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FRANCES WIHBEY *v.* ZONING BOARD
OF APPEALS OF THE PINE
ORCHARD ASSOCIATION
(SC 20839)

Robinson, C. J., and McDonald, D'Auria, Mullins,
Ecker, Alexander and Dannehy, Js.

Argued March 27—officially released July 29, 2024*

Procedural History

Appeal from the decision of the defendant zoning board of appeals upholding a cease and desist order issued to the plaintiff, and for other relief, brought to the Superior Court in the judicial district of New Haven, where the court, *Sizemore, J.*, granted the motion to intervene as defendants filed by Michael B. Hopkins et al.; thereafter, the court, *Rosen, J.*, sustained the plaintiff's appeal and rendered judgment thereon, from which the defendants, on the granting of certification, appealed to the Appellate Court, *Bright, C. J.*, and *Elgo and Norcott, Js.*, which reversed in part the trial court's judgment and remanded the case for further proceedings, and the defendants, on the granting of certification, appealed to this court. *Affirmed.*

Peter A. Berdon, for the appellant (defendant).

Marc J. Kurzman, with whom were *David S. Hardy* and, on the brief, *Damian K. Gunningsmith*, for the appellants (intervening defendants).

Franklin G. Pilicy, with whom was *Daniel J. Mahaney*, for the appellee (plaintiff).

Opinion

ALEXANDER, J. In this certified appeal, we must decide whether a zoning regulation that permitted the

* July 29, 2024, the date that this decision was released as a slip opinion, is the operative date for all substantive and procedural purposes.

use of a property as a single-family dwelling allowed the owner to rent the property on a short-term basis. The plaintiff, Frances Wihbey, was ordered to cease and desist from renting his property to guests on a short-term basis by the Pine Orchard Association zoning enforcement officer. The plaintiff appealed to the defendant, the Zoning Board of Appeals of the Pine Orchard Association (board), which upheld the cease and desist order. The plaintiff then appealed to the trial court, which reversed the board's decision. The board and the intervening defendants, Michael B. Hopkins and Jacqueline C. Wolff,¹ appealed from the trial court's judgment to the Appellate Court, which affirmed in part and reversed in part the trial court's judgment. See *Wihbey v. Zoning Board of Appeals*, 218 Conn. App. 356, 396, 292 A.3d 21 (2023). We then granted the defendants' petition for certification to appeal, limited to the following issue: "Did the Appellate Court correctly conclude that short-term rentals of a single-family dwelling constituted a permissible use of the subject property under the 1994 Pine Orchard Association zoning regulations?" *Wihbey v. Zoning Board of Appeals*, 346 Conn. 1019, 1020, 292 A.3d 1254 (2023). We affirm the judgment of the Appellate Court.

The record reveals the following facts that were found by the trial court. The Pine Orchard Association (Pine Orchard) is an incorporated borough and municipal subdivision of the town of Branford and has jurisdiction to enact planning and zoning regulations. Its executive board enforces those regulations and employs a zoning enforcement officer to assist in that function.

¹ Hopkins and Wolff are owners of real property located at 6 Halstead Lane in Branford, which abuts the plaintiff's property. The trial court granted their motion to intervene as defendants in this administrative appeal. See *Wihbey v. Zoning Board of Appeals*, 218 Conn. App. 356, 359 n.4, 292 A.3d 21 (2023). We refer to the board, Hopkins, and Wolff collectively as the defendants.

The plaintiff purchased the residence located at 3 Crescent Bluff Avenue in Pine Orchard (property) in 2005. The property is located in a zoning district in which several uses were permitted at the time of the purchase, including use of a property as “[a] single-family dwelling.” Pine Orchard Assn. Zoning Regs., § IV (4.1) (1994) (1994 regulations).² Since 2005, the plaintiff has rented the property through Vrbo.³ On average, the plaintiff rented the property for more than fifty days per year for periods of three days to one week. The plaintiff does not use the property as his primary residence.

