



General Assembly

**Substitute Bill No. 6603**

*January Session, 2001*

**AN ACT PROVIDING FINANCIAL INCENTIVES FOR DEVELOPMENT OF LIVABLE COMMUNITIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-23 of the general statutes is amended by adding  
2 subsection (d) as follows:

3 (NEW) (d) The planning commission of any municipality may  
4 amend the plan of conservation and development to reflect the  
5 following principles: (1) The promotion of complete and integrated  
6 communities containing housing, shops, workplaces, schools, parks  
7 and civic facilities essential to the daily life of residents; (2) the design  
8 of community size to ensure that housing, jobs, daily needs and other  
9 activities are within easy walking distance of each other; (3) the  
10 location of as many activities as possible within walking distance of  
11 transit stops; (4) the presence of a wide variety of housing types  
12 enabling citizens from a wide range of economic levels and age groups  
13 to live within the municipality; (5) the presence of businesses within  
14 the community that provide a range of job types for residents; (6) a  
15 transit network that is consistent with the location and character of the  
16 community; (7) a center focus that combines commercial, civic, cultural  
17 and recreational uses; (8) open space in the form of squares, greens and  
18 parks whose frequent use is encouraged through placement and  
19 design; (9) public spaces that encourage the attention and presence of  
20 people at all hours of the day and night; (10) the provision of a well-

21 defined edge for each community or cluster of communities, such as  
22 agricultural greenbelts or wildlife corridors, permanently protected  
23 from development; (11) a system of fully-connected intersecting routes  
24 to all destinations that includes streets, pedestrian paths and bike  
25 paths, designed to encourage pedestrian and bicycle use by being  
26 small and spatially defined by buildings, trees and lighting and by  
27 discouraging high speed traffic; (12) the preservation, if possible, of the  
28 natural terrain, drainage and vegetation of community; (13) a  
29 community design that conserves resources and minimizes waste; (14)  
30 the efficient use of water by natural drainage, drought tolerant  
31 landscaping and recycling; (15) the design of an energy efficient  
32 community through street orientation, the placement of buildings and  
33 the use of shading; and (16) presentation of visual models for  
34 development applications.

35 Sec. 2. Subsection (a) of section 8-2 of the general statutes is repealed  
36 and the following is substituted in lieu thereof:

37 (a) The zoning commission of each city, town or borough is  
38 authorized to regulate, within the limits of such municipality, the  
39 height, number of stories and size of buildings and other structures;  
40 the percentage of the area of the lot that may be occupied; the size of  
41 yards, courts and other open spaces; the density of population and the  
42 location and use of buildings, structures and land for trade, industry,  
43 residence or other purposes, including water-dependent uses, as  
44 defined in section 22a-93, and the height, size and location of  
45 advertising signs and billboards. Such bulk regulations may allow for  
46 cluster development, as defined in section 8-18. Such zoning  
47 commission may divide the municipality into districts of such number,  
48 shape and area as may be best suited to carry out the purposes of this  
49 chapter; and, within such districts, it may regulate the erection,  
50 construction, reconstruction, alteration or use of buildings or  
51 structures and the use of land. All such regulations shall be uniform  
52 for each class or kind of buildings, structures or use of land throughout  
53 each district, but the regulations in one district may differ from those  
54 in another district, and may provide that certain classes or kinds of

