

# Special Zoning Districts

*Floating Zones*

*Overlay Zones*

*Planned Developments*

*Village Districts*



June 23, 2025

One Credit Hour Training for Planning and Zoning Commissioners



# Overview of Special Development Zones

- Definitions
  - Legal Basis for Special Development Zones
  - Floating Zones
  - Planned Developments
  - Overlay Zones
  - Village Districts
  - Summary: Special Development Zone Applications
-



# Definitions

**Floating Zone:** A zoning district that does not apply to any specific property until an application is made to apply the new district to an eligible parcel. Parcel eligibility is identified in the district text with specific tethering factors determining what parcels meet the landing criteria.

**Tethering:** Eligibility factors that determine where a floating zone can land. Examples include access to arterial highways, sewer and water service, minimum parcel size & consistent with Plan of Conservation and Development.



# Definitions

**Overlay Zoning:** A zone in which a common set of standards is applied to a designated area that may apply to one of more zoning districts and impose additional or alternative regulations than required by the underlying districts.

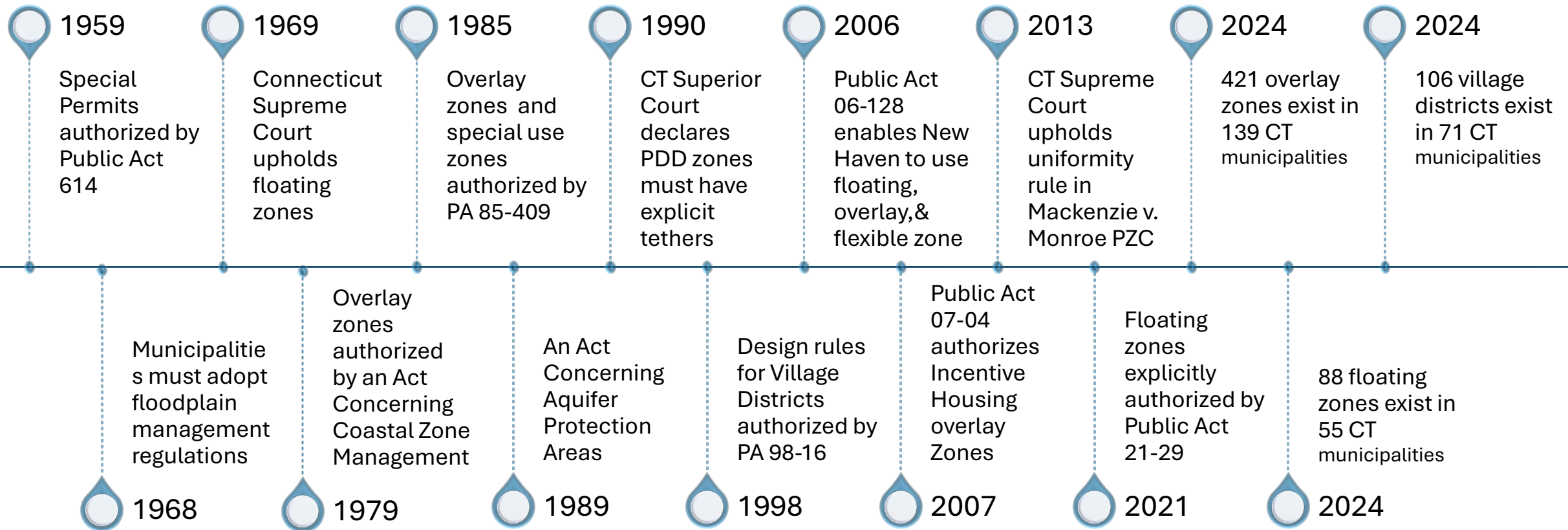
**Planned Development Zones:** A zone created within an existing district comprised of a large parcel of land that could not be developed through an existing or new zoning district and is under single ownership. The PD may include uses, regulations, and other requirements that vary from traditional zoning districts.



