Volume 9

PART I. LAND USE AGENCIES AND THEIR POWERS AND DUTIES

CHAPTER 1. LAND USE LEGISLATION

- § 1:1 Historical background of municipal land use regulations
- $\S~1:2$ Basis of municipal regulation by ordinance; the police power
- § 1:3 Land use under special acts
- § 1:4 Land use agencies; difference between zoning and planning
- § 1:5 State land use controls and exemptions
- § 1:6 Titles and administrative and legislative functions of land use agencies
- § 1:7 Federal preemption

CHAPTER 2. DEFINITIONS; SUMMARY OF STATUTORY PROCEDURES

- § 2:1 Definitions; agency, municipality, and district
- § 2:2 Definitions; land use concepts
- § 2:3 Procedures for land use applications, generally

CHAPTER 3. THE ZONING COMMISSION AND TYPES OF ZONING CONTROLS

- § 3:1 Zoning commission
- § 3:2 Statutory powers of the zoning commission
- § 3:3 Composition of zoning commission; terms of office and alternate members
- § 3:4 Legislative and administrative functions of the zoning commission
- § 3:5 Zoning controls
- § 3:6 —Zoning districts with designated uses
- § 3:7 —Zone changes
- § 3:8 —Special permits
- § 3:9 Floating zones
- § 3:10 Planned unit developments
- § 3:11 Site plans

CHAPTER 4. ZONING ORDINANCES

I. FORMAL REQUIREMENTS FOR ADOPTION AND AMENDMENT OF ZONING ORDINANCES AND ZONE CHANGES

§ 4:1	Adoption and amendment of the zoning regulations
8 4.1	•
§ 4:2	Vote required; protest petitions
§ 4:3	Requirement of conformity to a comprehensive plan
§ 4:4	Relationship to plan of conservation and development or master plan
§ 4:5	Uniformity requirement of General Statutes § 8-2; contract zoning
§ 4:6	Approvals required from other land use agencies
§ 4:7	Conditioning action on approval of another agency
§ 4:8	Spot zoning
§ 4:9	Content of zoning regulations, generally
§ 4:10	Boundaries and types of zone districts; permitted uses

II. TYPES OF USES REGULATED UNDER ZONING ORDINANCES

§ 4:12 Farming and agricultural uses in residential zone	
0	es
§ 4:13 Schools in residential zones	
§ 4:14 Clubs in residential zones	
§ 4:15 Religious uses in residential zones	
§ 4:16 Definition of family; family uses in residential zon	nes
§ 4:17 Family daycare centers and community residence	es
§ 4:18 Residential zones; multifamily and apartment dis	stricts
§ 4:19 Accessory uses	
§ 4:20 Customary home occupations	
§ 4:21 Professional offices as an accessory use	
§ 4:22 Garages and accessory buildings	
§ 4:23 Nonresidential zones; industrial, business, and re	etail
uses	
§ 4:24 Gravel mining and earth removal	
§ 4:25 Service stations	
§ 4:26 Junk yards	
§ 4:27 Mobile homes and trailers	
§ 4:28 Miscellaneous other uses	
§ 4:29 Area regulations; minimum lot size	
§ 4:30 Lot dimensions; lot shape, width, and depth	
§ 4:31 Size of structure; maximum and minimum requirements	

§ 4:32	Floor area ratio provisions
§ 4:33	Height requirements
§ 4:34	Frontage requirements
§ 4:35	Location of structures on lots; setback requirements
§ 4:36	Separation distances; liquor outlets and other uses
§ 4:37	Lots divided by zone lines; extension of uses
§ 4:38	Open space and parking restrictions
§ 4:39	Zoning based on land characteristics; slope and soil
	requirements
§ 4:40	Aquifer overlay zones
§ 4:41	Landfills and solid waste facilities
§ 4:42	Signs
§ 4:43	Nonconforming uses
§ 4:44	Cluster development
§ 4:45	Airport zoning
§ 4:46	Ridgeline protection
§ 4:47	Village districts
§ 4:48	Aesthetic considerations and architectural review
§ 4:49	Overlay zones
§ 4:50	Incentive housing zones
§ 4:51	Floodplain zoning
§ 4:52	Cannabis

CHAPTER 5. SPECIAL PERMITS OR SPECIAL EXCEPTIONS

- § 5:1 Content of regulations; categories of special permits
- § 5:2 Special permit conditions in zoning regulations
- § 5:3 Conditions required to protect the public interest
- § 5:4 Limits on agency action on special permits
- § 5:5 Site plan as part of special permit application
- § 5:6 Procedural requirements for special permits; review by inland wetlands agency

