



General Assembly

January Session, 2003

Amendment

LCO No. 5360

HB0664005360HR0

Offered by:

REP. HAMZY, 78th Dist.

To: Subst. House Bill No. 6640

File No. 384

Cal. No. 270

"AN ACT CONCERNING SMART GROWTH."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 8-25 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2003*):

6 (a) No subdivision of land shall be made until a plan for such
7 subdivision has been approved by the commission. Any person, firm
8 or corporation making any subdivision of land without the approval of
9 the commission shall be fined not more than five hundred dollars for
10 each lot sold or offered for sale or so subdivided. Any plan for
11 subdivision shall, upon approval, or when taken as approved by
12 reason of the failure of the commission to act, be filed or recorded by
13 the applicant in the office of the town clerk within ninety days of the
14 expiration of the appeal period under section 8-8, or in the case of an
15 appeal, within ninety days of the termination of such appeal by

16 dismissal, withdrawal or judgment in favor of the applicant but, if it is
17 a plan for subdivision wholly or partially within a district, it shall be
18 filed in the offices of both the district clerk and the town clerk, and any
19 plan not so filed or recorded within the prescribed time shall become
20 null and void, except that the commission may extend the time for
21 such filing for two additional periods of ninety days and the plan shall
22 remain valid until the expiration of such extended time. All such plans
23 shall be delivered to the applicant for filing or recording not more than
24 thirty days after the time for taking an appeal from the action of the
25 commission has elapsed or not more than thirty days after the date
26 that plans modified in accordance with the commission's approval and
27 that comply with section 7-31 are delivered to the commission,
28 whichever is later, and in the event of an appeal, not more than thirty
29 days after the termination of such appeal by dismissal, withdrawal or
30 judgment in favor of the applicant or not more than thirty days after
31 the date that plans modified in accordance with the commission's
32 approval and that comply with section 7-31 are delivered to the
33 commission, whichever is later. No such plan shall be recorded or filed
34 by the town clerk or district clerk or other officer authorized to record
35 or file plans until its approval has been endorsed thereon by the
36 chairman or secretary of the commission, and the filing or recording of
37 a subdivision plan without such approval shall be void. Before
38 exercising the powers granted in this section, the commission shall
39 adopt regulations covering the subdivision of land. No such
40 regulations shall become effective until after a public hearing, notice of
41 the time, place and purpose of which shall be given by publication in a
42 newspaper of general circulation in the municipality at least twice, at
43 intervals of not less than two days, the first not more than fifteen days
44 nor less than ten days, and the last not less than two days prior to the
45 date of such hearing. Such regulations shall provide that the land to be
46 subdivided shall be of such character that it can be used for building
47 purposes without danger to health or the public safety, that proper
48 provision shall be made for water, sewerage and drainage, including
49 the upgrading of any downstream ditch, culvert or other drainage
50 structure which, through the introduction of additional drainage due

51 to such subdivision, becomes undersized and creates the potential for
52 flooding on a state highway, and, in areas contiguous to brooks, rivers
53 or other bodies of water subject to flooding, including tidal flooding,
54 that proper provision shall be made for protective flood control
55 measures and that the proposed streets are in harmony with existing
56 or proposed principal thoroughfares shown in the plan of conservation
57 and development as described in section 8-23, especially in regard to
58 safe intersections with such thoroughfares, and so arranged and of
59 such width, as to provide an adequate and convenient system for
60 present and prospective traffic needs. Such regulations shall also
61 provide that the commission may require the provision of open spaces,
62 parks and playgrounds when, and in places, deemed proper by the
63 planning commission, which open spaces, parks and playgrounds
64 shall be shown on the subdivision plan. Such regulations may, with
65 the approval of the commission, authorize the applicant to (1) pay a fee
66 to the municipality to be used solely for the installation and
67 maintenance of sidewalks in the municipality, and (2) pay a fee to the
68 municipality or pay a fee to the municipality and transfer land to the
69 municipality in lieu of any requirement to provide open spaces. Such
70 payment or combination of payment and the fair market value of land
71 transferred shall be equal to not more than ten per cent of the fair
72 market value of the land to be subdivided prior to the approval of the
73 subdivision. The fair market value shall be determined by an appraiser
74 jointly selected by the commission and the applicant. A fraction of
75 such payment the numerator of which is one and the denominator of
76 which is the number of approved parcels in the subdivision shall be
77 made at the time of the sale of each approved parcel of land in the
78 subdivision and placed in a fund in accordance with the provisions of
79 section 8-25b. The open space requirements of this section shall not
80 apply if the transfer of all land in a subdivision of less than five parcels
81 is to a parent, child, brother, sister, grandparent, grandchild, aunt,
82 uncle or first cousin for no consideration, or if the subdivision is to
83 contain affordable housing, as defined in section 8-39a, equal to twenty
84 per cent or more of the total housing to be constructed in such
85 subdivision. Such regulations, on and after July 1, 1985, shall provide

86 that proper provision be made for soil erosion and sediment control
87 pursuant to section 22a-329. Such regulations shall not impose
88 conditions and requirements on manufactured homes having as their
89 narrowest dimension twenty-two feet or more and built in accordance
90 with federal manufactured home construction and safety standards or
91 on lots containing such manufactured homes which are substantially
92 different from conditions and requirements imposed on single-family
93 dwellings and lots containing single-family dwellings. Such
94 regulations shall not impose conditions and requirements on
95 developments to be occupied by manufactured homes having as their
96 narrowest dimension twenty-two feet or more and built in accordance
97 with federal manufactured home construction and safety standards
98 which are substantially different from conditions and requirements
99 imposed on multifamily dwellings, lots containing multifamily
100 dwellings, cluster developments or planned unit developments. The
101 commission may also prescribe the extent to which and the manner in
102 which streets shall be graded and improved and public utilities and
103 services provided and, in lieu of the completion of such work and
104 installations previous to the final approval of a plan, the commission
105 may accept a bond in an amount and with surety and conditions
106 satisfactory to it securing to the municipality the actual construction,
107 maintenance and installation of such improvements and utilities
108 within a period specified in the bond. Such regulations may provide,
109 in lieu of the completion of the work and installations above referred
110 to, previous to the final approval of a plan, for an assessment or other
111 method whereby the municipality is put in an assured position to do
112 such work and make such installations at the expense of the owners of
113 the property within the subdivision. Such regulations may provide
114 that in lieu of either the completion of the work or the furnishing of a
115 bond as provided in this section, the commission may authorize the
116 filing of a plan with a conditional approval endorsed thereon. Such
117 approval shall be conditioned on [(1)] (A) the actual construction,
118 maintenance and installation of any improvements or utilities
119 prescribed by the commission, or [(2)] (B) the provision of a bond as
120 provided in this section. Upon the occurrence of either of such events,

121 the commission shall cause a final approval to be endorsed thereon in
122 the manner provided by this section. Any such conditional approval
123 shall lapse five years from the date it is granted, provided the
124 applicant may apply for and the commission may, in its discretion,
125 grant a renewal of such conditional approval for an additional period
126 of five years at the end of any five-year period, except that the
127 commission may, by regulation, provide for a shorter period of
128 conditional approval or renewal of such approval. Any person, firm or
129 corporation who, prior to such final approval, sells or offers for sale
130 any lot subdivided pursuant to a conditional approval shall be fined
131 not more than five hundred dollars for each lot sold or offered for
132 sale."