a type of use that can be allowed in the municipality. The second step is the actual change of zone and approval of a specific project, although in practice the amendment to the regulations and the approval of a specific project may be made at the same commission meeting.*

*Floating zones are proposed when a project does not appear to fit into existing zones. To avoid "spot zoning" (zoning small parcels of land for uses that differ from the surrounding area) the regulations generally contain standards and permitted uses that can be applied to more than one site. Alternatively, the regulations may require a developer to obtain a special permit as a condition for using property in the zone for the preapproved uses."*

REC'D AT \_\_\_\_\_  
 Regular Meeting  Public Hearing  
 Special Meeting  \_\_\_\_\_

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The ability for municipalities to create these floating zones is given to them within the Connecticut General Statutes under Section 8-2m which reads:

*“Floating and overlay zones and flexible zoning districts. The zoning authority of any municipality that (1) was incorporated in 1784, (2) has a mayor and board of alderman form of government, and (3) exercises zoning power pursuant to a special act, may provide for floating and overlay zones and flexible zoning districts, including, but not limited to, planned development districts, planned development units, special design districts and planned area developments. The regulations shall establish standards for such zones and districts. Flexible zoning districts established under such regulations shall be designed for the betterment of the municipality and the floating and overlay zones and neighborhood in which they are located and shall not establish in a residential zone a zone that is less restrictive with respect to uses than the underlying zone of the flexible zoning district. Such regulations shall not authorize the expansion of a pre-existing, nonconforming use. Notwithstanding the provisions of this section, no planned development district shall be approved which would permit a use or authorize the expansion of a pre-existing nonconforming use where the underlying zone is a residential zone.”*

We have included floating zone regulations from Avon, Mansfield and North Stonington. These regulations should provide you some insight into how others are creating and regulating these floating zones. The floating zone regulations are linked below.

[Avon](#)

[Mansfield](#)

[North Stonington](#)

For additional information or questions, please contact CCM's Research and Information Services at (203) 498-3000 or by email at [research@ccm-ct.org](mailto:research@ccm-ct.org).

\* The information provided in this bulletin is not intended to be legal advice or opinion