In 2018, in response to complaints from several Pine Orchard residents concerning disruptions caused by short-term vacation rentals, Pine Orchard adopted several amendments to its zoning regulations, including one prohibiting the rental of a single-family dwelling for less than thirty days.⁴ In August, 2019, Pine Orchard’s zoning enforcement officer issued a letter to the plaintiff alleging that he had violated that regulation and ordering him to cease and desist from using the property for short-term rentals. The plaintiff appealed from the

² Although Pine Orchard refers to its zoning regulations collectively as the Pine Orchard Association Zoning Ordinance, we refer to this body of regulations as regulations in the interest of consistency.

³ “Vrbo, formerly Vacation Rentals by Owner, is a website on which owners can advertise their houses and other properties for rent.” (Internal quotation marks omitted.) *Wihbey v. Zoning Board of Appeals*, supra, 218 Conn. App. 358 n.1.

⁴ Section 4 of the 2018 Pine Orchard Association zoning regulations (2018 regulations) provides in relevant part that, in the zoning district in which the property is located, “no building or land shall be used and no building shall be erected or altered which is arranged, intended or designed to be used respectively for other than one or more of the following uses:

“4.1 A single-family dwelling . . . A single-family dwelling may not be used or offered for use as a [s]hort-[t]erm [r]ental [p]roperty. . . .”

Section 16 of the 2018 regulations defines “[short-term] rental property” as “[a] residential dwelling unit that is used and/or advertised for rent for occupancy by guests for consideration for a period of less than thirty . . . continuous days.” Pine Orchard Assn. Zoning Regs., § 16 (2018).

cease and desist order to the board, claiming that his use of the property for short-term rentals was permitted under the 1994 regulations, which were in place when he purchased the property, and was a protected nonconforming use. After conducting a public hearing, the board upheld the cease and desist order.

The plaintiff then appealed to the trial court pursuant to General Statutes § 8-8 (b). The trial court concluded that the plaintiff's use of the property for short-term rentals was permitted under the 1994 regulations. It therefore sustained the plaintiff's appeal and reversed the board's decision. The defendants appealed to the Appellate Court after that court granted their petition for certification to appeal pursuant to General Statutes § 8-9. See *Wihbey v. Zoning Board of Appeals*, supra, 218 Conn. App. 367. The Appellate Court concluded that the trial court correctly had determined that the 1994 regulations permitted short-term rentals but that it incorrectly had determined that the plaintiff established a preexisting, nonconforming use of the property when the board had not made any findings about the nature and scope of the preexisting use.⁵ *Id.*, 394–95. Accordingly, the Appellate Court affirmed in part and reversed in part the trial court's judgment, and remanded the case to the trial court with direction to remand the case to the board for a factual determination on the issue of whether the plaintiff had established a lawful, nonconforming use. *Id.*, 396.

This certified appeal followed. The defendants claim that the Appellate Court incorrectly determined that the language of the 1994 regulations is ambiguous and should be interpreted to mean that short-term rentals of the property were permitted. The defendants also claim that the Appellate Court made a number of other

⁵ This portion of the Appellate Court's ruling is not at issue in this appeal.

errors in interpreting the 1994 regulations. We disagree and affirm the judgment of the Appellate Court.

We begin with the defendants' claim that the 1994 regulations are unambiguous and do not permit the short-term rental of residential property. We are not persuaded. This issue presents a question of law subject to plenary review in accordance with the principles set forth in General Statutes § 1-2z. See, e.g., *Heim v. Zoning Board of Appeals*, 289 Conn. 709, 715, 960 A.2d 1018 (2008); see also *id.*, 716 n.7 (under § 1-2z, court is required to make threshold determination as to whether zoning regulation is ambiguous). See generally *Moon v. Zoning Board of Appeals*, 291 Conn. 16, 21, 966 A.2d 722 (2009) (§ 1-2z applies to zoning regulations). "Because zoning regulations are in derogation of common-law property rights, they must be strictly construed and not extended by implication." *Graff v. Zoning Board of Appeals*, 277 Conn. 645, 653, 894 A.2d 285 (2006); see also *Smith Bros. Woodland Management, LLC v. Planning & Zoning Commission*, 88 Conn. App. 79, 86, 868 A.2d 749 (2005) ("[when] more than one interpretation of language is permissible, restrictions [on] the use of lands are not to be extended by implication . . . [and] doubtful language will be construed against rather than in favor of a [restriction]" (internal quotation marks omitted)).