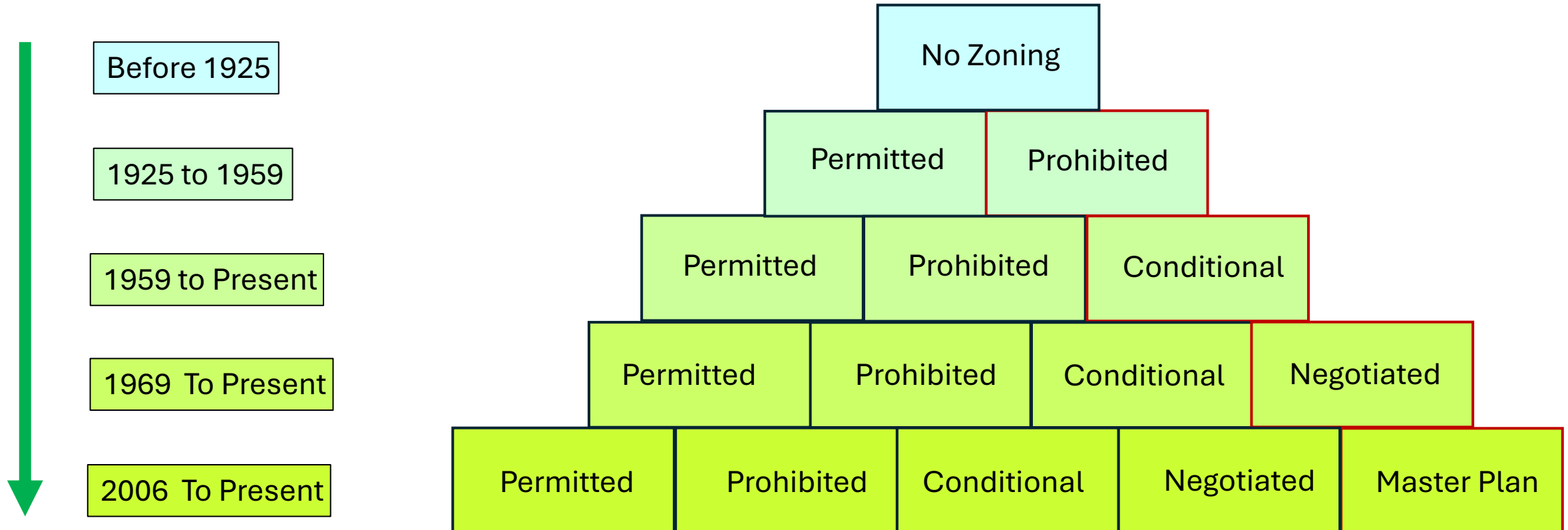
# Definitions

- **Village Districts:** A district established under Connecticut General Statutes Section 8-2J that enables zoning commissions to require 1) landscaping guidelines, 2) seven building and village compatibility standards, 3) maintenance of public views, and 4) architectural review procedures for designated areas of a community. A village district may be established as a new zoning district or be an overlay zone to one or more existing underlying zoning districts.
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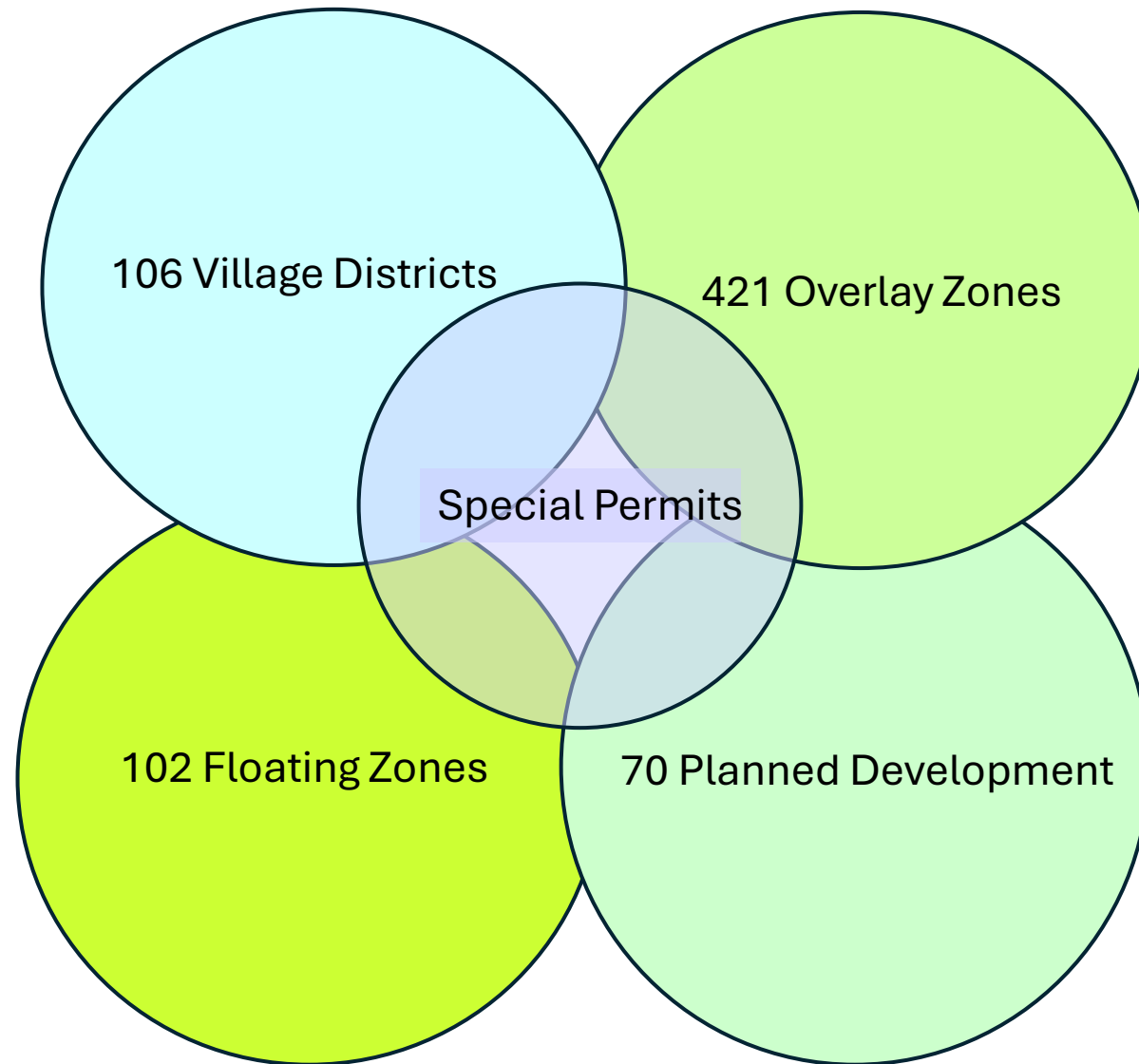
# Connecticut Case Law & Laws Bearing on Special Development Zones



# A Short History of the Evolution of Special Development Practices in Connecticut



# Five Special Development Regulations: What's in Common?





# All Five – Overcome the Uniformity Rule

- Section 8-2 a (2) *All zoning 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.*
- Section 8-2 a (3) Such zoning regulations may provide that certain classes or kinds of buildings, structures or use 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.

# Zoning Has Evolved: Reflects Need for Flexibility

- **Shift in Focus over 75 years:**
  - Urban Scale v. Individual Building Approvals
  - Master Planning for Complex Developments
  - Integrated Neighborhood Scale Development
  - Transportation Management
  - Mixed Use Development
  - Environmental Protection





# Floating Zones



# The Purpose of Floating Zones

- To create flexibility balanced by control in the development of land relying on legislative authority to create customized development.
  - **Tethering:** applied anywhere based on specific standards
  - **Mixed use:** Alternative to Euclidean zoning
  - **Diversity of Uses:** Development options include;

| Representative Examples of Commonly Used Floating Zones in Connecticut |                                   |
|--|-----------------------------------|
| Housing and Recreation   | Planned Residential Development   |
| Transit Oriented Development   | Planned Industrial Development    |
| Main Street Design   | Planned Development District      |
| Assisted Living Facilities   | Planned Recreational Development  |
| Housing Opportunity Zones  | Waterfront Redevelopment District |
| Hospital Complex Design  | Highway Interchange Zone          |

