



General Assembly

Amendment

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LCO No. 7092

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Offered by:

REP. WALLACE, 109th Dist.

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To: Subst. House Bill No. 6640

File No. 384

Cal. No. 270

"AN ACT CONCERNING SMART GROWTH."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 8-23 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2003*):

5 (a) (1) At least once every ten years, the commission shall prepare or
6 amend and shall adopt a plan of conservation and development for the
7 municipality. Following adoption, the commission shall regularly
8 review and maintain such plan. The commission may adopt such
9 geographical, functional or other amendments to the plan or parts of
10 the plan, in accordance with the provisions of this section, as it deems
11 necessary. The commission may, at any time, prepare, amend and
12 adopt plans for the redevelopment and improvement of districts or
13 neighborhoods which, in its judgment, contain special problems or

14 opportunities or show a trend toward lower land values.

15 (2) If a plan is not amended decennially, the chief elected official of
16 the municipality shall submit a letter to the Secretary of the Office of
17 Policy and Management and the Commissioners of Transportation,
18 Environmental Protection and Economic and Community
19 Development that explains why such plan was not amended. Until the
20 plan is amended in accordance with this subsection, a copy of such
21 letter shall be included in each application by the municipality for
22 funding for the conservation or development of real property
23 submitted to said secretary or commissioners.

24 (b) In the preparation of such plan, the commission may appoint
25 one or more special committees to develop and make
26 recommendations for the plan. The membership of any special
27 committee may include: Residents of the municipality and
28 representatives of local boards dealing with zoning, inland wetlands,
29 conservation, recreation, education, public works, finance,
30 redevelopment, general government and other municipal functions. In
31 performing its duties under this section, the commission or any special
32 committee may accept information from any source or solicit input
33 from any organization or individual. The commission or any special
34 committee may hold public informational meetings or organize other
35 activities to inform residents about the process of preparing the plan.

36 (c) In preparing such plan, the commission or any special committee
37 shall consider the following: (1) The community development action
38 plan of the municipality, if any, (2) the need for affordable housing, (3)
39 the need for protection of existing and potential public surface and
40 ground drinking water supplies, (4) the use of cluster development
41 and other development patterns to the extent consistent with soil
42 types, terrain and infrastructure capacity within the municipality, (5)
43 the state plan of conservation and development adopted pursuant to
44 chapter 297, (6) the regional plan of development adopted pursuant to
45 section 8-35a, (7) physical, social, economic and governmental
46 conditions and trends, (8) the needs of the municipality including, but

47 not limited to, human resources, education, health, housing, recreation,
48 social services, public utilities, public protection, transportation and
49 circulation and cultural and interpersonal communications, and (9) the
50 objectives of energy-efficient patterns of development, the use of solar
51 and other renewable forms of energy and energy conservation.

52 (d) (1) Such plan of conservation and development shall (A) be a
53 statement of policies, goals and standards for the physical and
54 economic development of the municipality, (B) provide for a system of
55 principal thoroughfares, parkways, bridges, streets, sidewalks and
56 other public ways as appropriate, (C) be designed to promote, with the
57 greatest efficiency and economy, the coordinated development of the
58 municipality and the general welfare and prosperity of its people, [(C)]
59 (D) recommend the most desirable use of land within the municipality
60 for residential, recreational, commercial, industrial, conservation and
61 other purposes and include a map showing projected land uses, [(D)]
62 (E) recommend the most desirable density of population in the several
63 parts of the municipality, [(E)] (F) note any inconsistencies it may have
64 with the state plan of conservation and development adopted
65 pursuant to chapter 297, [(F)] (G) make provision for the development
66 of housing opportunities, including opportunities for multifamily
67 dwellings, consistent with soil types, terrain and infrastructure
68 capacity, for all residents of the municipality and the planning region
69 in which the municipality is located, as designated by the Secretary of
70 the Office of Policy and Management under section 16a-4a, [(G)] (H)
71 promote housing choice and economic diversity in housing, including
72 housing for both low and moderate income households, and
73 encourage the development of housing which will meet the housing
74 needs identified in the housing plan prepared pursuant to section 8-37t
75 and in the housing component and the other components of the state
76 plan of conservation and development prepared pursuant to chapter
77 297. Such plan shall identify areas where it is feasible and prudent (i)
78 to have compact, transit accessible, pedestrian-oriented mixed use
79 development patterns and land reuse, and (ii) to promote such
80 patterns and reuse.

81 (2) For any municipality that is contiguous to Long Island Sound,
82 such plan shall be (A) consistent with the municipal coastal program
83 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
84 reasonable consideration for restoration and protection of the
85 ecosystem and habitat of Long Island Sound, and (C) designed to
86 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
87 Long Island Sound.