CHAPTER 6. SITE PLANS AND ZONING PERMITS

- § 6:1 Statutory authority for site plan review
- § 6:2 Site plan; content of regulations
- § 6:3 Review of content of site plans
- § 6:4 Review of site plans by inland wetlands agency
- § 6:5 Coastal site plan applications
- § 6:6 Zoning permits

CHAPTER 7. SPECIAL ZONING PROVISIONS AUTHORIZED OR REQUIRED BY STATUTE

- § 7:1 Special zoning provisions, generally
- § 7:2 Affordable housing; exemption from density limits
- § 7:3 Transfer of development rights
- § 7:4 Planned unit developments
- § 7:5 Community residences for persons with intellectual disability and mentally ill adults
- § 7:6 Manufactured homes
- § 7:7 Sedimentation and erosion controls
- § 7:8 Passive solar energy techniques

CHAPTER 8. ZONING BOARD OF APPEALS

- § 8:1 Requirement for a zoning board of appeals
- § 8:2 Regular and alternate members; terms of office; disqualification
- § 8:3 Powers and duties of the zoning board of appeals
- § 8:4 Special permits and special exceptions
- § 8:5 Variances
- § 8:6 Reviewing decisions of the zoning enforcement authority
- § 8:7 Review of location approvals

CHAPTER 9. VARIANCES

- $\S~9:1~$ Policy behind variances and limitations on granting them
- § 9:2 Test for variances
- § 9:3 Hardship requirement
- § 9:4 The purchase with knowledge rule and its exceptions
- § 9:5 Reasons for a variance; judicial review of action taken
- § 9:6 Similar prior variance applications
- § 9:7 Limits on variances for conforming lots
- § 9:8 Interpretation of variances

CHAPTER 10. PLANNING COMMISSION; SUBDIVISION REVIEW

- § 10:1 Planning commissions, generally
- § 10:2 Membership and terms of office of regular and alternate members
- § 10:3 Territorial jurisdiction of planning commissions
- § 10:4 Powers and duties of planning commissions, generally
- § 10:5 Subdivision review, generally
- § 10:6 Requirement for subdivision regulations

§ 10:7	Conformity of subdivision regulations with the zoning regulations
§ 10:8	Case law on content of subdivision regulations; General Statutes § 8-25
§ 10:9	Subdivisions and resubdivisions subject to regulation; General Statutes § 8-18
§ 10:10	Conservation controls on subdivisions
§ 10:11	Validating prior illegal subdivisions
§ 10:12	Standards in subdivision regulations
§ 10:13	Variances of subdivision regulations
§ 10:14	Open space and subdivision exactions
§ 10:15	The plan of conservation and development
§ 10:16	Subdivision regulations for different categories of land
§ 10:17	Municipal improvements; General Statutes § 8-24
§ 10:18	Establishment of highway lines; General Statutes § 8-29

CHAPTER 11. THE INLAND WETLANDS AGENCY

§ 11:1	Regulation of inland wetlands, generally
§ 11:2	Regular and alternate members; terms of office
§ 11:3	Jurisdiction of the inland wetlands agency; important definitions
§ 11:4	Exemptions from regulations; General Statutes
	§ 22a-40

- § 11:5 Powers and duties of the inland wetlands agency
- § 11:6 Review of certain zoning and planning applications
- § 11:7 Regulation of forestry practices on forest land

CHAPTER 12. MUNICIPAL AGENCIES

- § 12:1 Historic district commissions
- § 12:2 Waterway protection line ordinances
- § 12:3 Coastal area management ordinances
- § 12:4 Water pollution control authority
- § 12:5 The zoning enforcement officer
- § 12:6 The building inspector
- § 12:7 Municipal public health director or sanitarian
- § 12:8 Municipal attorney
- § 12:9 Aquifer protection commissions
- § 12:10 Municipal noise regulation

CHAPTER 13. STATE, FEDERAL, AND OTHER AGENCIES REGULATING LAND USE

§ 13:1	State department of environmental protection; septic
	systems
§ 13:2	State health department; septic systems
§ 13:3	Department of public utility control; Connecticut siting council
§ 13:4	U.S. Army Corps of Engineers
§ 13:5	Tidal wetlands; department of environmental protection
§ 13:6	Regional planning agencies
§ 13:7	Department of transportation
§ 13:8	River protection commissions
§ 13:9	—Connecticut river
§ 13:10	—Other rivers
§ 13:11	Multiple use rivers
§ 13:12	Federal Telecommunications Act
§ 13:13	Hydroelectric power projects