# Activating Floating Zones: 2 Steps

## Create Floating Zone

- Tethering Rules
- Design Rules



## Map Floating Zone

- Qualify Parcel
- Special Permit



# Two Key Features of Floating Zones

## Hard Tethers:

Ex. Links to arterial roads, tied to specific zones, minimum parcel size

**Benefits:** Provides explicit landing standards for floating zones

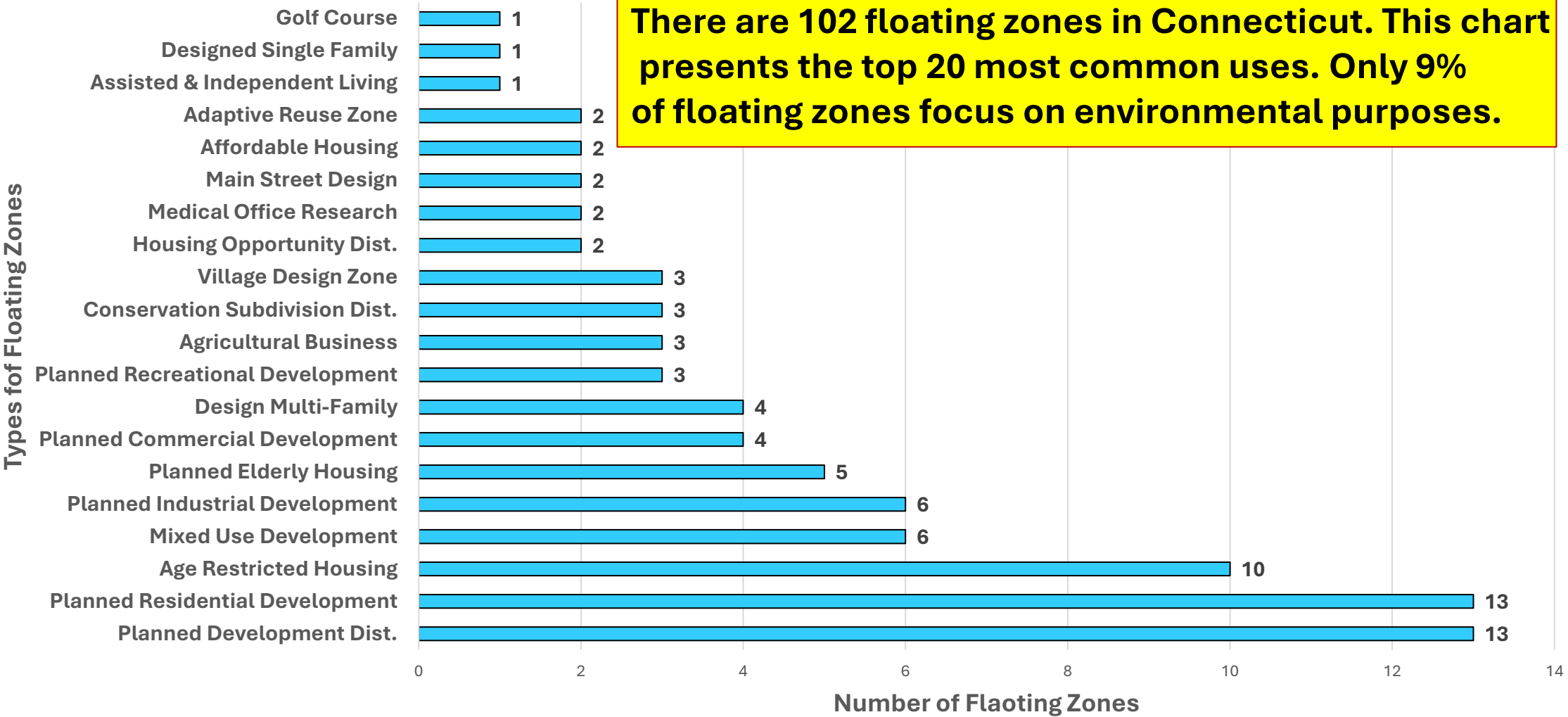
## Soft Tethers:

Ex. Links to broad policy objectives such as neighborhood compatibility, historic preservation

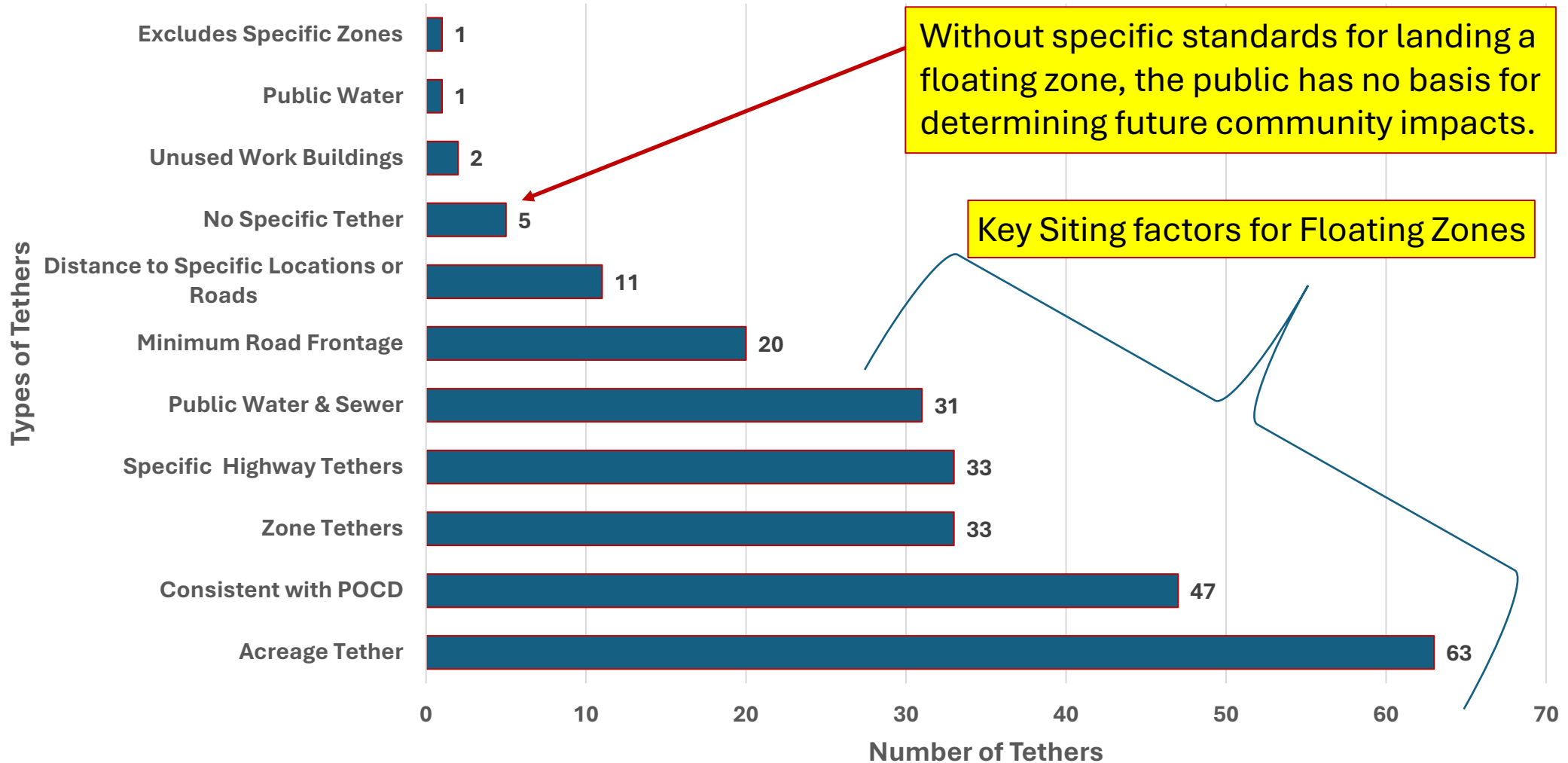
**Benefits:** Provides wide discretion for landing floating zones

# Types of Floating Zones Adopted in Connecticut: 2024

**There are 102 floating zones in Connecticut. This chart presents the top 20 most common uses. Only 9% of floating zones focus on environmental purposes.**