88 (e) Such plan may show the commission's and any special
89 committee's recommendation for (1) conservation and preservation of
90 traprock and other ridgelines, (2) [a system of principal thoroughfares,
91 parkways, bridges, streets and other public ways, (3)] airports, parks,
92 playgrounds and other public grounds, [(4)] (3) the general location,
93 relocation and improvement of public buildings, [(5)] (4) the general
94 location and extent of public utilities and terminals, whether publicly
95 or privately owned, for water, sewerage, light, power, transit and other
96 purposes, [(6)] (5) the extent and location of public housing projects,
97 [(7)] (6) programs for the implementation of the plan, including (A) a
98 schedule, (B) a budget for public capital projects, (C) a program for
99 enactment and enforcement of zoning and subdivision controls,
100 building and housing codes and safety regulations, (D) plans for
101 implementation of affordable housing, [and] (E) plans for open space
102 acquisition and greenways protection and development, (F) plans for
103 corridor management areas along limited access highways and rail
104 lines, designated under section 16a-27, as amended by this act, and (G)
105 plans for schools, (7) proposed priority funding areas, and (8) any
106 other recommendations as will, in the commission's or any special
107 committee's judgment, be beneficial to the municipality. The plan may
108 include any necessary and related maps, explanatory material,
109 photographs, charts or other pertinent data and information relative to
110 the past, present and future trends of the municipality.

111 (f) A plan of conservation and development or any part thereof or
112 amendment thereto prepared by the commission or any special
113 committee shall be reviewed, and may be amended, by the
114 commission prior to scheduling at least one public hearing on

115 adoption. [At least sixty-five days prior to the public hearing on
116 adoption, the commission shall submit a copy of such plan or part
117 thereof or amendment thereto for review and comment to the
118 legislative body. Such body may hold one or more hearings on the
119 proposed plan and shall submit any comments to the commission
120 prior to the public hearing on adoption. The failure of such body to
121 report prior to or at the public hearing shall be taken as approval of the
122 plan.] At least [sixty-five] thirty-five days prior to the public hearing
123 on adoption, the commission shall submit a copy of such draft plan to
124 the regional planning agency for review and comment. The regional
125 planning agency shall [report] submit an advisory report along with its
126 comments to the commission at or before the hearing. [The failure of
127 the regional planning agency to report at or before the hearing shall be
128 taken as approval of the plan. The report of the regional planning
129 agency shall be advisory.] Such comments shall include a finding on
130 the consistency of the draft plan with the regional plan of
131 development, adopted under section 8-35a, as amended by this act,
132 and the state plan of conservation and development, adopted pursuant
133 to chapter 297. The commission may revise the draft plan in
134 accordance with the report of the regional planning agency. The
135 commission may render a decision on the plan without the report of
136 the regional planning agency. Prior to the public hearing on adoption,
137 the commission shall file in the office of the town clerk a copy of such
138 draft plan or part thereof or amendment thereto but, in the case of a
139 district commission, such commission shall file such information in the
140 offices of both the district clerk and the town clerk. The commission
141 shall cause to be published in a newspaper having a general circulation
142 in the municipality, at least twice at intervals of not less than two days,
143 the first not more than fifteen days, nor less than ten days, and the last
144 not less than two days prior to the date of each such hearing, notice of
145 the time and place of any such public hearing. Such notice shall make
146 reference to the filing of such draft plan in the office of the town clerk,
147 or both the district clerk and the town clerk, as the case may be. After
148 completion of the public hearing, the commission may revise the draft
149 plan. The proposed final plan shall be submitted to the legislative body

150 for its endorsement. The legislative body may endorse or reject the
151 entire proposed final plan or parts thereof and may submit comments
152 and recommended changes to the commission. In the case of a
153 municipality in which the legislative body is a town meeting, the
154 proposed final plan shall be submitted to the board of selectmen. The
155 board may conduct a public hearing on such plan. Not more than
156 sixty-five days after receipt of the plan by the board of selectmen, the
157 entire proposed final plan or parts thereof may be endorsed or rejected
158 at a town meeting and such town meeting may submit comments and
159 recommended changes to the commission.

160 (g) The commission may adopt the plan or any part thereof or
161 amendment thereto by a single resolution or may, by successive
162 resolutions, adopt parts of the plan and amendments thereto. Any
163 plan, section of a plan or recommendation in the plan, not endorsed by
164 the legislative body of the municipality may be adopted by the
165 commission by a vote of not less than two-thirds of all the members of
166 the commission. Upon adoption by the commission, any plan or part
167 thereof or amendment thereto shall become effective at a time
168 established by the commission, provided notice thereof shall be
169 published in a newspaper having a general circulation in the
170 municipality prior to such effective date. Any plan or part thereof or
171 amendment thereto shall be filed in the office of the town clerk, except
172 that, if it is a district plan or amendment, it shall be filed in the offices
173 of both the district and town clerk. The commission shall notify the
174 Secretary of the Office of Policy and Management of any inconsistency
175 between the plan adopted by the commission and the state plan of
176 conservation and development and the reasons therefor.

177 [(h) Following adoption of a new plan by the commission, the
178 legislative body of any municipality may hold one or more hearings on
179 the proposed plan and, by resolution, may endorse the plan for the
180 municipality.]

181 (h) Any person may submit a proposal to the commission
182 requesting a change to the plan of conservation and development.

183 Such proposal shall be submitted in writing and on a form prescribed
184 by the commission. The commission shall hold a public hearing on the
185 proposal within the period of time permitted under section 8-7d. The
186 commission shall approve, deny or modify the proposal. If the
187 commission determines, at any time after the proposal is received, that
188 such proposal would require changes to the plan of conservation and
189 development that would be a significant change to the policies and
190 goals of the plan of conservation and development, the commission
191 shall consider the proposal in accordance with the provisions of
192 subsection (f) of this section.