The 1994 regulations provide in relevant part that "no building or land shall be used and no building shall be erected or altered which is arranged, intended or designed to be used respectively for other than one or more of [certain enumerated] uses" Pine Orchard Assn. Zoning Regs., § IV (1994). Section IV (4.1) of the 1994 regulations permits the erection of a "single-family dwelling." *Id.*, § IV (4.1). A "single-family dwelling" is defined as "[a] building designed for and occupied exclusively as a home or residence for not more than one family." *Id.*, § XIII. "Family" is defined as "[o]ne or

more persons related by blood, marriage or adoption, and in addition, any domestic servants or gratuitous guests. A roomer, boarder or lodger, shall not be considered a member of a family.” Id. The 1994 regulations permit the posting of “[a] sign not more than five square feet in area when placed in connection with the sale, rental, construction or improvement of the premises” (Emphasis added.) Id., § IV (4.4).

The parties agree that, because the 1994 regulations are permissive, a use that is not expressly authorized is not permitted. See, e.g., *Heim v. Zoning Board of Appeals*, supra, 289 Conn. 716 n.8 (when zoning regulations are permissive, “[a]ny use that is not permitted is automatically excluded” (internal quotation marks omitted)). The parties further agree that long-term rentals are permitted, which the defendants suggest includes rentals of thirty days or longer.⁶ The parties disagree, however, as to whether the 1994 regulations permit short-term rentals. The plaintiff contends that, because nothing in the 1994 regulations clearly differentiates between long-term rentals, which the defendants acknowledge are permitted, and short-term rentals, both are permitted. The defendants contend that the language defining “single-family dwelling” as a dwelling “occupied exclusively as a home or residence for not more than one family” unambiguously excludes the use of the property for “short-term rentals for profit”

⁶ Nothing in the 1994 regulations expressly permits owners to rent a single-family dwelling. Although § IV (4.4) of the 1994 regulations permits an owner to post a rental sign, that regulation does not itself permit renting but incorporates the given fact that renting is permitted. Thus, as we discuss more fully subsequently in this opinion, the defendants implicitly concede that the plaintiff’s right to use the property as a single-family dwelling includes the right to rent the property. Although the defendants never expressly state what, in their view, constitutes a “long-term” rental for purposes of the 1994 regulations, the board’s counsel contended at oral argument before this court that the definition of “single-family dwelling” creates a “presumption” that the 1994 regulations do not permit a rental of less than thirty days.

In support of their interpretation, the defendants rely on several dictionary definitions of the terms “home” and “residence.” See Cambridge Dictionary, available at <https://dictionary.cambridge.org/us/dictionary/english/home> (last visited July 26, 2024) (defining “home” as “the house, apartment, etc. where you live, especially with your family”); Merriam-Webster Online Dictionary, available at <https://www.merriam-webster.com/dictionary/home> (last visited July 26, 2024) (defining “home” in relevant part as “one’s place of residence; domicile” and “the social unit formed by a family living together”); Merriam-Webster Online Dictionary, available at <https://www.merriam-webster.com/dictionary/residence> (last visited July 26, 2024) (defining “residence” in relevant part as “the act or fact of dwelling in a place for some time” and “the place where one actually lives as distinguished from one’s domicile or a place of temporary sojourn”).⁷ The defendants contend that these definitions establish that a “home” or “residence” is “a place where a person lives with a degree of permanency as distinguished from temporariness”⁸

Although we agree with the defendants that this characteristic *can* be attributed to a “home” and a “residence,” we do not agree that those terms *necessarily* refer to places where an individual will live for any

⁷ The defendants cite a number of other online dictionaries for definitions of the terms “home” and “residence,” but the provided website addresses or URLs are nonfunctional.