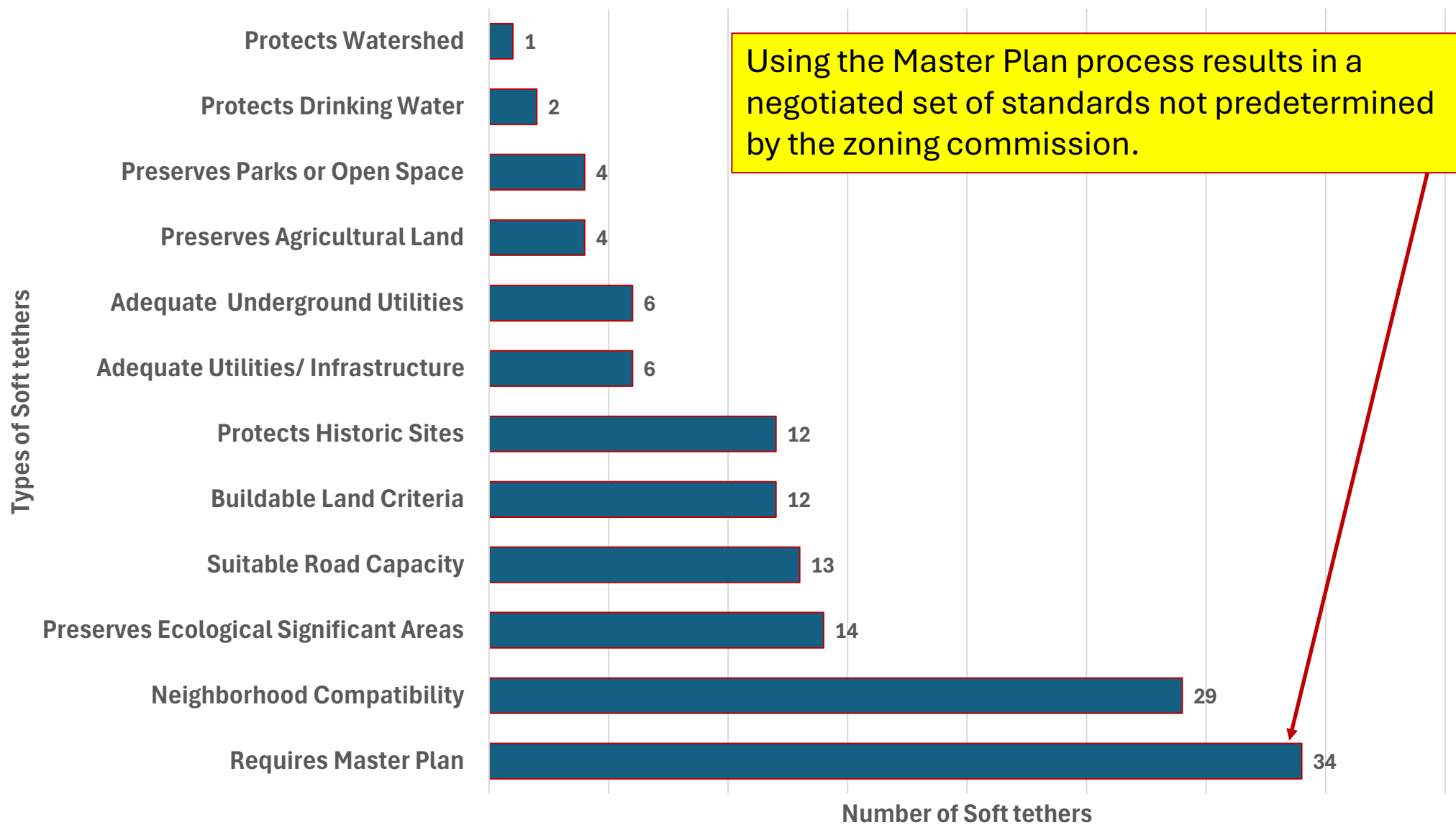


## Types of Hard Tethers in Floating Zones in Connecticut: 2024





# Types of Soft Tethers Adopted in Connecticut: 2024



# Floating Zones: Strengths v. Weaknesses

| # | Strengths                                    | Weaknesses                                    |
|---|--|---|
| 1 | Design Flexibility                           | Conflicts with Public Expectations            |
| 2 | Greater Legislative Discretion               | Less Accountable to the Public                |
| 3 | Parcel Level Performance Standards           | May affect abutter's property value           |
| 4 | Limited Public Involvement                   | Limited Public Involvement                    |
| 5 | Customized Development Plans                 | Lack of Uniformity with Underlying Zones      |
| 6 | Abutter Notices not Triggered in Float State | Landing Factors are Opaque to Public          |
| 7 | One Parcel Can Qualify for Landing Sites     | Poses Danger of Contract Zoning               |
| 8 | Can be Created on lots as small as 2 acres   | Floating zone often benefits single landowner |
| 9 | Anticipates Future Development               | Market Forces are Unpredictable               |

# Wide Range of Geographic Applications for Floating Zones

## Designated Streets, Parcel Sizes or Access Factors

- **Examples:** Elderly Housing, Planned Commercial, Mixed-Use Development

## Intra-District Zones

- **Examples:** Village Districts, Main Street Design

## Multi-District Zones

- **Examples:** Planned Residential Development

# Floating Zones are Litigation Resistant

- “The discretion of a legislative body because of its constituted role as formulator of public policy, is much broader than that of an administrative board, which serves a quasi-judicial function. This legislative discretion is wide and liberal and must not be disturbed by the courts unless the party aggrieved by that decision establishes that the commission acted arbitrarily or illegally...”

Connecticut Supreme Court

220 Conn. 527, 543-44, 600 A.2d 757 (1991)

# Authority for Floating Zones



Public Act 21-29, An Act  
Concerning the Zoning Enabling  
Act

Authorized use of floating zones



Connecticut Supreme Court  
Upheld Validity of Floating Zones

Sheridan v. Stamford Planning Board  
(1969)



Connecticut Supreme Court holds  
floating zones not for one property

River Bend v Simsbury Zoning  
Commission (2004)





# Planned Development Districts

# Planned Development Districts (PDD)

## Like Floating Zones:

- PDDs provide flexible design & development options.

## Unlike Floating Zones:

- PDDs can be created without tethers

## One Step Activation Process:

- PDDs are created and mapped in a one step process like any Euclidean zone.