193 Sec. 2. Section 8-35a of the general statutes is repealed and the
194 following is substituted in lieu thereof (*Effective July 1, 2003*):

195 (a) [Each] At least once every ten years, each regional planning
196 agency shall make a plan of development for its area of operation,
197 showing its recommendations for the general use of the area including
198 land use, housing, principal highways and freeways, bridges, airports,
199 parks, playgrounds, recreational areas, schools, public institutions,
200 public utilities and such other matters as, in the opinion of the agency,
201 will be beneficial to the area. Any regional plan so developed shall be
202 based on studies of physical, social, economic and governmental
203 conditions and trends and shall be designed to promote with the
204 greatest efficiency and economy the coordinated development of its
205 area of operation and the general welfare and prosperity of its people.
206 Such plan may encourage energy-efficient patterns of development,
207 the use of solar and other renewable forms of energy, and energy
208 conservation. Such plan shall be designed to promote abatement of the
209 pollution of the waters and air of the region. The regional plan shall
210 identify areas where it is feasible and prudent to (1) have compact,
211 transit accessible, pedestrian-oriented mixed use development patterns
212 and land reuse, and (2) promote such patterns and reuse. The plan of
213 each region contiguous to Long Island Sound shall be designed to
214 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
215 Long Island Sound.

216 (b) Before adopting the regional plan of development or any part
217 thereof or amendment thereto the agency shall hold at least one public
218 hearing thereon, notice of the time, place and subject of which shall be
219 given in writing to the chief executive officer and planning
220 commission, where one exists, of each member town, city or borough,
221 [, and to the Secretary of the Office of Policy and Management, or his
222 designee.] Notice of the time, place and subject of such hearing shall be
223 published once in a newspaper having a substantial circulation in the
224 region. At least sixty-five days before the public hearing the regional
225 planning agency shall submit the plan to the Secretary of the Office of
226 Policy and Management for findings in the form of comments and
227 recommendations. Such findings shall include a review of the plan to
228 determine if the proposed regional plan of development is consistent
229 with the state plan of conservation and development. Such notices
230 shall be given not more than twenty days nor less than ten days before
231 such hearing. The regional planning agency shall note on the record
232 any inconsistency with the state plan of conservation and development
233 and the reasons for such inconsistency. Adoption of the plan or part
234 thereof or amendment thereto shall be made by the affirmative vote of
235 not less than a majority of the representatives on the agency. A copy of
236 the plan or of any amendments thereto, signed by the chairman of the
237 agency, shall be transmitted to the chief executive officers, the town,
238 city or borough clerks, as the case may be, and to planning
239 commissions, if any, in member towns, cities or boroughs, and to the
240 Secretary of the Office of Policy and Management, or his designee. The
241 regional planning agency shall notify the Secretary of the Office of
242 Policy and Management of any inconsistency with the state plan of
243 conservation and development and the reasons therefor.

244 (c) The regional planning agency shall revise the plan of
245 development not more than two years after the effective date of this
246 section.

247 (d) The regional planning agency shall assist municipalities within
248 its region and state agencies and may assist other public and private
249 agencies in developing and carrying out any regional plan or plans of

250 such regional planning agency. The regional planning agency may
251 provide administrative, management, technical or planning assistance
252 to municipalities within its region and other public agencies under
253 such terms as it may determine, provided, prior to entering into an
254 agreement for assistance to any municipality or other public agency,
255 the regional planning agency shall have adopted a policy governing
256 such assistance. The regional planning agency may be compensated by
257 the municipality or other public agency with which an agreement for
258 assistance has been made for all or part of the cost of such assistance.

259 Sec. 3. Section 16a-27 of the general statutes is repealed and the
260 following is substituted in lieu thereof (*Effective July 1, 2003*):

261 (a) The secretary, after consultation with all appropriate state,
262 regional and local agencies and other appropriate persons shall prior
263 to March 1, 2003, complete a revision of the existing plan and enlarge it
264 to include, but not be limited to, policies relating to transportation,
265 energy and air. Any revision made after May 15, 1991, shall identify
266 the major transportation proposals, including proposals for mass
267 transit, contained in the master transportation plan prepared pursuant
268 to section 13b-15. Any revision made after July 1, 1995, shall take into
269 consideration the conservation and development of greenways that
270 have been designated by municipalities and shall recommend that
271 state agencies coordinate their efforts to support the development of a
272 state-wide greenways system. The Commissioner of Environmental
273 Protection shall identify state-owned land for inclusion in the plan as
274 potential components of a state greenways system. Any revision after
275 July 1, 2004, shall describe the progress towards achievement of the
276 goals and objectives established in the previously adopted state plan of
277 conservation and development and shall identify (1) areas where it is
278 prudent and feasible (A) to have compact, transit accessible,
279 pedestrian-oriented mixed use development patterns and land reuse,
280 and (B) to promote such patterns and reuse, (2) priority funding areas
281 designated under section 4 of this act, and (3) corridor management
282 areas on either side of a limited access highway and a rail line. In
283 designating corridor management areas, the secretary shall make

284 recommendations that (i) promote land use and transportation options
285 to reduce the growth of traffic congestion; (ii) connect infrastructure
286 and other development decisions; (iii) promote development that
287 minimizes the cost of new infrastructure facilities and maximizes the
288 use of existing infrastructure facilities; and (iv) increase intermunicipal
289 and regional cooperation.