PART II. THE APPLICATION PROCESS TO MUNICIPAL LAND USE AGENCIES

CHAPTER 14. TYPES OF APPLICATIONS AND PARTIES TO THE APPLICATION PROCESS

§ 14:1	Types of applications; general considerations
§ 14:2	Introduction to the application process; overview
§ 14:3	The players, generally
§ 14:4	Categories of applicants
§ 14:5	Land development opponents
§ 14:6	Agency members and their consultants
§ 14:7	The envy factor
§ 14:8	Municipal planner
§ 14:9	Town engineer
§ 14:10	Sanitarian and water pollution control authority
§ 14:11	Zoning enforcement officer
§ 14:12	Conservation or wetlands enforcement officer
§ 14:13	Police and fire departments
§ 14:14	Municipal attorney
§ 14:15	Traffic consultant

§ 14:16 Other officials and agencies

§ 15:17 Other land use applications

CHAPTER 15. PREPARATION AND SUBMISSION OF THE APPLICATION

BODI	HISSION OF THE ALL LICATION
§ 15:1	Obtaining information and evaluation of the project
§ 15:2	History of the property and uses in the area; prior applications
§ 15:3	The plan of conservation and development
§ 15:4	Information about the agency and its procedures
§ 15:5	Informal review with agency staff
§ 15:6	Physical inspection of the property; establishing a plan
§ 15:7	Determination of expert assistance needed; types of consultants
§ 15:8	Deciding on the applicant; standing to apply
§ 15:9	Preliminary applications
§ 15:10	Sequencing multiple applications for one project
§ 15:11	Timing of filing of the application
§ 15:12	Agency requirements for filing a complete application
§ 15:13	Filing additional supporting data on the application
§ 15:14	Application and other fees charged by the agency
§ 15:15	Requests for waiver of submission requirements
§ 15:16	Subdivision applications

CHAPTER 16. PREPARATION FOR THE HEARING

§ 16:1	Initial considerations
§ 16:2	Retaining additional experts
§ 16:3	Discussions with nearby property owners and opponents
§ 16:4	Obtaining documents for submission at the hearing
§ 16:5	Notice requirements
§ 16:6	Necessity for a court reporter
§ 16:7	Prehearing check with agency staff
§ 16:8	Organizational meeting; preparation of content and sequence of presentation; hiring local counsel
§ 16:9	Preparation by opponents
§ 16:10	Opponents' protest petition on zone changes; General Statutes § 22a-19 intervention

CHAPTER 17. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

§ 17:1 Notice requirements for public hearings, generally

§ 17:2	Zoning commission; changes in zoning regulations or zone boundaries
§ 17:3	Special permits
§ 17:4	Zoning commission; site plans
§ 17:5	Zoning board of appeals; variances and appeals from the zoning enforcement officer
§ 17:6	Planning commission; subdivision regulations and subdivisions
§ 17:7	Planning commission; other actions
§ 17:8	Inland wetlands agency; changes in regulations and wetland boundaries
§ 17:9	Inland wetlands agency; regulated activity permits
§ 17:10	Special notice provisions

CHAPTER 18. SCHEDULING AND HOLDING THE PUBLIC HEARING

- § 18:1 In general
- § 18:2 Receipt of the application
- § 18:3 Date of public hearing
- § 18:4 Scheduling the public hearing
- § 18:5 Combined public hearings on one project

CHAPTER 19. MORATORIUMS AND REFUSAL TO PROCESS APPLICATIONS

- § 19:1 In general
- § 19:2 Statutory limits on multiple applications
- § 19:3 Claims of incomplete applications
- § 19:4 Delaying action on applications to change the regulations
- § 19:5 Moratoriums
- § 19:6 Applicant's remedies for agency delays

CHAPTER 20. HEARINGS ON LAND USE APPLICATIONS

§ 20:1 In general § 20:2 Statutory requirements § 20:3 Standard agency procedure for public hearings Time limits on public hearings § 20:4 Considerations by the applicant before commencing § 20:5 the hearing § 20:6 The aggressive versus the cooperative approach § 20:7 The applicant's presentation Presentation of the opponent's case § 20:8

