

# **Bond Case Briefs**

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## **ZONING & PLANNING - CONNECTICUT**

### **Tillman v. Planning and Zoning Commission of City of Shelton**

**Supreme Court of Connecticut - October 20, 2021 - A.3d - 2021 WL 4898440**

Landowners sought review of city planning and zoning commission's approval of application for planned development district (PDD) for an adjoining 121-acre parcel in city's light industrial park zone.

The Superior Court dismissed. Landowners appealed.

The Supreme Court held that:

- A municipal zoning authority that derives zoning power from statute governing zoning regulations may create a PDD;
- Approval of PDD was not impermissible spot zoning;
- Proposed PDD did not violate uniformity requirement of zoning statute; and
- Approval of PDD did not result in an unlawful subdivision.

Grant of zoning authority contained in statute governing zoning regulations permits a municipal zoning authority to create a planned development district (PDD) when the authority acts in a legislative capacity.

City planning and zoning commission's approval of application for planned development district (PDD) for a parcel in city's light industrial park zone was not impermissible spot zoning, where proposed PDD consisted of approximately 121 acres, majority of parcel had been located in industrial zone for more than 50 years, and regulations identified the area around a major road that partially bounded parcel as an appropriate location for PDDs.

Proposed planned development district (PDD) for 121-acre parcel in city's light industrial park zone did not violate uniformity requirement of statute governing zoning regulations within a municipality, notwithstanding the contemplated mixture of residential, commercial, and professional uses; even a traditional approach to zoning did not mandate a complete monoculture of uses within a particular zone.

City planning and zoning commission's approval of application for planned development district (PDD) for 121-acre parcel in city's light industrial park zone did not result in an unlawful subdivision, even though various development areas were occasionally referred to as "parcels," where there was no indication that the approval of PDD actually caused alteration of any previously existing property line, and the statement of uses and standards ultimately approved by commission expressly noted that any subdivision of the subject parcel would require separate approval.