⁸ The defendants also claim that the definitions place “an emphasis on familial (i.e., stable) connection between the persons residing at the place.” The plaintiff does not dispute that the 1994 regulations require that a single-family dwelling be occupied by only a single family, as defined by the regulations, at any given time. The question of whether the plaintiff’s short-term rentals of the property before the adoption of the 2018 regulations were in compliance with this requirement, thereby establishing a lawful, nonconforming use, is not before this court, but is to be determined on remand. We therefore focus our analysis on the defendants’ claim that the definitions of “home” and “residence” establish that they are places where a family lives with “a degree of permanency”

particular length of time. For example, as the Appellate Court noted, the terms “home” and “residence” can denote a specific type of structure, i.e., a structure that is used primarily as a house or dwelling. See *Wihbey v. Zoning Board of Appeals*, supra, 218 Conn. App. 374–76, citing *The American Heritage Dictionary of the English Language* (5th Ed. 2011) p. 840 (defining “home” as, among other things, “[t]he physical structure within which one lives, such as a house or apartment”), *Webster’s Third New International Dictionary* (1993) p. 1082 (defining “home” as, among other things, “a private dwelling; house”), and *Webster’s Third New International Dictionary* (1993) p. 1931 (defining “residence” as, among other things, “a building used as a home: dwelling”). Under these definitions, the language of the 1994 regulations permitting a “single-family dwelling” defined as “[a] building designed for and occupied exclusively as a home or residence for not more than one family”; Pine Orchard Assn. Zoning Regs., §§ IV (4.1) and XIII (1994); would mean that the primary structure on the property must be designed and used as a house or dwelling for occupation by only one family at a given time. In contrast, structures that are designed to be or are in fact occupied by multiple families at the same time, or by commercial enterprises other than those expressly allowed, are not permitted.⁹ This defini-

⁹ The 1994 regulations expressly allow a single-family dwelling to be used as the “[o]ffice of a physician, surgeon, lawyer, architect, insurance agent, accountant, engineer, land surveyor, or real estate broker, when located in the dwelling used by such person as his private residence” Pine Orchard Assn. Zoning Regs., § IV (4.2) (1994). These uses are consistent with the interpretation of the definition of “single-family dwelling” as permitting structures that are designed and used as a house or dwelling for occupation by one family.

The Appellate Court concluded that the drafters’ use of both the term “home” and the term “residence” should be interpreted to mean that they “intended to attach different meanings to those terms.” *Wihbey v. Zoning Board of Appeals*, supra, 218 Conn. App. 376; see id. (quoting *Celentano v. Oaks Condominium Assn.*, 265 Conn. 579, 609, 830 A.2d 164 (2003), for proposition that “[t]he use of . . . different terms . . . within the same statute suggests that the legislature acted with complete awareness of their

tion focuses not on the length of time that a particular family occupies the structure but on the nature and use of the structure at any given time.

The cases cited by the Appellate Court in support of its determination that “so long as one family dwells in the property, *any* amount of time . . . [is] sufficient to make the property the family’s residence”; (emphasis in original) *Wihbey v. Zoning Board of Appeals*, supra, 218 Conn. App. 384; bolster our conclusion that this interpretation is reasonable in this context.¹⁰ See *id.*, 384–85. Although the defendants may be correct that “no group of college buddies (or even a family) renting the [plaintiff’s] property for a long weekend would consider it *their* ‘residence’ ”; (emphasis added); a reasonable person certainly would consider it *a* residence, i.e., a place used as a house or dwelling.

different meanings . . . and that it intended the terms to have different meanings” (internal quotation marks omitted)). The Appellate Court also acknowledged, however, that there is significant overlap in the definitions of these terms. See *Wihbey v. Zoning Board of Appeals*, supra, 376. In our view, both the terms “home” and “residence” reasonably can be interpreted to refer to a structure that is used as a dwelling.