§ 20:9	Considerations of the agency at the public hearing
§ 20:10	Proponent's right of rebuttal and response to agency requests
§ 20:11	Rules of discovery and evidence at administrative agency hearings
§ 20:12	Right of cross-examination at hearings
§ 20:13	Hearsay evidence
§ 20:14	Procedural due process for administrative actions
§ 20:15	Closing the public hearing

CHAPTER 21. THE AGENCY DECISION MAKING PROCESS

IVER RESE.	III III III III
§ 21:1	Time limits for the agency to decide the application after the public hearing is closed
§ 21:2	Discussion meetings; additional evidence on the application
§ 21:3	Quorum requirements; number of votes required on the application
§ 21:4	Agency members eligible to participate and vote on the application
§ 21:5	Evidence that the agency can consider
§ 21:6	Viewing of property by agency members
§ 21:7	Content of agency resolution; in general; tie votes
§ 21:8	Agency resolutions; zoning board of appeals
§ 21:9	Agency resolutions; special permits
§ 21:10	Agency resolution; changes in zoning regulations and districts
§ 21:11	Agency resolution; site plans
§ 21:12	Agency resolution on subdivision applications
§ 21:13	Agency resolutions; applications to inland wetlands agencies
§ 21:14	Attaching conditions to approvals; security for improvements; limitations
§ 21:15	Effect of recommendations in the plan of conservation and development on agency decisions

CHAPTER 22. LIMITATIONS ON AGENCY AUTHORITY

Action required on General Statutes § 22a-19

§ 22:1	In general
§ 22:2	Regulating without adopting regulations
§ 22:3	Lack of standards in administrative regulations

§ 21:16 Setting effective date of approvals

petitions

§ 21:17

§ 22:4	Conditioning action on approval of another agency;
	delegation of authority
§ 22:5	Actions outside of statutory powers or authority; in general
§ 22:6	Planning commission; acts in excess of powers
§ 22:7	Inland wetlands agency; acts in excess of powers
§ 22:8	Zoning board of appeals; use variances
§ 22:9	Zoning commission; lot area requirements
§ 22:10	Similar prior applications
§ 22:11	—Zone changes
§ 22:12	—Variances
§ 22:13	—Special permits and location approvals
§ 22:14	—Subdivisions and site plans
§ 22:15	—Inland wetlands permits
§ 22:16	Conditions imposed on applications; conditional approvals
§ 22:17	—Uniformity requirement
§ 22:18	—Special permits
§ 22:19	—Variances
§ 22:20	—Subdivisions
§ 22:21	—Site plan
§ 22:22	—Inland wetlands permit
§ 22:23	Constitutional limitations; First Amendment problems

CHAPTER 23. FAILURE TO ACT ON APPLICATIONS; INFERRED APPROVALS

- § 23:1 Time limits, generally
- § 23:2 Statutes providing for inferred approval; subdivisions and site plans
- § 23:3 Failure to act on zone changes, special permits, and variances
- § 23:4 Inland wetlands agency applications
- § 23:5 Waiver of time limits; extensions by the applicant
- § 23:6 Applicant's remedy where inferred approval occurs; mandamus

CHAPTER 24. PERFECTION OF APPROVALS—PUBLICATION AND RECORDING

- § 24:1 Requirements for perfection of approvals; generally
- § 24:2 Publication requirement for zone changes
- § 24:3 Publication of variances, appeals to the zoning board of appeals, special permits, and site plans

§ 24:4	Publication of subdivisions and planning commission decisions
§ 24:5	Publication of decisions of the inland wetlands agency
§ 24:6	Failure to publish decision; content of the legal notice
§ 24:7	Recording requirements; variances and special permits
§ 24:8	Recording requirements for subdivisions
§ 24:9	Vested rights against changes in regulations
§ 24:10	Failure to use approvals and changes in regulations during an appeal
§ 24:11	Changes and modifications to approvals

Volume 9A

PART III. LAND USE APPEALS AND LITIGATION

CHAPTER 25. TAKING THE APPEAL

§ 25:1	Right to appeal; preliminary considerations
§ 25:2	Conference with the client; obtaining information; reviewing the agency's records
§ 25:3	Drafting the appeal; content
§ 25:4	Issues to be raised in the appeal
§ 25:5	Necessary parties
§ 25:6	Form of the appeal; citation
§ 25:7	Statutory bond
§ 25:8	Content of the appeal
§ 25:9	Proper court and return date
§ 25:10	Time to appeal; service of the appeal and returning appeal to court
§ 25:11	Procedural defects with commencement of administrative appeals
§ 25:12	Procedural requirements for inland wetland appeals