## Once Established:

- PDDs are generally managed by special permit & site plan review processes

# Options for PDD Development

**Planned Developments can be created three ways:**

**1. Special Permit Approval Process**

- Administrative approval based on consistency with special permit standards

**2. Simultaneously Changing Zoning Regulations**

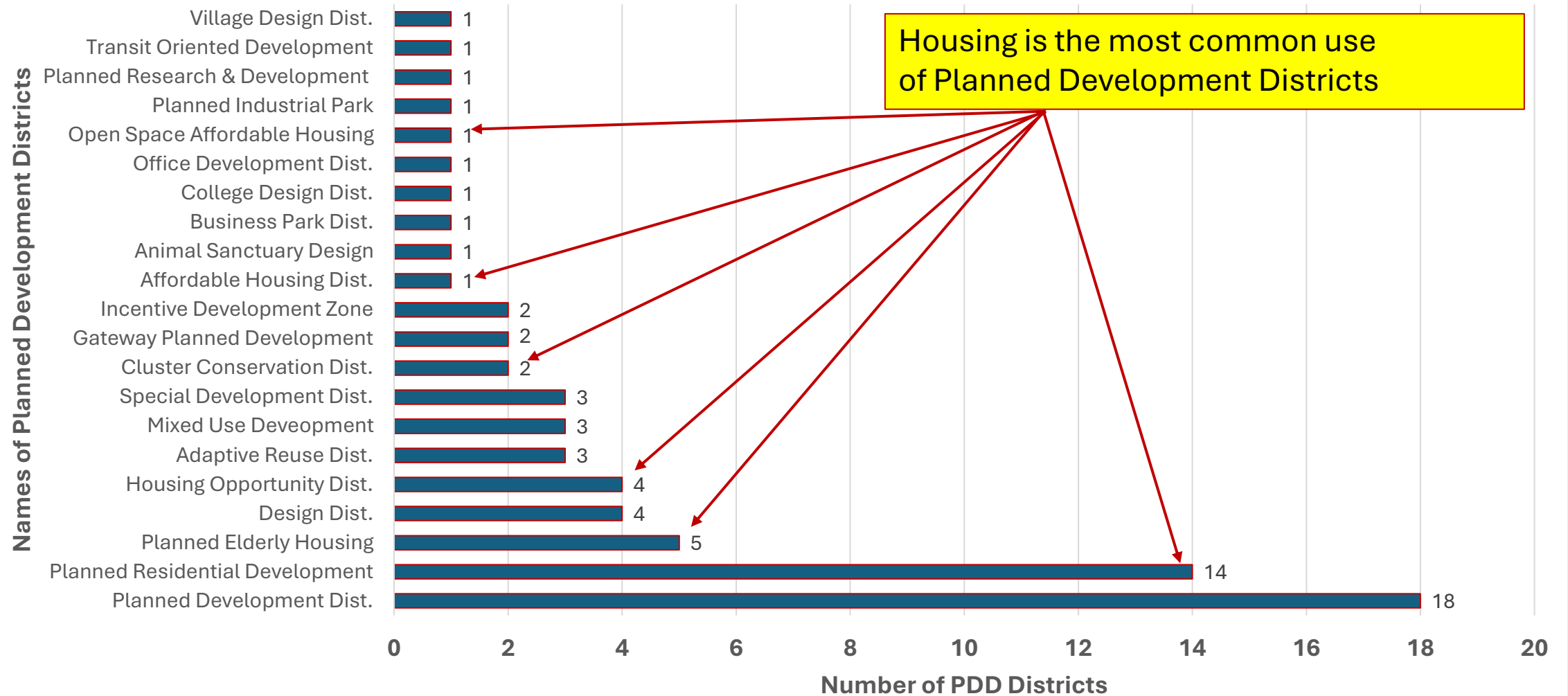
- 1) Zoning Text 2) Zoning Map and 3) Special Permit/Site Plan
- Legislative and Administrative Approvals aligned into one process

**3. Phasing the Regulatory Changes**

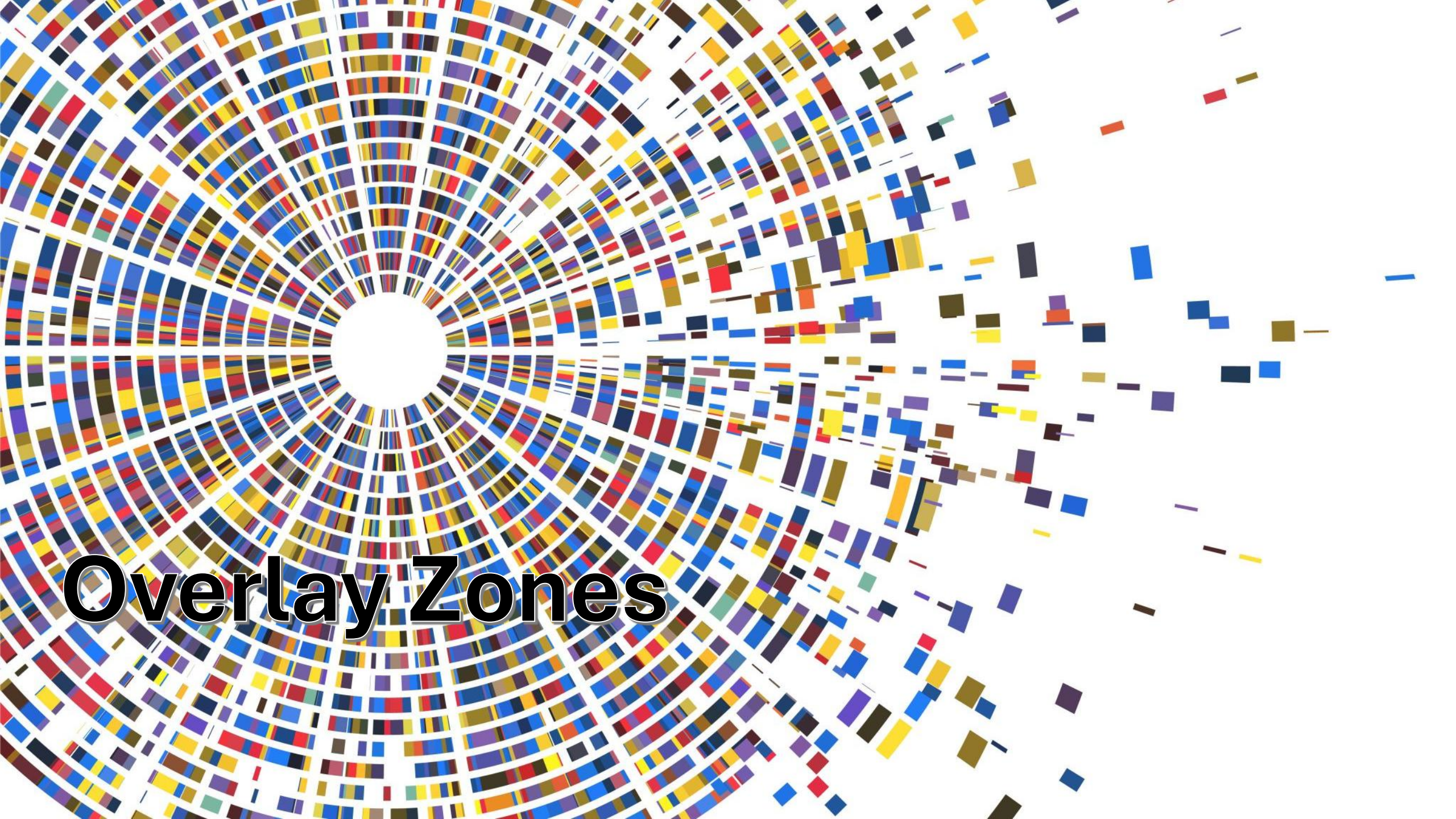
- 1) Zoning Text Change separated from 2) Zoning Map & 3) Special Permit/Site Plan
- Legislative and Administrative Approvals become a two step Process



# Planned Development Districts in Connecticut: 2024







**Overlay Zones**



# The Purpose for Overlay Zones



Overlay zones provide flexibility to address unique environmental, design, and housing issues not well aligned with traditional Euclidean zoning boundaries.



