

Process for Requesting a Zone Change

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Issue

What is the process for an individual or entity to request a zone change? Does the process require public hearings or impact studies?

This report provides information on statutory requirements for municipalities that exercise zoning authority under the General Statutes. Different requirements may apply to municipalities that exercise zoning authority wholly or partially under a special act.

The Office of Legislative Research is not authorized to provide legal opinions and this report should not be considered one.

Summary

A zone change, such as changing the classification of a parcel from residentially zoned to industrial use, is a locally controlled decision made by the responsible municipality's zoning body (generally the zoning commission or combined planning and zoning commission, hereinafter "commission").

State law sets broadly applicable requirements for how municipalities exercise zoning authority and approve changes to their zoning regulations (including zone changes). These include (1) specifying goals that zoning regulations can and cannot promote ([CGS § 8-2](#)) and (2) requiring a public hearing before a commission can make changes to zoning regulations ([CGS §§ 8-3 & 8-7d](#)). Additionally, by law, if a protest petition is filed against a proposed change or the proposal is rejected by the planning commission, then state law requires a supermajority of the commission to approve any requested change ([CGS §§ 8-3 & 8-3a](#)).

State law does not require municipalities to obtain any type of impact study (e.g., traffic or environmental) from a zone change applicant.

Process for Requesting Zone Change

General Requirements ([CGS §§ 8-2, 8-3, 8-3a & 8-7d](#))

State law provides the framework for municipalities to consider changes to zoning regulations, such as a zone change, but specifies that local commissions may “provide for the manner in which regulations...and the boundaries of zoning districts shall be...established or changed.” State law also specifies that any petition (request) for a zone change be “submitted in writing and in a form prescribed by the commission” ([CGS § 8-3](#)).

Public Hearing. Under the general framework state law sets, before approving or rejecting a requested zone change, the commission must hold a public hearing within 65 days of receiving the application. The hearing must generally be completed within 35 days after it begins. The hearing must be attended by a majority of the zoning commissioners (or a special committee consisting of at least five commissioners). People attending the hearing can be represented by their attorneys.

The commission must notify the public about the hearing by publishing the time and place for the hearing at least twice in a local newspaper. The notices must be at least two days apart, the first appearing between 10 and 15 days before the hearing and the second one not less than two days before the hearing. Additionally, the commission must notify, generally at least seven days before the hearing, anyone who has requested to be listed on the local public notice registry. The commission, at its own discretion, may mail notices to abutting property owners. A copy of the proposed changes must be made available to the public for inspection at the town clerk’s office at least 10 days before the hearing.

Commission’s Decision. Generally, the commission must render its decision within 65 days after the hearing ends. Unless a protest petition is filed or the planning commission objected (see below), a requested zone change may be approved, rejected, or modified by a simple majority of the commission’s membership.

In making its decision, if the proposal has not been reviewed by the planning commission (see below), the commission must consider the local plan of conservation and development and state on the record whether the application is consistent with it. It must ensure any decision to approve a change conforms to the requirements in [CGS § 8-2](#), which provides the general parameters for local zoning regulations. Notably, this means that any approved change must conform to the municipality’s comprehensive plan. (The comprehensive plan is not a formal planning document,

rather, it is derived from the scheme created by the zoning regulations and map. An extensive body of case law has interpreted the conformity requirement to mean, among other things, that the decision cannot constitute spot zoning. Depending on the specific circumstances, an approval could be deemed spot zoning if it involves a small area of land and a use that is incongruous with neighboring lots (see 9 Conn. Prac., Land Use Law & Prac. §§ 4:3 & 4:8).)

The commission must record the reasons for its decision on the application. If it is approved, (1) either the commission or applicant must publish the decision in a local newspaper and (2) the commission must file the zoning regulation changes with the town clerk. State law specifies that commissions may refuse to reconsider an application for up to 12 months after the original application (including applications requesting substantially the same changes).

Supermajority Required for Approval ([CGS §§ 8-3 & 8-3a](#))

Referral to Planning Commission. If the municipality has separate zoning and planning commissions, any proposed zone changes must be referred to the planning commission at least 35 days prior to the public hearing for an evaluation of the proposal's consistency with the local plan of conservation and development. If the planning commission issues a report rejecting the proposal for lack of consistency with the plan, the zoning commission cannot approve the application without a supermajority of its membership.

Protest Petitions. By law, a proposal to establish, change, or repeal a zoning regulation or zoning district boundary is adopted if a commission's members vote in favor of it, generally by a simple majority of the membership. However, the threshold increases to supermajority if a valid protest petition is filed.

To be valid, a protest petition must be submitted at or before the public hearing on the application and be signed by the owners of at least 20% of the (1) area of the lots included in the proposed change or (2) lots within 500 feet in all directions of the property included in the proposed change.

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