CHAPTER 26. OUTLINE OF THE APPEALS PROCESS

§ 26:1	Processing and assignment of land use appeals for trial, generally
§ 26:2	Time limits for processing the appeal; court conference for scheduling orders and to determine the contents of the administrative record
§ 26:3	Effect of special acts

- § 26:4 Applicable statutes and court rules; assignment of appeals for trial
- § 26:5 Application of civil rules to administrative appeals; saving statutes

CHAPTER 27. PRETRIAL MOTIONS, DISCOVERY AND PLEADINGS

§ 27:1	Grounds for motion to dismiss
§ 27:2	Grounds for motion to dismiss-Appeal exists only under statutory authority
§ 27:3	Grounds for motion to dismiss-Late appeal
§ 27:4	Grounds for motion to dismiss-Improper service on the municipal agency
§ 27:5	Grounds for motion to dismiss-Required parties; failure to join successful applicant
§ 27:6	Grounds for motion to dismiss-Defective citation; use of wrong form; service on wrong defendant
§ 27:7	Grounds for motion to dismiss-Wrong return date; failure to file appeal in court within statutory time limits
§ 27:8	Grounds for motion to dismiss-Improper venue
§ 27:9	Grounds for motion to dismiss-Failure to include a statutory bond no longer required
§ 27:10	Grounds for motion to dismiss-Prior pending action
§ 27:11	Grounds for motion to dismiss-Jurisdiction over appeal
§ 27:12	Grounds for motion to dismiss-Jurisdiction over appeal-Aggrievement requirement
§ 27:13	Grounds for motion to dismiss-Jurisdiction over appeal-Moot questions
$\S 27:14$	Requests to revise
§ 27:15	Return of record
§ 27:16	Motion to supplement or correct the record
§ 27:17	Motion for default for failure to file an answer, return of record, or brief
§ 27:18	Motion for extension of time to file record or brief
§ 27:19	Discovery and depositions
§ 27:20	Requests for admissions
§ 27:21	Motions to intervene
§ 27:22	Motion to intervene-To raise environmental issues
§ 27:23	Motions to transfer for improper venue
§ 27:24	Motions to strike
§ 27:25	Answer; special defenses
§ 27:26	Motions for summary judgment
§ 27:27	Motions to amend the appeal

- § 27:28 Motion to introduce additional evidence
- § 27:29 Reconstruction of the record
- § 27:30 Motion in limine
- § 27:31 Motions to reargue

CHAPTER 28. DEFENDING THE APPEAL; RETURN OF THE RECORD; ROLE OF THE MUNICIPAL ATTORNEY

- § 28:1 Initial steps
- § 28:2 Assembling the return of record
- § 28:3 Analyzing the file and preparing the defense
- § 28:4 Pretrial motions and the answer; pretrial brief
- § 28:5 Cooperation with other defendants
- § 28:6 Preparation of the return of record; transcript of the public hearing
- § 28:7 Documents to be filed
- § 28:8 Supplemental return of record
- § 28:9 Role of the municipal attorney

CHAPTER 29. RESEARCHING THE ISSUES; SOURCES OF LAW

- § 29:1 Researching issues pertinent to zoning and planning appeals, generally
- § 29:2 Sources of law on land use issues

CHAPTER 30. PRETRIAL BRIEFS

- § 30:1 Pretrial briefs, generally
- § 30:2 Content and format of the brief
- § 30:3 Considerations for the plaintiff's brief
- § 30:4 Defendant's pretrial brief
- § 30:5 Writing style

CHAPTER 31. PRETRIAL PREPARATION AND CONFERENCES

- § 31:1 In general
- § 31:2 Pretrial preparation
- § 31:3 Pretrial conferences
- § 31:4 Settlements
- § 31:5 Mediation of planning and zoning appeals