¹⁰ See *Slaby v. Mountain River Estates Residential Assn., Inc.* 100 So. 3d 569, 579 (Ala. Civ. App. 2012) (property is used for “ ‘residential purposes’ anytime it is used as a place of abode”); *Lowden v. Bosley*, 395 Md. 58, 68, 909 A.2d 261 (2006) (“ ‘[r]esidential use,’ without more, has been consistently interpreted as meaning that the use of the property is for living purposes, or a dwelling, or a place of abode”); *Wilson v. Maynard*, 961 N.W.2d 596, 602 (S.D. 2021) (“ ‘residential purposes’ may be plainly understood to include the occupation of a home or dwelling for an indefinite length of time”); *Tarr v. Timberwood Park Owners Assn., Inc.*, 556 S.W.3d 274, 292 n. 14 (Tex. 2018) (“property is used for residential purposes when those occupying it do so for ordinary living purposes” (internal quotation marks omitted)); *Wilkinson v. Chiwawa Communities Assn.*, 180 Wn. 2d 241, 252, 327 P.3d 614 (2014) (“[i]f a vacation renter uses a home for the purposes of eating, sleeping, and other residential purposes, this use is residential, not commercial” (internal quotation marks omitted)); *Heef Realty & Investments, LLP v. Cedarburg Board of Appeals*, 361 Wis. 2d 185, 194, 861 N.W.2d 797 (App.) (“[W]hat makes a home a residence is its use to sleep, eat, shower, relax, things of that nature. What matters is residential use, not the duration of the use.” (Internal quotation marks omitted.)), review denied, 865 N.W.2d 503 (Wis. 2015).

The fact that, as the defendants acknowledge, the 1994 regulations allow owners to rent single-family dwellings also supports this interpretation. If renting a single-family dwelling is allowed under the 1994 regulations, the right to use a property as a “home” or “residence” must encompass the right to rent the property, as nothing else in the regulations expressly permits renting, and, as the Appellate Court emphasized, nothing in the regulations restricts the length of time that a family renting a property must occupy it.¹¹ See *Wihbey v. Zoning Board of Appeals*, supra, 218 Conn. App. 382–83. Indeed, the defendants’ interpretation would lead to the anomalous result that, if the plaintiff occupied the property only on alternate weekends, leaving it vacant the rest of the time, the use would be illegal because the plaintiff would not be occupying the property “with a degree of permanency” Cf. *Slaby v. Mountain River Estates Residential Assn., Inc.*, 100 So. 3d 569, 579–80 (Ala. Civ. App. 2012) (rejecting interpretation of “residential purposes” that would mean that owner’s intermittent use of property as vacation home was in violation of restrictive covenant).

We therefore reject the defendants’ claim that the definition of “single-family dwelling” in § XIII of the 1994 regulations clearly and unambiguously means that a family must occupy the home or residence “with a

¹¹ The defendants repeatedly insist that “[t]his case does not involve the need to ‘draw lines’ between long-term rentals and short-term rentals. It involves the interpretation of the term[s] ‘home’ and ‘residence’” Thus, they claim that those terms, in and of themselves, and without the need for any interpolative judicial line drawing, distinguish between rentals for thirty days or more (permitted in their view) and rentals for less than thirty days (not permitted). Unlike the dissent, we are not persuaded. The dissent claims that there is “overwhelming support for the plain meaning of ‘residence’ to require a degree of permanence” We disagree. We cannot conclude that a zoning scheme that permits the rental of single-family homes and residences, by virtue of that fact alone, provides notice to a reasonable person that a rental of thirty days would have a sufficient degree of “permanency,” whereas a rental of three weeks would not.

degree of permanency” and that short-term rentals are not permitted. Rather, the language allowing the erection of “[a] building designed for and occupied exclusively as a home or residence for not more than one family”; Pine Orchard Assn. Zoning Regs., § XIII (1994); is ambiguous and reasonably can be interpreted as permitting the erection of houses or dwellings that are designed for occupation and used by only one family at any given time, without any temporal occupation requirement. We therefore conclude that the Appellate Court correctly determined that the 1994 regulations permit short-term rentals of the property. See, e.g., *Smith Bros. Woodland Management, LLC v. Planning & Zoning Commission*, supra, 88 Conn. App. 86 (“[when] more than one interpretation of language is permissible, restrictions [on] the use of lands are not to be extended by implication . . . [and] doubtful language will be construed against rather than in favor of a [restriction]” (internal quotation marks omitted)).