**Unique Boundary Lines:** Floodplains, Watersheds, Aquifers, Ridgelines



**Unique Neighborhood Design:** Village Districts, Preservation Zones, Neighborhood Transition Zones, Adaptive Reuse Zones



**Unique Development or Housing Issues:** Professional Offices, Planned Commercial Development



**Unique Traffic Issues:** Transit Oriented Development, Highway Interchanges, Highway Access Management



## Two Types of Overlay Zones in Connecticut



**Mandatory:** Regulate new development or redevelopment impacting an affected environmental resource.

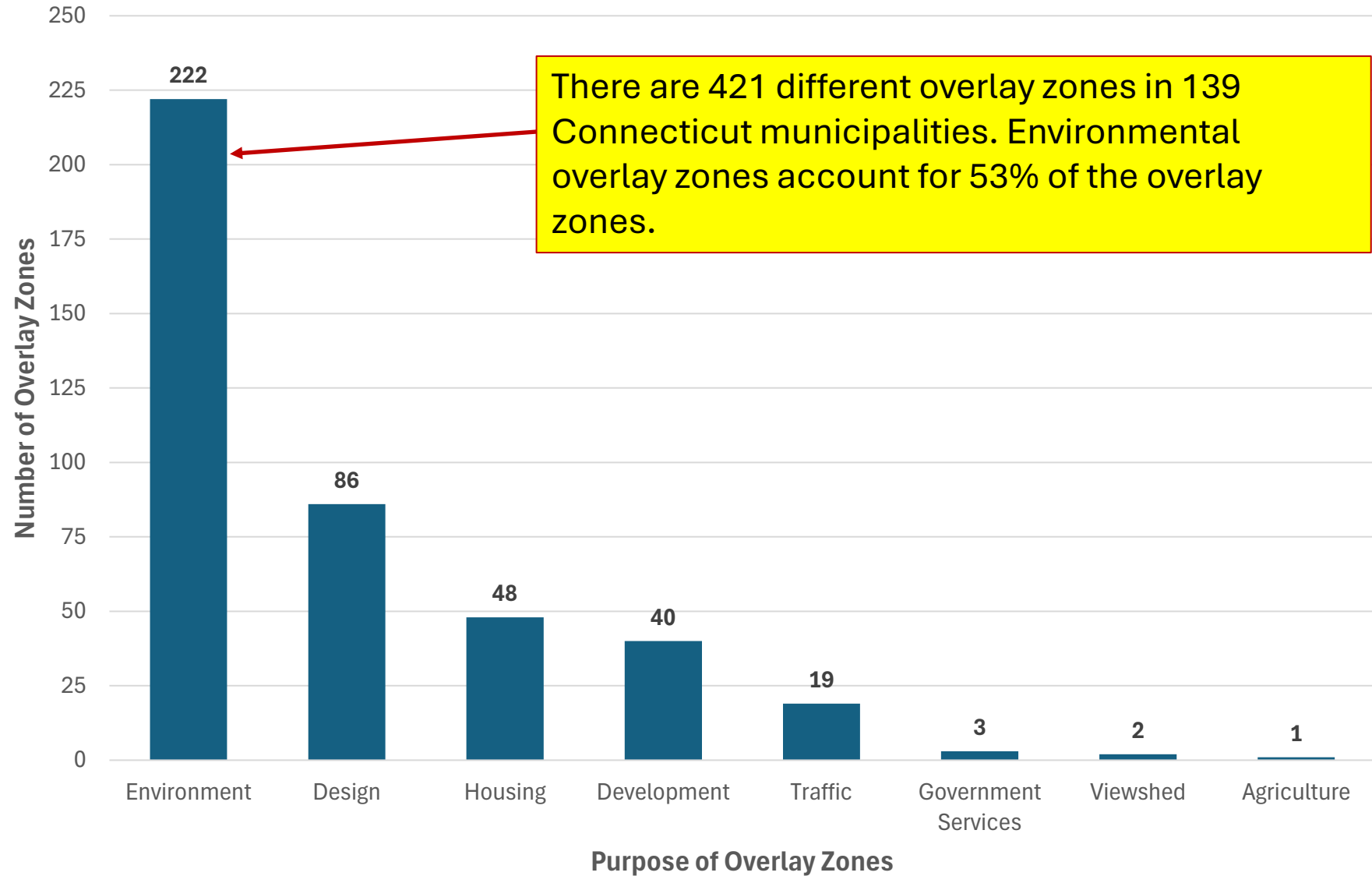
**Examples:** Watershed Protection, Special Flood Hazard Area



**Discretionary:** Establish housing incentives for development.

**Example:** Incentive Housing Overlay Zones

## Types of Overlay Zones Adopted in Connecticut: 2024



# Commonly Used Overlay Zones in Connecticut: 2024

| Category    | Name of Overlay                         | Code | Number of Zones |
|-------------|---|------|-----------------|
| Environment | <b>Flood Hazard Zones</b>               | FHZ  | 64              |
| Environment | <b>Aquifer Protection Zones</b>         | APA  | 55              |
| Environment | <b>River Protection Zones</b>           | RP   | 34              |
| Design      | Village District Zones                  | VD   | 32              |
| Design      | Design District Zones                   | DD   | 27              |
| Housing     | Incentive Housing Zones                 | IHZ  | 18              |
| Environment | <b>Coastal Zone Mgt Zones</b>           | CZM  | 15              |
| Design      | Historic Preservation Zones             | HP   | 12              |
| Environment | <b>Watershed Protection Zones</b>       | WP   | 12              |
| Development | Highway Revitalization Zones            | HRZ  | 10              |
| Environment | <b>Lake District Conservation Zones</b> | LDC  | 9               |
| Development | Mixed Use Development                   | MUD  | 9               |
| Traffic     | Transit Oriented Development Zones      | TOD  | 7               |
| Design      | Neighborhood Transition Zones           | NTZ  | 7               |
| Environment | <b>Tidal Marsh Zones</b>                | TMZ  | 7               |
| Development | Adaptive Reuse Zones                    | ARZ  | 7               |
| Housing     | Affordable Housing Overlay Zones        | AHO  | 6               |
| Environment | <b>Ridgeline Protection Zones</b>       | RGP  | 5               |

201 of the 309 overlay zones in this top 20 list are designed to address various environmental issues.

# Overlay Zones: Strengths v. Weaknesses

| # | Strengths                                   | Weaknesses                                      |
|---|---|---|
| 1 | Zoning flexibility                          | Multi-layered review process                    |
| 2 | Resource specific zoning                    | Boundary lines may not be property lines        |
| 3 | Valuable tool for environmental protection  | Zoning enforcement relies on complaints         |
| 4 | Overlay zone need not be tied to base zones | Boundary lines may be poorly mapped             |
| 5 | Mapped resources increase public awareness  | Lack of easy access to online zoning map        |
| 6 | Access to professional planners             | Rural municipalities lack professional planners |
| 7 | Doesn't violate the uniformity rule         | Resource protection also needs public education |

# Wide Range of Geographic Scope for Overlay Zones

## Designated Streets, Parcel Sizes, or Access Factors

- **Example:** Elderly Housing, Planned Commercial

## Intra-District Overlay Zones

- **Examples:** Aquifer Protection Areas, Village Districts

## Multi-District Overlay Zones

- **Examples:** Watershed Protection, Special Flood Hazard Areas, Village Districts, Professional offices



# Authority for Overlay Zones



Public Act 79-535, An Act Concerning Coastal Zones

Authorized overlay zones for coastal zone management



Public Act 85-409 An Act Concerning Municipal Power to Regulate Planned Unit Development

Authorized the use of overlay zones as a tool for all zoning purposes



Connecticut Supreme Court Upheld Validity of Overlay Zones

Tillman v. Planning & Zoning Commission of City of Shelton (2021)



# Village Districts







# The Purpose of Village Districts

- To protect distinctive character, landscape, and historic structures.
- Five broad authorities granted by the Village District Act:
  1. **Alterations & Improvements**
  2. **Design & Placement of Buildings**
  3. **Maintenance of Public Views**
  4. **Design & Placement of Public Roadways**
  5. **Other Element**

# Activating Village Districts

- Village district regulations are part of a town's zoning regulations
  - Activating the district follows procedural requirements of CGS Sec. 8-3.
    - A hearing must be conducted before adopting regulations
    - Approval requires a majority vote of zoning commission members
    - A two-thirds vote is required if 20% of affected property owners or all property owners within 500 feet of the affected properties file a protest by the time a hearing is held.