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

293 Sec. 4. (NEW) (*Effective July 1, 2003*) (a) As used in this section:

294 (1) "Funding" includes any form of assurance, guarantee, grant
295 payment, credit, tax credit or other assistance, including a loan, loan
296 guarantee, or reduction in the principal obligation of or rate of interest
297 payable on a loan or a portion of a loan;

298 (2) "Growth-related project" means any project which includes (A)
299 the acquisition of real property when the acquisition costs are in excess
300 of one hundred thousand dollars, except the acquisition of open space
301 for the purposes of conservation or preservation; (B) the development
302 or improvement of real property when the development costs are in
303 excess of one hundred thousand dollars; (C) the acquisition of public
304 transportation equipment or facilities when the acquisition costs are in
305 excess of one hundred thousand dollars; or (D) the authorization of
306 each state grant, any application for which is not pending on July 1,
307 2004, for an amount in excess of one hundred thousand dollars, for the
308 acquisition or development or improvement of real property or for the
309 acquisition of public transportation equipment or facilities, except the
310 following: (i) Projects for maintenance, repair, additions or renovations
311 to existing facilities, acquisition of land for telecommunications towers
312 whose primary purpose is public safety, parks, conservation and open
313 space, and acquisition of agricultural, conservation and historic
314 easements; (ii) funding by the Department of Economic and
315 Community Development for any project financed with federal funds

316 used to purchase or rehabilitate existing single or multi-family housing
317 or projects financed with the proceeds of revenue bonds if the
318 Commissioner of Economic and Community Development determines
319 that application of this section and sections 6 and 7 of this act (I)
320 conflicts with any provision of federal or state law applicable to the
321 issuance or tax-exempt status of the bonds or any provision of any
322 trust agreement between the Department of Economic and
323 Community Development and any trustee, or (II) would otherwise
324 prohibit financing of an existing project or financing provided to cure
325 or prevent any default under existing financing; or (iii) any other
326 project, funding or other state assistance not included under
327 subparagraphs (A) to (D), inclusive, of this subsection.

328 (3) "Priority funding area" means the area of the state designated
329 under subsection (b) of this section.

330 (b) On or before January 1, 2004, and biennially thereafter, the
331 Secretary of the Office of Policy and Management, in consultation with
332 the Commissioners of Economic and Community Development,
333 Environmental Protection, Administrative Services and Transportation
334 shall develop recommendations for delineation of the boundaries of
335 priority funding areas in the state and for revisions thereafter. In
336 making such recommendations the secretary shall consider areas
337 designated as regional centers, growth areas, neighborhood
338 conservation areas and rural community centers on the state plan of
339 conservation and development, redevelopment areas, distressed
340 municipalities, as defined in section 32-9p of the general statutes;
341 targeted investment communities, as defined in section 32-222 of the
342 general statutes; public investment communities, as defined in section
343 7-545 of the general statutes, enterprise zones, designated by the
344 Commissioner of Economic and Community Development under
345 section 32-70 of the general statutes and corridor management areas
346 identified in the state plan of conservation and development. The
347 secretary shall submit the recommendations to the Continuing
348 Legislative Committee on State Planning and Development established
349 pursuant to section 4-60d of the general statutes for review. The

350 committee shall report its recommendations to the General Assembly
351 on or before February 15, 2004, and biennially thereafter. The
352 boundaries shall become effective upon approval of the General
353 Assembly.

354 Sec. 5. (NEW) (*Effective July 1, 2003*) (a) On and after the approval of
355 the General Assembly of the boundaries of priority funding areas
356 under section 4 of this act, each state agency, department or institution
357 shall provide funding for growth-related projects by a ranking process
358 for applications based on points as follows: (1) Location in a priority
359 funding area, five points; and (2) one point for each determination by
360 the head of the agency, department, or institution that the project (A)
361 enhances other activities targeted by state agencies, departments and
362 institutions to a municipality within the priority funding area, (B) is
363 located in a distressed municipality, targeted investment community
364 or public investment community, (C) supports existing neighborhoods
365 or communities, (D) promotes the use of mass transit, (E) is consistent
366 with the municipal plan of conservation and development of the
367 municipality adopted under section 8-23 of the general statutes, as
368 amended by this act, and the regional plan of development adopted
369 under section 8-35a of the general statutes, as amended by this act, and
370 (F) provides for compact, transit accessible, pedestrian-oriented mixed
371 use development patterns and land reuse and promotes such patterns
372 and reuse.

373 (b) Notwithstanding the provisions of subsection (a) of this section,
374 the state may provide funding for a growth-related project that is not
375 located in a priority funding area if the head of the department, agency
376 or institution providing the funding determines that (1) failure to fund
377 the project creates an extreme inequity, hardship or disadvantage that
378 clearly outweighs the benefits of locating the project in a priority
379 funding area, (2) there is no reasonable alternative for the project in a
380 priority funding area in another location, (3) the project must be
381 located away from other developments due to its operation or physical
382 characteristics, or (4) the project is necessary. Funding shall not be
383 available for economic development but shall only be available to

384 comply with state environmental and health standards. Not more than
385 one year after the designation of priority funding areas, and annually
386 thereafter, each department, agency or institution shall prepare a
387 report that describes grants made under this subsection and the
388 reasons therefor.