55 buildings, structures or uses of land are permitted only after obtaining  
56 a special permit or special exception from a zoning commission,  
57 planning commission, combined planning and zoning commission or  
58 zoning board of appeals, whichever commission or board the  
59 regulations may, notwithstanding any special act to the contrary,  
60 designate, subject to standards set forth in the regulations and to  
61 conditions necessary to protect the public health, safety, convenience  
62 and property values. Such regulations shall be made in accordance  
63 with a comprehensive plan and in adopting such regulations the  
64 commission shall consider the plan of conservation and development  
65 prepared under section 8-23, as amended by this act. Such regulations  
66 may reflect the principles identified in subsection (d) of said section 8-  
67 23. Such regulations shall be designed to lessen congestion in the  
68 streets; to secure safety from fire, panic, flood and other dangers; to  
69 promote health and the general welfare; to provide adequate light and  
70 air; to prevent the overcrowding of land; to avoid undue concentration  
71 of population and to facilitate the adequate provision for  
72 transportation, water, sewerage, schools, parks and other public  
73 requirements. Such regulations shall be made with reasonable  
74 consideration as to the character of the district and its peculiar  
75 suitability for particular uses and with a view to conserving the value  
76 of buildings and encouraging the most appropriate use of land  
77 throughout such municipality. Such regulations may, to the extent  
78 consistent with soil types, terrain, infrastructure capacity and the plan  
79 of conservation and development for the community, provide for  
80 cluster development, as defined in section 8-18, in residential zones.  
81 Such regulations shall also encourage the development of housing  
82 opportunities, including opportunities for multifamily dwellings,  
83 consistent with soil types, terrain and infrastructure capacity, for all  
84 residents of the municipality and the planning region in which the  
85 municipality is located, as designated by the Secretary of the Office of  
86 Policy and Management under section 16a-4a. Such regulations shall  
87 also promote housing choice and economic diversity in housing,  
88 including housing for both low and moderate income households, and  
89 shall encourage the development of housing which will meet the

90 housing needs identified in the housing plan prepared pursuant to  
91 section 8-37t and in the housing component and the other components  
92 of the state plan of conservation and development prepared pursuant  
93 to section 16a-26. Zoning regulations shall be made with reasonable  
94 consideration for their impact on agriculture. Zoning regulations may  
95 be made with reasonable consideration for the protection of historic  
96 factors and shall be made with reasonable consideration for the  
97 protection of existing and potential public surface and ground  
98 drinking water supplies. On and after July 1, 1985, the regulations shall  
99 provide that proper provision be made for soil erosion and sediment  
100 control pursuant to section 22a-329. Such regulations may also  
101 encourage energy-efficient patterns of development, the use of solar  
102 and other renewable forms of energy, and energy conservation. The  
103 regulations may also provide for incentives for developers who use  
104 passive solar energy techniques, as defined in subsection (b) of section  
105 8-25, in planning a residential subdivision development. The  
106 incentives may include, but not be limited to, cluster development,  
107 higher density development and performance standards for roads,  
108 sidewalks and underground facilities in the subdivision. Such  
109 regulations may provide for a municipal system for the creation of  
110 development rights and the permanent transfer of such development  
111 rights, which may include a system for the variance of density limits in  
112 connection with any such transfer. Such regulations may also provide  
113 for notice requirements in addition to those required by this chapter.  
114 Such regulations may provide for conditions on operations to collect  
115 spring water or well water, as defined in section 21a-150, including the  
116 time, place and manner of such operations. No such regulations shall  
117 prohibit the operation of any family day care home or group day care  
118 home in a residential zone. Such regulations shall not impose  
119 conditions and requirements on manufactured homes having as their  
120 narrowest dimension twenty-two feet or more and built in accordance  
121 with federal manufactured home construction and safety standards or  
122 on lots containing such manufactured homes which are substantially  
123 different from conditions and requirements imposed on single-family  
124 dwellings and lots containing single-family dwellings. Such

125 regulations shall not impose conditions and requirements on  
126 developments to be occupied by manufactured homes having as their  
127 narrowest dimension twenty-two feet or more and built in accordance  
128 with federal manufactured home construction and safety standards  
129 which are substantially different from conditions and requirements  
130 imposed on multifamily dwellings, lots containing multifamily  
131 dwellings, cluster developments or planned unit developments. Such  
132 regulations shall not prohibit the continuance of any nonconforming  
133 use, building or structure existing at the time of the adoption of such  
134 regulations. Such regulations shall not provide for the termination of  
135 any nonconforming use solely as a result of nonuse for a specified  
136 period of time without regard to the intent of the property owner to  
137 maintain that use. Any city, town or borough which adopts the  
138 provisions of this chapter may, by vote of its legislative body, exempt  
139 municipal property from the regulations prescribed by the zoning  
140 commission of such city, town or borough; but unless it is so voted  
141 municipal property shall be subject to such regulations.

