



General Assembly

February Session, 2004

Raised Bill No. 5044

LCO No. 458

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Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING PLANS OF CONSERVATION AND DEVELOPMENT AND PRIORITY FUNDING AREAS.

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

1 Section 1. Section 8-23 of the general statutes, as amended by section
2 20 of public act 03-19, is repealed and the following is substituted in
3 lieu thereof (*Effective July 1, 2004*):

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

14 (2) If a plan is not amended decennially, the chief elected official of
15 the municipality shall submit a letter to the Secretary of the Office of

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

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

35 (c) In preparing such plan, the commission or any special committee
36 shall consider the following: (1) The community development action
37 plan of the municipality, if any, (2) the need for affordable housing, (3)
38 the need for protection of existing and potential public surface and
39 ground drinking water supplies, (4) the use of cluster development
40 and other development patterns to the extent consistent with soil
41 types, terrain and infrastructure capacity within the municipality, (5)
42 the state plan of conservation and development adopted pursuant to
43 chapter 297, (6) the regional plan of development adopted pursuant to
44 section 8-35a, as amended by this act, (7) physical, social, economic
45 and governmental conditions and trends, (8) the needs of the
46 municipality including, but not limited to, human resources,
47 education, health, housing, recreation, social services, public utilities,
48 public protection, transportation and circulation and cultural and

49 interpersonal communications, and (9) the objectives of energy-
50 efficient patterns of development, the use of solar and other renewable
51 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, or 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 shall 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 clerks. 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
185 such proposal if a petition signed by at least twenty-five persons
186 requesting a hearing is filed with the commission not later than
187 fourteen days after the date of receipt of such proposal, or the
188 commission finds that a public hearing regarding such proposal would
189 be in the public interest. Any public hearing and decision shall be in
190 accordance with the periods of time permitted under section 8-7d, as
191 amended. The commission shall approve, deny or modify the
192 proposal. Notwithstanding the provisions of this section, if the
193 commission determines, at any time after the proposal is received, that
194 such proposal would require changes to the plan of conservation and
195 development that would be a significant change to the policies and
196 goals of the plan of conservation and development, the commission
197 shall consider the proposal in accordance with the provisions of
198 subsection (f) of this section.

199 Sec. 2. Section 8-35a of the general statutes is repealed and the
200 following is substituted in lieu thereof (*Effective July 1, 2004*):

201 (a) [Each] At least once every ten years, each regional planning
202 agency shall make a plan of development for its area of operation,
203 showing its recommendations for the general use of the area including
204 land use, housing, principal highways and freeways, bridges, airports,
205 parks, playgrounds, recreational areas, schools, public institutions,
206 public utilities and such other matters as, in the opinion of the agency,
207 will be beneficial to the area. Any regional plan so developed shall be
208 based on studies of physical, social, economic and governmental
209 conditions and trends and shall be designed to promote with the
210 greatest efficiency and economy the coordinated development of its
211 area of operation and the general welfare and prosperity of its people.
212 Such plan may encourage energy-efficient patterns of development,
213 the use of solar and other renewable forms of energy, and energy

214 conservation. Such plan shall be designed to promote abatement of the
215 pollution of the waters and air of the region. The regional plan shall
216 identify areas where it is feasible and prudent to (1) have compact,
217 transit accessible, pedestrian-oriented mixed use development patterns
218 and land reuse, and (2) promote such patterns and reuse. The plan of
219 each region contiguous to Long Island Sound shall be designed to
220 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
221 Long Island Sound.

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

248 Policy and Management of any inconsistency with the state plan of
249 conservation and development and the reasons therefor.

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

253 (d) The regional planning agency shall assist municipalities within
254 its region and state agencies and may assist other public and private
255 agencies in developing and carrying out any regional plan or plans of
256 such regional planning agency. The regional planning agency may
257 provide administrative, management, technical or planning assistance
258 to municipalities within its region and other public agencies under
259 such terms as it may determine, provided, prior to entering into an
260 agreement for assistance to any municipality or other public agency,
261 the regional planning agency shall have adopted a policy governing
262 such assistance. The regional planning agency may be compensated by
263 the municipality or other public agency with which an agreement for
264 assistance has been made for all or part of the cost of such assistance.