CHAPTER 32. TRIAL OF AN ADMINISTRATIVE APPEAL

§ 32:1 Requirement of a trial and scope of the trial

§ 32:2	Considerations for counsel in trying the case
§ 32:3	Proof of aggrievement
§ 32:4	Categories of aggrieved persons; automatic
	aggrievement situations
§ 32:5	Evidence of aggrievement
§ 32:6	Intervention under General Statutes § 22a-19;
	environmental issues
§ 32:7	Standing
§ 32:8	Evidence at the trial
§ 32:9	Issues at trials of land use appeals
§ 32:10	Presentation of appeal; rules of evidence
§ 32:11	Oral argument and posttrial briefs
§ 32:12	Viewing the property involved in the appeal
§ 32:13	Aggrievement and environmental issues in inland
	wetlands appeals
СНАР	TER 33. TESTS FOR JUDICIAL
	EW OF AGENCY DECISIONS
§ 33:1	In general
§ 33:2	Zone changes and amendments to zoning regulations
§ 33:3	Actions administrative in nature
§ 33:4	—Special permits and special exceptions
§ 33:5	—Site plans
§ 33:6	Subdivisions
§ 33:7	Variances
§ 33:8	Appeal from decisions of the zoning enforcement officer
§ 33:9	Inland wetland appeals
§ 33:10	Coastal site plans
§ 33:11	Tidal wetlands appeals
§ 33:12	The substantial evidence rule
CITAD	
	TER 34. GENERAL RULES OF
	TRUCTION APPLIED IN
ADMI	NISTRATIVE APPEALS
§ 34:1	Issues considered in deciding an appeal
§ 34:2	Sequence of issues decided
§ 34:3	Judicial deference to administrative agency decisions
§ 34:4	Burden of proof
§ 34:5	Special acts; changes in statutes
§ 34:6	Construction of municipal ordinances, generally
§ 34:7	Presumption of legality of agency
§ 34:8	Presumption of regularity of agency decisions
. 0 1.0	2 200 marpholor of regulating of agoing accusions

§ 34:9 Strict construction of land use regulations § 34:10 Agency decisions to promote public interest § 34:11 General references by the agency § 34:12 Requirement of regulations § 34:13 Extent of agency authority to interpret regulations § 34:14 Reasons given by agency members § 34:15 Technical defects in agency resolutions § 34:16 Statutory requirements as mandatory or directory

CHAPTER 35. RELIEF ALLOWED IN ADMINISTRATIVE APPEALS

- § 35:1 Relief allowed in administrative appeals, generally
- § 35:2 Severability

CHAPTER 36. LIMITS ON JUDICIAL REVIEW

- § 36:1 Exhaustion of administrative remedies
- § 36:2 Moot questions
- § 36:3 Nonappealable decisions
- § 36:4 Res judicata and collateral estoppel
- § 36:5 Challenging land use regulations in an administrative appeal; the declaratory judgment alternative
- § 36:6 Constitutional questions

CHAPTER 37. APPEALS FROM THE SUPERIOR COURT; PETITIONS FOR CERTIFICATION

- § 37:1 Right to appeal, generally
- § 37:2 Petitions for certification to the appellate court
- § 37:3 Opposing a petition for certification; cross-petitions
- § 37:4 Filing the appeal
- § 37:5 Pretrial motions
- § 37:6 Effect of an appeal; stays of proceedings
- § 37:7 Appellate briefs
- § 37:8 Arguing the appeal
- § 37:9 Other appellate proceedings; petitions for certification to supreme court

PART IV. OTHER LEGAL REMEDIES IN LAND USE CASES

CHAPTER 38. DECLARATORY JUDGMENTS

§ 38:1 Availability, generally

- § 38:2 Declaratory judgment provisions
- § 38:3 Notice to interested parties
- § 38:4 Availability of other proceedings
- § 38:5 Land use cases allowing declaratory judgments

CHAPTER 39. WRITS OF MANDAMUS ON LAND USE ISSUES

- § 39:1 Requirements for mandamus
- § 39:2 Mandamus cases on land use issues
- § 39:3 Possibility of other remedies
- § 39:4 Temporary writs of mandamus

CHAPTER 40. STAY OF PROCEEDINGS ON AGENCY ORDERS

- § 40:1 Zoning orders; appeals to the zoning board of appeals
- § 40:2 Appeals from zoning or planning decisions to the superior court
- § 40:3 Orders of the inland wetlands agency
- § 40:4 Enforcement proceedings while appeals are pending

CHAPTER 41. INJUNCTIONS AND TEMPORARY RESTRAINING ORDERS

- § 41:1 In general; stays of proceedings
- § 41:2 Temporary restraining orders; General Statutes § 8-8
- § 41:3 Municipal zoning enforcement
- § 41:4 Temporary injunctions
- § 41:5 Estoppel to enforce zoning regulations by injunction; municipal estoppel
- § 41:6 Private zoning enforcement
- § 41:7 Availability of other remedies
- § 41:8 Other uses of injunction actions