The defendants contend that this interpretation is inconsistent with this court’s holding in *State v. Drupals*, 306 Conn. 149, 49 A.3d 962 (2012). In that case, we interpreted the provisions of General Statutes (Rev. to 2011) § 54-251 (a)¹² requiring a convicted sex offender to register his residence address without undue delay. See *id.*, 161–69. We held that “residence means the act or fact of living in a given place for some time, and the term does not apply to temporary stays.” *Id.*, 163. The Appellate Court addressed the defendants’ contention at some length; see *Wihbey v. Zoning Board of Appeals*, supra, 218 Conn. App. 378–82; and there is no need to repeat its cogent analysis here. With respect to the defendants’ claim that the Appellate Court incorrectly determined that this court’s interpretation of “residence” in *Drupals* was based on the rule of lenity in

¹² All references in this opinion to § 54-251 are to the 2011 revision of the statute.

the criminal context, we acknowledge that, after setting forth that rule in *Drupals*, this court never expressly stated that it applied because the term “residence,” as used in § 54-251 (a), is ambiguous. See *State v. Drupals*, supra, 160; see also *Wihbey v. Zoning Board of Appeals*, supra, 381 (concluding that “[t]he rule of strict construction in *Drupals* led to a narrower definition of residence because the narrower definition benefited the accused”). Even if we were to assume that the Appellate Court gave undue weight to this distinction between *Drupals* and the present case, its reasoning that a definition of “residence” that included places where a person lives only briefly would have led to absurd results in *Drupals*, but not in the present case, remains valid. Similarly, we agree with the Appellate Court that the term “residence” may have different meanings in different contexts. See *Wihbey v. Zoning Board of Appeals*, supra, 382. Indeed, this court acknowledged in *Drupals* that, under certain circumstances that were not present in that case, the term “residence” as used in § 54-251 can mean “wherever [an individual] was dwelling, no matter how temporary [the] situation,” including “under a bridge” (Internal quotation marks omitted.) *State v. Drupals*, supra, 164. Therefore, we conclude that the 1994 regulations permit the rental of the plaintiff’s property without any temporal restriction.

The defendants also claim that the Appellate Court made a number of other errors in interpreting the 1994 regulations. First, they contend that the Appellate Court incorrectly treated the regulations as prohibitory—i.e., as permitting whatever was not prohibited—rather than permissive—i.e., as prohibiting whatever was not permitted—when it concluded that, “in the absence of clear language . . . imposing some restriction on the rental of property as a permissible use, we may not impose such a restriction.” *Wihbey v. Zoning Board of Appeals*, supra, 218 Conn. App. 372. We disagree. The Appellate

Court merely observed that the ability to rent property is “one third of [an owner’s] bundle of economically productive rights constituting ownership”; (internal quotation marks omitted) *id.*; and the intent to deprive landowners of that right cannot be assumed in the absence of clear language evincing such an intent. See *id.* After observing that “the defendants agreed that the 1994 regulations permitted long-term rentals of residential properties,” presumably because renting a property is one of the rights constituting ownership; *id.*; the Appellate Court went on to conclude that, because there was no evidence that the drafters had any intent to permit *only* long-term rentals, short-term rentals were permitted. *Id.*, 391–92.

Second, the defendants contend that the Appellate Court incorrectly determined that “interpreting ‘residence’ to exclude temporary stays would render it duplicative of ‘home’ and therefore ‘essentially meaningless.’ ” They argue that, although the term “home” connotes a greater degree of permanence, the term “residence” implies a temporal occupation requirement of significant duration. We have concluded that, as used in the 1994 regulations, the terms “home” and “residence” both reasonably can be interpreted to mean a structure that is designed for use as a house or dwelling, regardless of the length of time that it is occupied. We cannot conclude that the Appellate Court’s interpretation of “residence” is unreasonable simply because it determined that the term “home” is somewhat less susceptible of this interpretation. We therefore reject this claim.