265 Sec. 3. Section 16a-27 of the general statutes, as amended by section
266 10 of public act 03-4 of the June 30 special session, is repealed and the
267 following is substituted in lieu thereof (*Effective July 1, 2004*):

268 (a) The secretary, after consultation with all appropriate state,
269 regional and local agencies and other appropriate persons shall prior
270 to March 1, 2003, complete a revision of the existing plan and enlarge it
271 to include, but not be limited to, policies relating to transportation,
272 energy and air. Any revision made after May 15, 1991, shall identify
273 the major transportation proposals, including proposals for mass
274 transit, contained in the master transportation plan prepared pursuant
275 to section 13b-15. Any revision made after July 1, 1995, shall take into
276 consideration the conservation and development of greenways that
277 have been designated by municipalities and shall recommend that
278 state agencies coordinate their efforts to support the development of a
279 state-wide greenways system. The Commissioner of Environmental

280 Protection shall identify state-owned land for inclusion in the plan as
281 potential components of a state greenways system.

282 (b) Any revision made after August 20, 2003, shall take into account
283 (1) economic and community development needs and patterns of
284 commerce, and (2) linkages of affordable housing objectives and land
285 use objectives with transportation systems.

286 (c) Any revision after July 1, 2004, shall describe the progress
287 towards achievement of the goals and objectives established in the
288 previously adopted state plan of conservation and development and
289 shall identify (1) areas where it is prudent and feasible (A) to have
290 compact, transit accessible, pedestrian-oriented mixed use
291 development patterns and land reuse, and (B) to promote such
292 patterns and reuse, (2) priority funding areas designated under section
293 8 of this act, and (3) corridor management areas on either side of a
294 limited access highway and a rail line. In designating corridor
295 management areas, the secretary shall make recommendations that (A)
296 promote land use and transportation options to reduce the growth of
297 traffic congestion; (B) connect infrastructure and other development
298 decisions; (C) promote development that minimizes the cost of new
299 infrastructure facilities and maximizes the use of existing
300 infrastructure facilities; and (D) increase intermunicipal and regional
301 cooperation.

302 [(b)] (d) Thereafter on or before March first in each revision year the
303 secretary shall complete a revision of the plan of conservation and
304 development.

305 Sec. 4. Subsection (a) of section 8-2 of the general statutes is repealed
306 and the following is substituted in lieu thereof (*Effective July 1, 2004*):

307 (a) The zoning commission of each city, town or borough is
308 authorized to regulate, within the limits of such municipality, the
309 height, number of stories and size of buildings and other structures;
310 the percentage of the area of the lot that may be occupied; the size of

311 yards, courts and other open spaces; the density of population and the
312 location and use of buildings, structures and land for trade, industry,
313 residence or other purposes, including water-dependent uses, as
314 defined in section 22a-93, and the height, size and location of
315 advertising signs and billboards. Such bulk regulations may allow for
316 cluster development, as defined in section 8-18. Such zoning
317 commission may divide the municipality into districts of such number,
318 shape and area as may be best suited to carry out the purposes of this
319 chapter; and, within such districts, it may regulate the erection,
320 construction, reconstruction, alteration or use of buildings or
321 structures and the use of land. All such regulations shall be uniform
322 for each class or kind of buildings, structures or use of land throughout
323 each district, but the regulations in one district may differ from those
324 in another district, and may provide that certain classes or kinds of
325 buildings, structures or uses of land are permitted only after obtaining
326 a special permit or special exception from a zoning commission,
327 planning commission, combined planning and zoning commission or
328 zoning board of appeals, whichever commission or board the
329 regulations may, notwithstanding any special act to the contrary,
330 designate, subject to standards set forth in the regulations and to
331 conditions necessary to protect the public health, safety, convenience
332 and property values. Such regulations shall be made in accordance
333 with a comprehensive plan and in adopting such regulations the
334 commission shall consider the plan of conservation and development
335 prepared under section 8-23, as amended by this act, and not more
336 than two years after the municipal plan of conservation and
337 development is revised pursuant to section 8-23, as amended by this
338 act, the zoning regulations and map shall be made to be consistent
339 with the map of such plan showing projected land uses and the
340 recommendations of such plan concerning zoning. Such regulations
341 shall be designed to lessen congestion in the streets; to secure safety
342 from fire, panic, flood and other dangers; to promote health and the
343 general welfare; to provide adequate light and air; to prevent the
344 overcrowding of land; to avoid undue concentration of population and