CHAPTER 42. PENALTIES IN LAND USE ENFORCEMENT ACTIONS

- § 42:1 Penalties for zoning violations, General Statutes § 8-12
- § 42:2 Penalties for illegal subdivisions, General Statutes § 8-25
- § 42:3 Enforcement of inland wetlands laws, General Statutes § 22a-44
- § 42:4 Violations within the coastal boundary

CHAPTER 43. CIVIL RIGHTS CLAIMS AND MUNICIPAL LIABILITY FOR LAND USE ACTIONS

§ 43:1	In general
§ 43:2	Requirements for a section 1983 claim
§ 43:3	Procedural aspects of section 1983 claims
§ 43:4	Land use cases; federal rights
§ 43:5	—Clear entitlement test
§ 43:6	—Finality or ripeness for review
§ 43:7	—Takings, due process, equal protection
§ 43:8	Immunity from section 1983 claims
§ 43:9	Remedies in civil rights actions; damages and attorney's fees
§ 43:10	Municipal immunity under Connecticut law
§ 43:11	Antitrust liability
§ 43:12	Individual liability for litigation to stop land use applications

PART V. OTHER MUNICIPAL APPEALS

CHAPTER 44. OTHER MUNICIPAL ADMINISTRATIVE APPEALS

- § 44:1 Introduction; right to appeal decisions of other municipal agencies Car dealerships and repairer's licenses
- § 44:2
- § 44:3 Gasoline service station license
- § 44:4 Junk yards
- § 44:5 Historic districts
- § 44:6 Waterway protection lines
- § 44:7 Sewer appeals; assessment and user fees
- Building appeals § 44:8
- § 44:9 Scenic roads

PART VI. MUNICIPAL PROPERTY TAX APPEALS

CHAPTER 45. MUNICIPAL PROPERTY TAX **APPEALS**

§ 45:1 General concepts in municipal property tax appeals

§ 45:2	—Exemptions
§ 45:3	—Limited methods of tax relief
§ 45:4	Summary of property assessment procedure
§ 45:5	—Percentage of assessment
§ 45:6	—Periodic revaluations of municipality
§ 45:7	—Summary of appeals statutes; appeals to board of tax review and state board
§ 45:8	Procedural requirements of General Statutes § 12-117a
§ 45:9	Test in appeals under General Statutes § 12-117a
§ 45:10	Methods of valuation
§ 45:11	—Comparable sales approach
§ 45:12	—Capitalization of income approach
§ 45:13	—Reproduction cost less depreciation approach
§ 45:14	—Considerations on approaches to valuation
§ 45:15	Determining value; opinion evidence
§ 45:16	Taxation as farmland, forest land and open space land
§ 45:17	Appeals under General Statutes § 12-119
§ 45:18	Refund of taxes in tax appeals

Volume 9B

PART VII. MISCELLANEOUS LAND USE ISSUES

CHAPTER 46. NOTICE

§ 46:1	Notice requirements; failure to give notice
§ 46:2	Circulation of newspaper carrying legal notice
§ 46:3	Content of the prehearing legal notice; adequacy of notice of hearing
§ 46:4	Failure to publish notice of agency's decision; failure to give notice to applicant
§ 46:5	Content of posthearing notice

CHAPTER 47. IMPROPER ACTIONS OR PARTICIPATION BY AGENCY MEMBERS

§ 47:1	In general; inadequate knowledge of application
§ 47:2	Predetermination or predisposition; bias of agency
	members
§ 47:3	Conflict of interest
§ 47:4	Illegal receipt of evidence after the public hearing;
	data from the agency staff

§ 47:5 Participation by illegal agency members

CHAPTER 48. FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES AND PRIMARY JURISDICTION RULES AND THEIR EXCEPTIONS

§ 48:1	Exhaustion of administrative remedies; primary jurisdiction
§ 48:2	The rule as jurisdictional
§ 48:3	Administrative remedies under land use statutes
§ 48:4	Cases involving the exhaustion rule
§ 48:5	Exceptions to the rule of exhaustion of administrative remedies; in general
§ 48:6	Futile or inadequate remedies
§ 48:7	No agency jurisdiction
§ 48:8	Agency action void for lack of notice
§ 48:9	Interpretation of statutes
§ 48:10	Validity of agency regulations
§ 48:11	Constitutional questions
§ 48:12	Civil rights actions
§ 48:13	Exceptions to the primary jurisdiction rule
§ 48:14	Site plans; direct appeal to the superior court