# Village District Standards

- **Required Design Objectives**
  1. **Building Layout & Orientation**
    - Bldg. arrangement aligns with neighborhood
  2. **Neighborhood Road Network**
    - Proposed streets tied to neighborhood road network
  3. **Open Space Patterns**
    - Open space reinforces existing open space patterns
  4. **Locally Distinctive Vistas**
    - Integrates distinctive vistas and bldgs. into site design
  5. **Compatible Landscape**
    - Site landscape shall complement neighborhood landscape
  6. **Exterior Lighting & Sign Themes**
    - Exterior lighting, signs, and accessory structures support uniform village theme
  7. **Scale, Proportion & Massing**
    - Scale, proportion, massing consistent with neighborhood

# What is Village District “Distinctive Character”

- 8-2 J (a) “The zoning commission of each municipality may establish village districts as part of the zoning regulations adopted under section [8-2](#) or under any special act. Such districts shall be located in areas of ***distinctive character***, landscape or historic value that are specifically identified in the plan of conservation and development of the municipality.”
- 8-2 J (b) “The regulations establishing village districts shall protect the *distinctive character*, landscape and historic structures within such districts...”

# Physical Site Characteristics Test

- 8-2(b) “Zoning regulations adopted pursuant to subsection (a) of this section shall:
  - (3) Be drafted with reasonable consideration as to the ***physical site characteristics*** of the district and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land throughout a municipality;”
- 8-2 (d) “Zoning regulations adopted pursuant to subsection (a) of this section shall not:
  - (10) Be applied to deny any land use application, including for any site plan approval, special permit, special exception or other zoning approval, on the basis of (A) ***a district's character, unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures***, or (B) *the immutable characteristics, source of income or income level of any applicant or end user, other than age or disability whenever age-restricted or disability-restricted housing may be permitted.*”

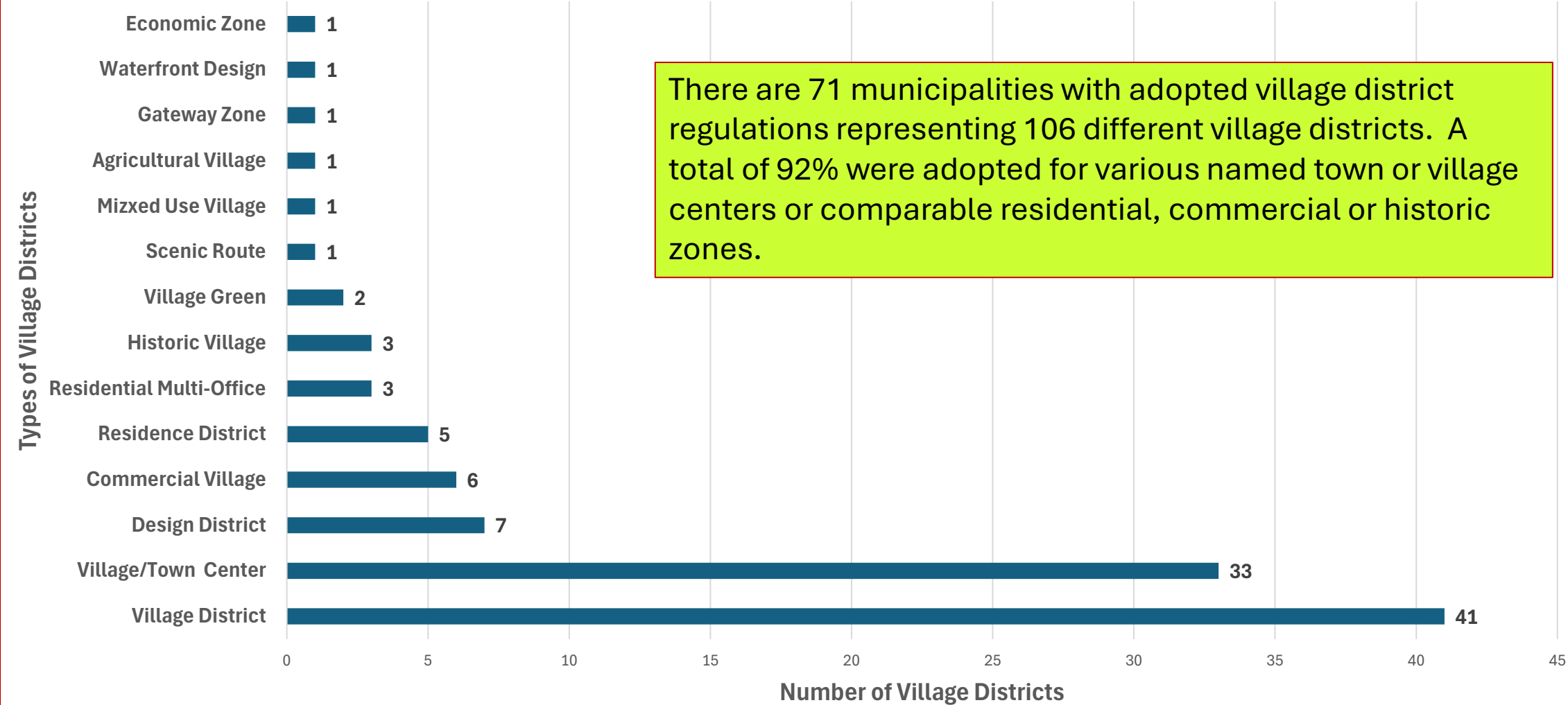
# Model Definitions

**Physical Site Characteristics:** The height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; **site work affecting** 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.

**Distinctive Characteristics:** Building layout & orientation with respect to the neighborhood road network, open space patterns, locally distinctive vistas, capacity to support compatible landscape, and exterior lighting & sign themes including compatible scale, proportion & massing within the village district.