389 Sec. 6. (*Effective July 1, 2003*) On and after the approval of the
390 General Assembly of the boundaries of priority funding areas
391 pursuant to section 4 of this act, each state agency, department or
392 institution shall cooperate with municipalities to ensure that programs
393 and activities in rural areas sustain village character.

394 Sec. 7. (NEW) (*Effective July 1, 2003*) On and after the approval of the
395 General Assembly of the boundaries of priority funding areas under
396 section 4 of this act, each state agency and department shall review
397 regulations adopted in accordance with the provisions of chapter 54 of
398 the general statutes and modify such regulations to carry out the
399 purpose of coordinated management of growth-related projects in
400 priority funding areas and to implement the ranking process provided
401 for in section 5 of this act.

402 Sec. 8. (NEW) (*Effective July 1, 2003*) The Office of Policy and
403 Management shall coordinate review of federal projects in relation to
404 their location in priority funding areas to encourage location in urban
405 areas pursuant to the provisions of Federal Executive Order 12072-
406 Federal Space Management.

407 Sec. 9. Subsection (a) of section 8-2 of the general statutes is repealed
408 and the following is substituted in lieu thereof (*Effective from passage*):

409 (a) The zoning commission of each city, town or borough is
410 authorized to regulate, within the limits of such municipality, the
411 height, number of stories and size of buildings and other structures;
412 the percentage of the area of the lot that may be occupied; the size of
413 yards, courts and other open spaces; the density of population and the
414 location and use of buildings, structures and land for trade, industry,
415 residence or other purposes, including water-dependent uses as

416 defined in section 22a-93, and the height, size and location of
417 advertising signs and billboards. Such bulk regulations may allow for
418 cluster development as defined in section 8-18. Such zoning
419 commission may divide the municipality into districts of such number,
420 shape and area as may be best suited to carry out the purposes of this
421 chapter; and, within such districts, it may regulate the erection,
422 construction, reconstruction, alteration or use of buildings or
423 structures and the use of land. All such regulations shall be uniform
424 for each class or kind of buildings, structures or use of land throughout
425 each district, but the regulations in one district may differ from those
426 in another district, and may provide that certain classes or kinds of
427 buildings, structures or uses of land are permitted only after obtaining
428 a special permit or special exception from a zoning commission,
429 planning commission, combined planning and zoning commission or
430 zoning board of appeals, whichever commission or board the
431 regulations may, notwithstanding any special act to the contrary,
432 designate, subject to standards set forth in the regulations and to
433 conditions necessary to protect the public health, safety, convenience
434 and property values. Such regulations shall be made in accordance
435 with a comprehensive plan and in adopting such regulations the
436 commission shall consider the plan of conservation and development
437 prepared under section 8-23, as amended by this act, and not more
438 than two years after the municipal plan of conservation and
439 development is revised pursuant to section 8-23, as amended by this
440 act, the zoning regulations and map shall be made to be consistent
441 with the map of such plan showing projected land uses and the
442 recommendations of such plan concerning zoning. Such regulations
443 shall be designed to lessen congestion in the streets; to secure safety
444 from fire, panic, flood and other dangers; to promote health and the
445 general welfare; to provide adequate light and air; to prevent the
446 overcrowding of land; to avoid undue concentration of population and
447 to facilitate the adequate provision for transportation, water, sewerage,
448 schools, parks and other public requirements. Such regulations shall be
449 made with reasonable consideration as to the character of the district
450 and its peculiar suitability for particular uses and with a view to

451 conserving the value of buildings and encouraging the most
452 appropriate use of land throughout such municipality. Such
453 regulations may, to the extent consistent with soil types, terrain,
454 infrastructure capacity and the plan of conservation and development
455 for the community, provide for cluster development, as defined in
456 section 8-18, in residential zones. Such regulations shall also encourage
457 the development of housing opportunities, including opportunities for
458 multifamily dwellings, consistent with soil types, terrain and
459 infrastructure capacity, for all residents of the municipality and the
460 planning region in which the municipality is located, as designated by
461 the Secretary of the Office of Policy and Management under section
462 16a-4a. Such regulations shall also promote housing choice and
463 economic diversity in housing, including housing for both low and
464 moderate income households, and shall encourage the development of
465 housing which will meet the housing needs identified in the housing
466 plan prepared pursuant to section 8-37t and in the housing component
467 and the other components of the state plan of conservation and
468 development prepared pursuant to section 16a-26. Zoning regulations
469 shall be made with reasonable consideration for their impact on
470 agriculture. Zoning regulations may be made with reasonable
471 consideration for the protection of historic factors and shall be made
472 with reasonable consideration for the protection of existing and
473 potential public surface and ground drinking water supplies. On and
474 after July 1, 1985, the regulations shall provide that proper provision
475 be made for soil erosion and sediment control pursuant to section 22a-
476 329. Such regulations may also encourage energy-efficient patterns of
477 development, the use of solar and other renewable forms of energy,
478 and energy conservation. The regulations may also provide for
479 incentives for developers who use passive solar energy techniques, as
480 defined in subsection (b) of section 8-25, as amended by this act, in
481 planning a residential subdivision development. The incentives may
482 include, but not be limited to, cluster development, higher density
483 development and performance standards for roads, sidewalks and
484 underground facilities in the subdivision. Such regulations may
485 provide for a municipal system for the creation of development rights