CHAPTER 49. ROADS AND TRAFFIC CONSIDERATIONS IN LAND USE DECISIONS

§ 49:1	Roads in general; relationship to land use and
	development
§ 49:2	Establishment of roads; dedication and acceptance
§ 49:3	—Statutory dedication and acceptance
§ 49:4	—Implied dedication and acceptance
§ 49:5	Discontinuance and abandonment of highways
§ 49:6	—Abandonment of highway
§ 49:7	—Statutory discontinuance of highways
§ 49:8	Rights in a public highway
§ 49:9	Municipal interference with access
§ 49:10	Duty of municipalities to repair, construct, and
	maintain public highways
§ 49:11	Construction of roads by individuals
§ 49:12	Compelling private improvements to public highways
§ 49:13	Private rights in private roads; paper roads
§ 49:14	Scenic roads
§ 49:15	Traffic considerations on land use applications,
	generally

§ 49:16 Zone changes; traffic conditions
§ 49:17 Special permits; traffic considerations
§ 49:18 Site plans; traffic considerations
§ 49:19 Subdivisions; traffic considerations
§ 49:20 State traffic commission approvals for projects on state highways

CHAPTER 50. VACATING AND EXPIRATION OF APPROVALS

- § 50:1 In general
- § 50:2 Subdivisions; failure to complete improvements
- § 50:3 Site plans
- § 50:4 Regulated activities permits from the inland wetlands agency

CHAPTER 51. AFFORDABLE HOUSING

- § 51:1 In general; exempt municipalities
- § 51:2 Definition of affordable housing and what is required to qualify as affordable housing
- § 51:3 Affected land use agencies and applications
- § 51:4 Submission of affordable housing applications; applicant's options if application is denied
- § 51:5 Right to appeal; procedure on affordable housing appeals
- § 51:6 Proof and judicial review in affordable housing appeals
- § 51:7 Particular cases; validity of reasons for denial of application
- § 51:8 Other considerations and problems with the statute

CHAPTER 52. NONCONFORMING USES

- § 52:1 Definition; difference from other categories of uses
- § 52:2 Conditions for continuation of nonconforming uses
- § 52:3 Extensions, changes, and intensification
- § 52:4 Protection during continuation of the use
- § 52:5 Abandonment, discontinuance, nonuse, and cessation of nonconforming uses

CHAPTER 53. ESTOPPEL AND VESTED RIGHTS

- § 53:1 Estoppel from enforcement of zoning regulations; laches
- § 53:2 Vested rights from changes in interpretation of regulations
- § 53:3 Nonconforming uses and lots

§ 53:4 Site plans
§ 53:5 Subdivision lots
§ 53:6 Adjacent lots; merger provisions
§ 53:7 Changes in zoning regulations and inland wetland regulations
§ 53:8 Use remains with the land

CHAPTER 54. CONFISCATION CLAIMS FROM APPLYING LAND USE REGULATIONS

§ 54:1	Constitutional basis for confiscation claims
§ 54:2	Raising constitutional claims of confiscation
§ 54:3	General considerations on taking claims
§ 54:4	Confiscation claims and tests under Connecticut and federal law
§ 54:5	—Inverse condemnation considerations under federal law
§ 54:6	—Applying the tests to parcels of land
§ 54:7	—Nuisance and other inverse condemnation exceptions
§ 54:8	Finality or ripeness for review and other defenses and problems
§ 54:9	—Futility exception to the finality doctrine
§ 54:10	—Statute of limitations
§ 54:11	Remedy where confiscation exists; possible damages for a temporary taking
§ 54:12	Exaction cases

CHAPTER 55. VALIDATING ACTS

§ 54:13 Confiscation as grounds for a zoning variance

§ 55:1 Effect of validating acts on defects in land use decisions

PART VIII. CONNECTICUT LAND USE: A STATUS REPORT

CHAPTER 56. THE STATUS OF CONNECTICUT MUNICIPAL LAND USE

- § 56:1 The shift to government control; upsetting the balance
- § 56:2 Future role of the land use agencies

APPENDIX

Appendix A. Appendix of Forms

LAND USE LAW AND PRACTICE

Table of Laws and Rules
Table of Cases
Index