# Types of Village Districts Adopted in Connecticut



# Village District: Strengths v. Weaknesses

| # | Strengths                               | Weaknesses                                      |
|---|---|---|
| 1 | Enables design flexibility              | Multi-layered review process                    |
| 2 | Has multiple land use applications      | Boundary lines may not be same as base zone     |
| 3 | Tool to protect neighborhood character  | Zoning enforcement relies on complaints         |
| 4 | Can be used as an overlay zone          | Boundary lines may be poorly mapped             |
| 5 | Requires architect/AICP planner review  | Limited reservoir of architects/AICP planners   |
| 6 | Access to professional planners         | Rural municipalities lack professional planners |
| 7 | Doesn't violate the uniformity rule     | Design principles are subjective                |
| 8 | Historic commission review NOT required | Doesn't require consent of property owners      |

# Wide Range of Geographic Scope for Village Districts

## Designated Streets, Parcel Sizes or Access Factors

- **Example:** 8 Acre Design District

## Base District Zone

- **Examples:** Town Center, Village Center

## Intra-District Overlay Zones

- **Example:** Residential-Multi-Office Zone

# Authority for Village Districts



Public Act 98-116, An Act Authorizing the Establishment of Village Districts

Authorized design standards including design & placement of buildings



Public Act 00-145, An Act Concerning Village District

Authorized link to POCD & expanded reviewer to landscape architects & certified planners



Connecticut Supreme Court Upheld Validity of Village Districts

111 S. Main St. LLC v. Newtown Planning & Zoning Commission (2016)

# Village Districts are More than a Name

- Village District Authority Based on Seven Design standards and
- “...shall establish criteria from which a property owner and the commission may make a reasonable determination of what is permitted within such district.”
- **Commissions can’t cherry pick standards. Must be based on Section 8-2J of CGS:**
  - Secretary of Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating History Buildings OR
  - Distinctive characteristics of the district in the Municipal POCD

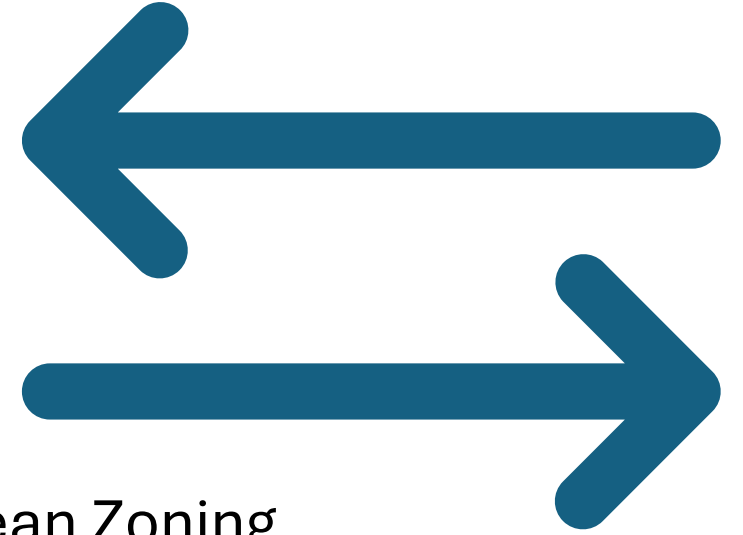


# Summary of Special Development Zones

| Special Development Features                | Floating Zones | Planned Development Zones | Overlay Zones | Village Districts |
|---|----------------|---------------------------|---------------|-------------------|
| Typical Applications                        |                |                           |               |                   |
| Requires Design Considerations              | No             | No                        | Depends       | Yes               |
| Used for Industrial Development             | Yes            | Yes                       | No            | No                |
| Primarily Used for Environmental Protection | No             | No                        | Yes           | No                |
| Used for Affordable Housing                 | Yes            | Yes                       | Yes           | No                |
| Zoning Activation Procedures                |                |                           |               |                   |
| Requires Zoning Text Change                 | Yes            | Yes                       | Yes           | Yes               |
| Requires Zoning Map Change                  | Yes            | Yes                       | Yes           | Yes               |
| Replaces Underlying Zone once mapped        | Yes            | Yes                       | Depends       | Depends           |
| Requires a 2 Step Approval Process          | Yes            | No                        | No            | No                |
| Planning Considerations                     |                |                           |               |                   |
| Requires Tethering Standards                | Yes            | No                        | No            | No                |
| Enables Long Range Planning                 | Yes            | Yes                       | Yes           | Yes               |
| Benefits from Prior POCD Support            | Yes            | Yes                       | Yes           | Yes               |
| Benefits from Neighborhood Compatibility    | Yes            | Yes                       | Yes           | Yes               |

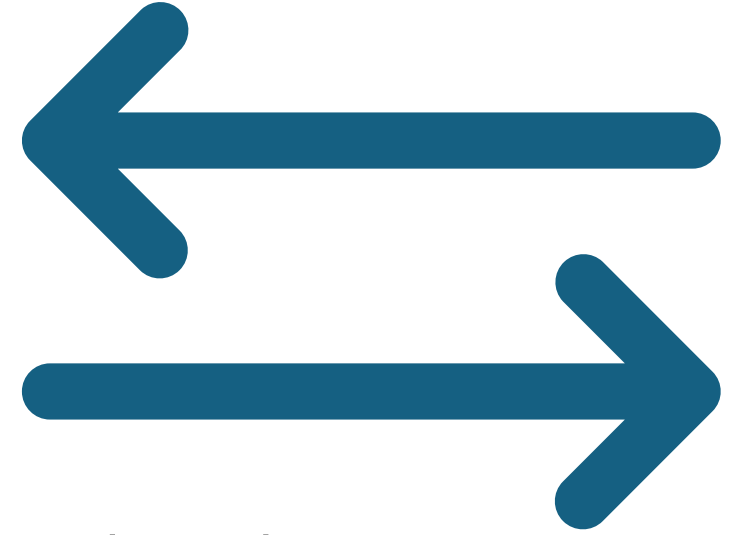
# Special Development Zone Observations

- Zoning must adjust to changing development needs
- Special development zones more flexible than Euclidean Zoning
  - Districts can be small: “spot zoning” rarely an issue if public interest based
  - CT Supreme Court has upheld public interest-based vest pocket districts
  - Courts interpret Uniformity Rule as an intra-district – not inter-district standard
- Growing use of floating zones for innovative development
- Overlay zones often used for sustainable development
  - Watershed & groundwater protection overlays are examples
- Village districts are not limited by architecture or geography



## Special Development Zone Observations

- **Special Development Zones Often Inter-Breed**
- An Overlay Zone can be a floating zone if it is located by rule and not mapped in advance. It can be applied when eligible properties are identified.
- A Village District can be an overlay zone when affected properties are not mapped in advance. Mapping may occur when properties are later qualified by the established rule.



# Resources

- Elizabeth Garvin, [Making Use of Overlay Zones](#), Planning Commissioners Journal, Number 43, Summer 2001
- Kevin E. McCarthy, Office of Legislative Research, [Alternative Zoning Techniques](#), July 28, 2006
- Kevin E. McCarthy, Office of Legislative Research, [Village Districts v. Historic Districts](#), December 22, 2003
- Terry J. Tondro, Connecticut Land Use Regulation, 2nd Edition, Atlantic Law Book Co., 1992
- Dorothy Ariail, [Flexible Zoning Techniques](#), American Planning Association Website, 2007
- Catholic University Law Review, [Zoning- Floating Zones: A Potential Instrument of Versatile Zoning](#), Catholic University Law Review, Vol. 16, Issue 1, 1967
- **Land Use Commissioner Trainings:**
  - <https://westcog.org/land-use-commissioner-trainings/>