486 and the permanent transfer of such development rights, which may
487 include a system for the variance of density limits in connection with
488 any such transfer. Such regulations may also provide for notice
489 requirements in addition to those required by this chapter. Such
490 regulations may provide for conditions on operations to collect spring
491 water or well water, as defined in section 21a-150, including the time,
492 place and manner of such operations. No such regulations shall
493 prohibit the operation of any family day care home or group day care
494 home in a residential zone. Such regulations shall not impose
495 conditions and requirements on manufactured homes having as their
496 narrowest dimension twenty-two feet or more and built in accordance
497 with federal manufactured home construction and safety standards or
498 on lots containing such manufactured homes which are substantially
499 different from conditions and requirements imposed on single-family
500 dwellings and lots containing single-family dwellings. Such
501 regulations shall not impose conditions and requirements on
502 developments to be occupied by manufactured homes having as their
503 narrowest dimension twenty-two feet or more and built in accordance
504 with federal manufactured home construction and safety standards
505 which are substantially different from conditions and requirements
506 imposed on multifamily dwellings, lots containing multifamily
507 dwellings, cluster developments or planned unit developments. Such
508 regulations shall not prohibit the continuance of any nonconforming
509 use, building or structure existing at the time of the adoption of such
510 regulations. Such regulations shall not provide for the termination of
511 any nonconforming use solely as a result of nonuse for a specified
512 period of time without regard to the intent of the property owner to
513 maintain that use. Any city, town or borough which adopts the
514 provisions of this chapter may, by vote of its legislative body, exempt
515 municipal property from the regulations prescribed by the zoning
516 commission of such city, town or borough; but unless it is so voted
517 municipal property shall be subject to such regulations.

518 Sec. 10. Section 8-3 of the general statutes is amended by adding
519 subsection (m) as follows (*Effective from passage*):

520 (NEW) (m) On and after zoning regulations, adopted under section
521 8-2, as amended by this act, or any special act, are revised pursuant to
522 said section 8-2, the zoning commission or combined planning and
523 zoning commission shall determine if each application, petition,
524 request or plan concerning a project on any site is consistent with said
525 plan of conservation and development. The commission shall deny
526 any application, petition, request or plan determined to be not
527 consistent with said plan.

528 Sec. 11. Section 8-25 of the general statutes is repealed and the
529 following is substituted in lieu thereof (*Effective from passage*):

530 (a) No subdivision of land shall be made until a plan for such
531 subdivision has been approved by the commission. Any person, firm
532 or corporation making any subdivision of land without the approval of
533 the commission shall be fined not more than five hundred dollars for
534 each lot sold or offered for sale or so subdivided. Any plan for
535 subdivision shall, upon approval, or when taken as approved by
536 reason of the failure of the commission to act, be filed or recorded by
537 the applicant in the office of the town clerk within ninety days of the
538 expiration of the appeal period under section 8-8, or in the case of an
539 appeal, within ninety days of the termination of such appeal by
540 dismissal, withdrawal or judgment in favor of the applicant but, if it is
541 a plan for subdivision wholly or partially within a district, it shall be
542 filed in the offices of both the district clerk and the town clerk, and any
543 plan not so filed or recorded within the prescribed time shall become
544 null and void, except that the commission may extend the time for
545 such filing for two additional periods of ninety days and the plan shall
546 remain valid until the expiration of such extended time. All such plans
547 shall be delivered to the applicant for filing or recording not more than
548 thirty days after the time for taking an appeal from the action of the
549 commission has elapsed or not more than thirty days after the date
550 that plans modified in accordance with the commission's approval and
551 that comply with section 7-31 are delivered to the commission,
552 whichever is later, and in the event of an appeal, not more than thirty
553 days after the termination of such appeal by dismissal, withdrawal or

554 judgment in favor of the applicant or not more than thirty days after
555 the date that plans modified in accordance with the commission's
556 approval and that comply with section 7-31 are delivered to the
557 commission, whichever is later. No such plan shall be recorded or filed
558 by the town clerk or district clerk or other officer authorized to record
559 or file plans until its approval has been endorsed thereon by the
560 chairman or secretary of the commission, and the filing or recording of
561 a subdivision plan without such approval shall be void. Before
562 exercising the powers granted in this section, the commission shall
563 adopt regulations covering the subdivision of land. No such
564 regulations shall become effective until after a public hearing, notice of
565 the time, place and purpose of which shall be given by publication in a
566 newspaper of general circulation in the municipality at least twice, at
567 intervals of not less than two days, the first not more than fifteen days
568 nor less than ten days, and the last not less than two days prior to the
569 date of such hearing. Such regulations shall provide that the land to be
570 subdivided shall be of such character that it can be used for building
571 purposes without danger to health or the public safety, that proper
572 provision shall be made for water, sewerage and drainage, including
573 the upgrading of any downstream ditch, culvert or other drainage
574 structure which, through the introduction of additional drainage due
575 to such subdivision, becomes undersized and creates the potential for
576 flooding on a state highway, and, in areas contiguous to brooks, rivers
577 or other bodies of water subject to flooding, including tidal flooding,
578 that proper provision shall be made for protective flood control
579 measures and that the proposed streets are in harmony with existing
580 or proposed principal thoroughfares shown in the plan of conservation
581 and development as described in section 8-23, as amended by this act,
582 especially in regard to safe intersections with such thoroughfares, and
583 so arranged and of such width, as to provide an adequate and
584 convenient system for present and prospective traffic needs. Such
585 regulations shall also provide that the commission may require the
586 provision of open spaces, parks and playgrounds when, and in places,
587 deemed proper by the planning commission, which open spaces, parks
588 and playgrounds shall be shown on the subdivision plan. Such