142       Sec. 3. (NEW) Within available appropriations, the Secretary of the  
143 Office of Policy and Management shall administer a program of grants  
144 to municipalities for reimbursement of costs incurred in (1) amending  
145 the plan of development of municipality to reflect the principles  
146 identified in subsection (d) of section 8-23 of the general statutes, as  
147 amended by this act, or (2) revising zoning regulations adopted under  
148 section 8-2 of the general statutes, as amended by this act, to reflect the  
149 principles identified in section 8-23 of the general statutes, as amended  
150 by this act. Each grant shall be equal to fifty per cent of the cost of  
151 amendment revision, except that no grant shall be in excess of fifty  
152 thousand dollars.

153       Sec. 4. (NEW) As used in section 5 of this act and section 16a-27 of  
154 the general statutes, as amended by this act, "priority investment area"  
155 means that portion of a municipality that is subject to the provisions of  
156 the plan of development prepared pursuant to section 8-23 of the  
157 general statutes, as amended by this act, and the zoning regulations,  
158 adopted pursuant to section 8-2 of the general statutes, as amended by

159 this act, that reflect the principles identified in subsection (d) of said  
160 section 8-23.

161 Sec. 5. (NEW) The planning commission of any municipality may,  
162 by resolution, designate priority investment areas. The planning  
163 commission shall notify the Secretary of the Office of Policy and  
164 Management of the designation of priority investment areas within  
165 thirty days of such designation.

166 Sec. 6. Section 16a-27 of the general statutes is repealed and the  
167 following is substituted in lieu thereof:

168 (a) The secretary, after consultation with all appropriate state,  
169 regional and local agencies and other appropriate persons shall prior  
170 to March 1, 1997, complete a revision of the existing plan and enlarge it  
171 to include, but not be limited to, policies relating to transportation,  
172 energy and air. Any revision made after May 15, 1991, shall identify  
173 the major transportation proposals, including proposals for mass  
174 transit, contained in the master transportation plan prepared pursuant  
175 to section 13b-15. Any revision made after July 1, 1995, shall take into  
176 consideration the conservation and development of greenways that  
177 have been designated by municipalities and shall recommend that  
178 state agencies coordinate their efforts to support the development of a  
179 state-wide greenways system. The Commissioner of Environmental  
180 Protection shall identify state-owned land for inclusion in the plan as  
181 potential components of a state greenways system. Any plan adopted  
182 on or after the effective date of this act shall identify priority  
183 investment areas designated in a municipality pursuant to section 5 of  
184 this act.

185 (b) Thereafter on or before March first in each revision year the  
186 secretary shall complete a revision of the plan of conservation and  
187 development.

188 Sec. 7. (NEW) (a) Notwithstanding the provisions of the general  
189 statutes, on and after July 1, 2002, the state shall provide preferential  
190 consideration for funding to any municipality that amends its plan of

191 conservation and development, adopted pursuant to section 8-23 of the  
192 general statutes, as amended by this act, and revises its zoning  
193 regulations, adopted pursuant to section 8-2 of the general statutes, as  
194 amended by this act, to reflect the principles identified in subsection  
195 (d) of said section 8-23.

196 (b) As used in this section "funding" includes any form of assurance,  
197 guarantee, grant payment, payment in lieu of taxes, credit, tax credit or  
198 other assistance, including a loan, loan guarantee or reduction in the  
199 principal obligation of or rate of interest payable on a loan or a portion  
200 of a loan.

201 Sec. 8. This act shall take effect July 1, 2001.

**PD**            *JOINT FAVORABLE SUBST.*