345 to facilitate the adequate provision for transportation, water, sewerage,
346 schools, parks and other public requirements. Such regulations shall be
347 made with reasonable consideration as to the character of the district
348 and its peculiar suitability for particular uses and with a view to
349 conserving the value of buildings and encouraging the most
350 appropriate use of land throughout such municipality. Such
351 regulations may, to the extent consistent with soil types, terrain,
352 infrastructure capacity and the plan of conservation and development
353 for the community, provide for cluster development, as defined in
354 section 8-18, in residential zones. Such regulations shall also encourage
355 the development of housing opportunities, including opportunities for
356 multifamily dwellings, consistent with soil types, terrain and
357 infrastructure capacity, for all residents of the municipality and the
358 planning region in which the municipality is located, as designated by
359 the Secretary of the Office of Policy and Management under section
360 16a-4a. Such regulations shall also promote housing choice and
361 economic diversity in housing, including housing for both low and
362 moderate income households, and shall encourage the development of
363 housing which will meet the housing needs identified in the housing
364 plan prepared pursuant to section 8-37t and in the housing component
365 and the other components of the state plan of conservation and
366 development prepared pursuant to section 16a-26. Zoning regulations
367 shall be made with reasonable consideration for their impact on
368 agriculture. Zoning regulations may be made with reasonable
369 consideration for the protection of historic factors and shall be made
370 with reasonable consideration for the protection of existing and
371 potential public surface and ground drinking water supplies. On and
372 after July 1, 1985, the regulations shall provide that proper provision
373 be made for soil erosion and sediment control pursuant to section 22a-
374 329. Such regulations may also encourage energy-efficient patterns of
375 development, the use of solar and other renewable forms of energy,
376 and energy conservation. The regulations may also provide for
377 incentives for developers who use passive solar energy techniques, as
378 defined in subsection (b) of section 8-25, as amended by this act, in

379 planning a residential subdivision development. The incentives may
380 include, but not be limited to, cluster development, higher density
381 development and performance standards for roads, sidewalks and
382 underground facilities in the subdivision. Such regulations may
383 provide for a municipal system for the creation of development rights
384 and the permanent transfer of such development rights, which may
385 include a system for the variance of density limits in connection with
386 any such transfer. Such regulations may also provide for notice
387 requirements in addition to those required by this chapter. Such
388 regulations may provide for conditions on operations to collect spring
389 water or well water, as defined in section 21a-150, as amended,
390 including the time, place and manner of such operations. No such
391 regulations shall prohibit the operation of any family day care home or
392 group day care home in a residential zone. Such regulations shall not
393 impose conditions and requirements on manufactured homes having
394 as their narrowest dimension twenty-two feet or more and built in
395 accordance with federal manufactured home construction and safety
396 standards or on lots containing such manufactured homes which are
397 substantially different from conditions and requirements imposed on
398 single-family dwellings and lots containing single-family dwellings.
399 Such regulations shall not impose conditions and requirements on
400 developments to be occupied by manufactured homes having as their
401 narrowest dimension twenty-two feet or more and built in accordance
402 with federal manufactured home construction and safety standards
403 which are substantially different from conditions and requirements
404 imposed on multifamily dwellings, lots containing multifamily
405 dwellings, cluster developments or planned unit developments. Such
406 regulations shall not prohibit the continuance of any nonconforming
407 use, building or structure existing at the time of the adoption of such
408 regulations. Such regulations shall not provide for the termination of
409 any nonconforming use solely as a result of nonuse for a specified
410 period of time without regard to the intent of the property owner to
411 maintain that use. Any city, town or borough which adopts the
412 provisions of this chapter may, by vote of its legislative body, exempt

413 municipal property from the regulations prescribed by the zoning
414 commission of such city, town or borough; but unless it is so voted
415 municipal property shall be subject to such regulations.

416 Sec. 5. Section 8-3 of the general statutes, as amended by section 1 of
417 public act 03-177 and section 1 of public act 03-144, is amended by
418 adding subsection (m) as follows (*Effective from passage*):

419 (NEW) (m) On and after zoning regulations, adopted under section
420 8-2, as amended by this act, or any special act, are revised pursuant to
421 said section 8-2, the zoning commission or combined planning and
422 zoning commission shall determine if each application, petition,
423 request or plan concerning a project on any site is consistent with the
424 map of the plan of conservation and development showing projected
425 land uses and the recommendations of such plan concerning zoning.