589 regulations may, with the approval of the commission, authorize the
590 applicant to pay a fee to the municipality or pay a fee to the
591 municipality and transfer land to the municipality in lieu of any
592 requirement to provide open spaces. Such payment or combination of
593 payment and the fair market value of land transferred shall be equal to
594 not more than ten per cent of the fair market value of the land to be
595 subdivided prior to the approval of the subdivision. The fair market
596 value shall be determined by an appraiser jointly selected by the
597 commission and the applicant. A fraction of such payment the
598 numerator of which is one and the denominator of which is the
599 number of approved parcels in the subdivision shall be made at the
600 time of the sale of each approved parcel of land in the subdivision and
601 placed in a fund in accordance with the provisions of section 8-25b.
602 The open space requirements of this section shall not apply if the
603 transfer of all land in a subdivision of less than five parcels is to a
604 parent, child, brother, sister, grandparent, grandchild, aunt, uncle or
605 first cousin for no consideration, or if the subdivision is to contain
606 affordable housing, as defined in section 8-39a, equal to twenty per
607 cent or more of the total housing to be constructed in such subdivision.
608 Such regulations, on and after July 1, 1985, shall provide that proper
609 provision be made for soil erosion and sediment control pursuant to
610 section 22a-329. Such regulations shall not impose conditions and
611 requirements on manufactured homes having as their narrowest
612 dimension twenty-two feet or more and built in accordance with
613 federal manufactured home construction and safety standards or on
614 lots containing such manufactured homes which are substantially
615 different from conditions and requirements imposed on single-family
616 dwellings and lots containing single-family dwellings. Such
617 regulations shall not impose conditions and requirements on
618 developments to be occupied by manufactured homes having as their
619 narrowest dimension twenty-two feet or more and built in accordance
620 with federal manufactured home construction and safety standards
621 which are substantially different from conditions and requirements
622 imposed on multifamily dwellings, lots containing multifamily
623 dwellings, cluster developments or planned unit developments. The

624 commission may also prescribe the extent to which and the manner in
625 which streets shall be graded and improved and public utilities and
626 services provided and, in lieu of the completion of such work and
627 installations previous to the final approval of a plan, the commission
628 may accept a bond in an amount and with surety and conditions
629 satisfactory to it securing to the municipality the actual construction,
630 maintenance and installation of such improvements and utilities
631 within a period specified in the bond. Such regulations may provide,
632 in lieu of the completion of the work and installations above referred
633 to, previous to the final approval of a plan, for an assessment or other
634 method whereby the municipality is put in an assured position to do
635 such work and make such installations at the expense of the owners of
636 the property within the subdivision. Such regulations may provide
637 that in lieu of either the completion of the work or the furnishing of a
638 bond as provided in this section, the commission may authorize the
639 filing of a plan with a conditional approval endorsed thereon. Such
640 approval shall be conditioned on (1) the actual construction,
641 maintenance and installation of any improvements or utilities
642 prescribed by the commission, or (2) the provision of a bond as
643 provided in this section. Upon the occurrence of either of such events,
644 the commission shall cause a final approval to be endorsed thereon in
645 the manner provided by this section. Any such conditional approval
646 shall lapse five years from the date it is granted, provided the
647 applicant may apply for and the commission may, in its discretion,
648 grant a renewal of such conditional approval for an additional period
649 of five years at the end of any five-year period, except that the
650 commission may, by regulation, provide for a shorter period of
651 conditional approval or renewal of such approval. Any person, firm or
652 corporation who, prior to such final approval, sells or offers for sale
653 any lot subdivided pursuant to a conditional approval shall be fined
654 not more than five hundred dollars for each lot sold or offered for sale.

655 (b) The regulations adopted under subsection (a) of this section shall
656 also encourage energy-efficient patterns of development and land use,
657 the use of solar and other renewable forms of energy, and energy

658 conservation. The regulations shall require any person submitting a
659 plan for a subdivision to the commission under subsection (a) of this
660 section to demonstrate to the commission that such person has
661 considered, in developing the plan, using passive solar energy
662 techniques which would not significantly increase the cost of the
663 housing to the buyer, after tax credits, subsidies and exemptions. As
664 used in this subsection and section 8-2, passive solar energy techniques
665 mean site design techniques which maximize solar heat gain, minimize
666 heat loss and provide thermal storage within a building during the
667 heating season and minimize heat gain and provide for natural
668 ventilation during the cooling season. The site design techniques shall
669 include, but not be limited to: (1) House orientation; (2) street and lot
670 layout; (3) vegetation; (4) natural and man-made topographical
671 features; and (5) protection of solar access within the development.