Third, the defendants contend that the Appellate Court incorrectly determined that short-term rentals are permitted because the 1994 regulations allowed owners to rent single-family dwellings and did not differentiate between long-term and short-term rentals. The defendants argue that the Appellate Court failed to recognize that the drafters could not have anticipated

the “relatively recent practice of short-term rentals facilitated by technological innovation.” (Internal quotation marks omitted.) They further argue that the Appellate Court failed to recognize that the family occupancy requirement shows that “a residence is for occupation by individuals who share a common bond of significant duration, [and] it naturally follows that a residence would be intended to include a degree of permanence” (Emphasis omitted.) Again, we disagree. It does not follow that, because the drafters failed to anticipate online rental platforms like Vrbo, they therefore intended to permit only rentals for more than thirty days. Nor does it follow from the fact that family members ordinarily share a common bond of significant duration that the drafters intended that a particular family’s occupation of a single-family dwelling must have a similarly significant duration. Instead, as we explained, it is reasonable to conclude that the drafters intended that a single-family dwelling would be occupied by only a single family at any given time, not by multiple families or commercial enterprises other than those expressly permitted.

Fourth, the defendants contend that the Appellate Court incorrectly determined that the cases from other jurisdictions that support its interpretation of the 1994 regulations are persuasive and that the cases supporting the defendants’ position are distinguishable. With respect to the authorities supporting the Appellate Court’s interpretation, the defendants contend that the cases construing the terms “residential use” or “residential purposes” are not persuasive because those terms involve “different concepts from what is a ‘residence.’” See *Lowden v. Bosley*, 395 Md. 58, 68, 909 A.2d 261 (2006); *Tarr v. Timberwood Park Owners Assn., Inc.*, 556 S.W.3d 274, 291 and n.14 (Tex. 2018); *Wilkinson v. Chivawa Communities Assn.*, 180 Wn. 2d 241, 252, 327 P.3d 614 (2014). We disagree. Nothing in these cases

suggests that the terms “residential use” and “residential purposes” involve “different concepts” than those pertaining to the term “residence,” and the defendants have not explained why they believe that to be the case. For the reasons that we already stated, the term “residence” reasonably can be interpreted to mean a place subject to “residential use” or used for “residential purposes.”¹³ Indeed, the phrases “for residential purposes” or “for residential use” could be substituted for the phrase “as a home or residence” in the definition of “single-family dwelling” without changing the meaning. See Pine Orchard Assn. Zoning Regs., § XIII (1994) (defining “single-family dwelling” as “[a] building designed for and occupied exclusively as a home or residence for not more than one family”). We conclude, therefore, that the reasoning of these cases construing the terms “residential use” and “residential purposes” to mean use as a house or dwelling, without any temporal occupation requirement, is equally applicable to the term “residence.”

We also reject the defendants’ claim that the Appellate Court incorrectly determined that the cases that they rely on in support of their position are not persuasive. See *Wihbey v. Zoning Board of Appeals*, supra, 218 Conn. App. 385–86 (distinguishing *Styller v. Zoning Board of Appeals*, 487 Mass. 588, 169 N.E.3d 160 (2021), and *Slice of Life, LLC v. Hamilton Township Zoning Hearing Board*, 652 Pa. 224, 207 A.3d 886 (2019)). The Appellate Court distinguished these cases because, unlike in the present case, the regulations at issue in

¹³ Of course, a place that is used for residential purposes would not necessarily qualify as a “single-family dwelling,” as defined in § XIII of the 1994 regulations. See Pine Orchard Assn. Zoning Regs., § XIII (1994) (defining “single-family dwelling” as “[a] *building designed for and occupied exclusively as a home or residence for not more than one family*” (emphasis added)). That does not indicate that the term “residence” cannot reasonably be interpreted to mean a place used “for residential purposes” or subject to “residential use.”

both of those cases defined “family” as a “single housekeeping unit.” (Internal quotation marks omitted.) *Wihbey v. Zoning Board of Appeals*, supra, 385; see *Styller v. Zoning Board of Appeals*, supra, 600 (regulation defined “family” as “single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel” (internal quotation marks omitted)); *Slice of Life, LLC v. Hamilton Township Zoning Hearing Board*, supra, 233–34 (regulation defined “family” as “[o]ne or more persons, occupying a dwelling unit, related by blood, marriage, or adoption, living together as a single housekeeping unit and using cooking facilities and certain rooms in common” (internal quotation marks omitted)). As the court in *Slice of Life, LLC*, observed, however, the phrase “single housekeeping unit” has been widely construed to be “‘the plain and ordinary meaning of “family” in the zoning context.’” *Slice of Life, LLC v. Hamilton Township Zoning Hearing Board*, supra, 232. Because there is nothing inherent in the definition of “family” as a “single housekeeping unit” that connotes a significantly greater degree of coherence or permanence than that inherent in the term “family,” as defined in the 1994 regulations; see Pine Orchard Assn. Zoning Regs., § XIII (1994); we are compelled to conclude that, contrary to the Appellate Court’s determination, the variance between these definitions constitutes a distinction without a difference.

Even though we conclude that *Styller* and *Slice of Life, LLC*, are not distinguishable on this ground, we nevertheless find that they are not persuasive. In *Styller*, the Massachusetts Supreme Judicial Court concluded that a zoning regulation that permitted a “one family detached house” did not permit a short-term rental because such a use was “inconsistent with the zoning purpose of the single-residence zoning district in which it [was] situated, i.e., to preserve the residential character of the neighborhood.” *Styller v. Zoning Board of*

Appeals, supra, 487 Mass. 599. The court further concluded that “[u]se of zoning regulation[s] to foster stability and permanence is compatible with long-term property rentals because long-term inhabitants have the opportunity to develop a sense of community and a shared commitment to the common good of that community [When] short-term rentals are at issue, however, there is an absence of stability and permanence of the individuals residing in those districts, [and] the goal is necessarily subverted” (Citation omitted; internal quotation marks omitted.) *Id.*

Similarly, in *Slice of Life, LLC*, the zoning regulation at issue permitted single-family detached dwellings. See *Slice of Life, LLC v. Hamilton Township Zoning Hearing Board*, supra, 652 Pa. 252. The Pennsylvania Supreme Court concluded that, because “short-term rentals of homes located in a single-family residential zoning district undoubtedly affect the essential character of a neighborhood and the stability of a community”; (internal quotation marks omitted) *id.*, 246; short-term rentals were not permitted. *Id.*, 252.

As we explained previously, zoning regulations “must be strictly construed and not extended by implication”; *Graff v. Zoning Board of Appeals*, supra, 277 Conn. 653; and a zoning regulation that is susceptible to multiple, reasonable interpretations will be construed in favor of the landowner. See, e.g., *Smith Bros. Woodland Management, LLC v. Planning & Zoning Commission*, supra, 88 Conn. App. 86. The definition of “single-family dwelling” in the 1994 regulations does not clearly and unambiguously mean that only long-term rentals of such dwellings are permitted but reasonably can be interpreted to mean that only structures designed and used as houses or dwellings for occupation by a single family at a given time are permitted. Again, the defendants concede that renting a single-family dwelling is a permitted use, and nothing in the 1994 regulations differenti-

ates between long-term rentals and short-term rentals. Although zoning authorities are free to adopt regulations that permit only long-term rentals in an effort to promote stability and a sense of community within a single-family residential zone—as the Pine Orchard zoning authority did in 2018—we do not agree with the courts in *Styller* and *Slice of Life, LLC*, that a regulation that permits single-family dwellings ipso facto prohibits the rental of a dwelling for less than a particular period of time. Rather, there must be specific evidence of such an intent. We therefore conclude that these cases are not persuasive.

For the foregoing reasons, we conclude that the Appellate Court correctly determined that the short-term rental of a single-family dwelling constitutes a permissible use of the property under the 1994 regulations.

The judgment of the Appellate Court is affirmed.

In this opinion ROBINSON, C. J., and D'AURIA, MULLINS and DANNEHY, Js., concurred.