672 (c) The regulations adopted under subsection (a) of this section,
673 may, to the extent consistent with soil types, terrain, infrastructure
674 capacity and the plan of development for the community, provide for
675 cluster development, and may provide for incentives for cluster
676 development such as density bonuses, or may require cluster
677 development.

678 (d) Not more than two years after the municipal plan of
679 conservation and development is revised pursuant to section 8-23, as
680 amended by this act, the regulations shall be reviewed, and revised, if
681 needed, to be consistent with a map of such plan showing projected
682 land uses and the recommendations of such plan concerning
683 subdivisions.

684 Sec. 12. Section 8-26 of the general statutes is repealed and the
685 following is substituted in lieu thereof (*Effective from passage*):

686 All plans for subdivisions and resubdivisions, including
687 subdivisions and resubdivisions in existence but which were not
688 submitted to the commission for required approval, whether or not
689 shown on an existing map or plan or whether or not conveyances have

690 been made of any of the property included in such subdivisions or
691 resubdivisions, shall be submitted to the commission with an
692 application in the form to be prescribed by it. The commission shall
693 have the authority to determine whether the existing division of any
694 land constitutes a subdivision or resubdivision under the provisions of
695 this chapter, provided nothing in this section shall be deemed to
696 authorize the commission to approve any such subdivision or
697 resubdivision which conflicts with applicable zoning regulations. Such
698 regulations may contain provisions whereby the commission may
699 waive certain requirements under the regulations by a three-quarters
700 vote of all the members of the commission in cases where conditions
701 exist which affect the subject land and are not generally applicable to
702 other land in the area, provided that the regulations shall specify the
703 conditions under which a waiver may be considered and shall provide
704 that no waiver shall be granted that would have a significant adverse
705 effect on adjacent property or on public health and safety. The
706 commission shall state upon its records the reasons for which a waiver
707 is granted in each case. The commission may establish a schedule of
708 fees and charge such fees. The amount of the fees shall be sufficient to
709 cover the costs of processing subdivision applications, including, but
710 not limited to, the cost of registered or certified mailings and the
711 publication of notices, and the costs of inspecting subdivision
712 improvements. Any schedule of fees established under this section
713 shall be superseded by fees established by ordinance under section 8-
714 1c. On and after subdivision regulations adopted under section 8-25, as
715 amended by this act, are revised pursuant to said section 8-25, the
716 subdivision regulations shall be made to be consistent with the
717 municipal plan of conservation and development concerning
718 subdivisions. The commission may hold a public hearing regarding
719 any subdivision proposal if, in its judgment, the specific circumstances
720 require such action. No plan of resubdivision shall be acted upon by
721 the commission without a public hearing. Notice of the public hearing
722 shall be given by publication in a newspaper of general circulation in
723 the municipality at least twice at intervals of not less than two days,
724 the first not more than fifteen days, nor less than ten days, and the last

725 not less than two days prior to the date of such hearing, and by
726 sending a copy thereof by registered or certified mail to the applicant.
727 In addition to such notice, such commission may, by regulation,
728 provide for notice by mail to persons who are owners of land which is
729 adjacent to the land which is the subject of the hearing. The
730 commission shall approve, modify and approve, or disapprove any
731 subdivision or resubdivision application or maps and plans submitted
732 therewith, including existing subdivisions or resubdivisions made in
733 violation of this section, within the period of time permitted under
734 section 8-26d. Notice of the decision of the commission shall be
735 published in a newspaper having a substantial circulation in the
736 municipality and addressed by certified mail to any person applying to
737 the commission under this section, by its secretary or clerk, under his
738 signature in any written, printed, typewritten or stamped form, within
739 fifteen days after such decision has been rendered. In any case in
740 which such notice is not published within such fifteen-day period, the
741 person who made such application may provide for the publication of
742 such notice within ten days thereafter. Such notice shall be a simple
743 statement that such application was approved, modified and approved
744 or disapproved, together with the date of such action. The failure of
745 the commission to act thereon shall be considered as an approval, and
746 a certificate to that effect shall be issued by the commission on
747 demand. The grounds for its action shall be stated in the records of the
748 commission. No planning commission shall be required to consider an
749 application for approval of a subdivision plan while another
750 application for subdivision of the same or substantially the same parcel
751 is pending before the commission. For the purposes of this section, an
752 application is not "pending before the commission" if the commission
753 has rendered a decision with respect to such application and such
754 decision has been appealed to the Superior Court. If an application
755 involves land regulated as an inland wetland or watercourse under the
756 provisions of chapter 440, the applicant shall submit an application to
757 the agency responsible for administration of the inland wetlands
758 regulations no later than the day the application is filed for the
759 subdivision or resubdivision. The commission shall not render a

760 decision until the inland wetlands agency has submitted a report with
 761 its final decision to such commission. In making its decision the
 762 commission shall give due consideration to the report of the inland
 763 wetlands agency. In making a decision on an application, the
 764 commission shall consider information submitted by the applicant
 765 under subsection (b) of section 8-25, as amended by this act,
 766 concerning passive solar energy techniques. The provisions of this
 767 section shall apply to any municipality which exercises planning
 768 power pursuant to any special act."

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>
Sec. 6	<i>July 1, 2003</i>
Sec. 7	<i>July 1, 2003</i>
Sec. 8	<i>July 1, 2003</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>