426 Sec. 6. Section 8-25 of the general statutes, as amended by section 6
427 of public act 03-177, is repealed and the following is substituted in lieu
428 thereof (*Effective from passage*):

429 (a) No subdivision of land shall be made until a plan for such
430 subdivision has been approved by the commission. Any person, firm
431 or corporation making any subdivision of land without the approval of
432 the commission shall be fined not more than five hundred dollars for
433 each lot sold or offered for sale or so subdivided. Any plan for
434 subdivision shall, upon approval, or when taken as approved by
435 reason of the failure of the commission to act, be filed or recorded by
436 the applicant in the office of the town clerk within ninety days of the
437 expiration of the appeal period under section 8-8, or in the case of an
438 appeal, within ninety days of the termination of such appeal by
439 dismissal, withdrawal or judgment in favor of the applicant but, if it is
440 a plan for subdivision wholly or partially within a district, it shall be
441 filed in the offices of both the district clerk and the town clerk, and any
442 plan not so filed or recorded within the prescribed time shall become
443 null and void, except that the commission may extend the time for
444 such filing for two additional periods of ninety days and the plan shall

445 remain valid until the expiration of such extended time. All such plans
446 shall be delivered to the applicant for filing or recording not more than
447 thirty days after the time for taking an appeal from the action of the
448 commission has elapsed or not more than thirty days after the date
449 that plans modified in accordance with the commission's approval and
450 that comply with section 7-31 are delivered to the commission,
451 whichever is later, and in the event of an appeal, not more than thirty
452 days after the termination of such appeal by dismissal, withdrawal or
453 judgment in favor of the applicant or not more than thirty days after
454 the date that plans modified in accordance with the commission's
455 approval and that comply with section 7-31 are delivered to the
456 commission, whichever is later. No such plan shall be recorded or filed
457 by the town clerk or district clerk or other officer authorized to record
458 or file plans until its approval has been endorsed thereon by the
459 chairman or secretary of the commission, and the filing or recording of
460 a subdivision plan without such approval shall be void. Before
461 exercising the powers granted in this section, the commission shall
462 adopt regulations covering the subdivision of land. No such
463 regulations shall become effective until after a public hearing held in
464 accordance with the provisions of section 8-7d, as amended. Such
465 regulations shall provide that the land to be subdivided shall be of
466 such character that it can be used for building purposes without
467 danger to health or the public safety, that proper provision shall be
468 made for water, sewerage and drainage, including the upgrading of
469 any downstream ditch, culvert or other drainage structure which,
470 through the introduction of additional drainage due to such
471 subdivision, becomes undersized and creates the potential for flooding
472 on a state highway, and, in areas contiguous to brooks, rivers or other
473 bodies of water subject to flooding, including tidal flooding, that
474 proper provision shall be made for protective flood control measures
475 and that the proposed streets are in harmony with existing or
476 proposed principal thoroughfares shown in the plan of conservation
477 and development as described in section 8-23, as amended by this act,
478 especially in regard to safe intersections with such thoroughfares, and

479 so arranged and of such width, as to provide an adequate and
480 convenient system for present and prospective traffic needs. Such
481 regulations shall also provide that the commission may require the
482 provision of open spaces, parks and playgrounds when, and in places,
483 deemed proper by the planning commission, which open spaces, parks
484 and playgrounds shall be shown on the subdivision plan. Such
485 regulations may, with the approval of the commission, authorize the
486 applicant to pay a fee to the municipality or pay a fee to the
487 municipality and transfer land to the municipality in lieu of any
488 requirement to provide open spaces. Such payment or combination of
489 payment and the fair market value of land transferred shall be equal to
490 not more than ten per cent of the fair market value of the land to be
491 subdivided prior to the approval of the subdivision. The fair market
492 value shall be determined by an appraiser jointly selected by the
493 commission and the applicant. A fraction of such payment the
494 numerator of which is one and the denominator of which is the
495 number of approved parcels in the subdivision shall be made at the
496 time of the sale of each approved parcel of land in the subdivision and
497 placed in a fund in accordance with the provisions of section 8-25b.
498 The open space requirements of this section shall not apply if the
499 transfer of all land in a subdivision of less than five parcels is to a
500 parent, child, brother, sister, grandparent, grandchild, aunt, uncle or
501 first cousin for no consideration, or if the subdivision is to contain
502 affordable housing, as defined in section 8-39a, equal to twenty per
503 cent or more of the total housing to be constructed in such subdivision.
504 Such regulations, on and after July 1, 1985, shall provide that proper
505 provision be made for soil erosion and sediment control pursuant to
506 section 22a-329. Such regulations shall not impose conditions and
507 requirements on manufactured homes having as their narrowest
508 dimension twenty-two feet or more and built in accordance with
509 federal manufactured home construction and safety standards or on
510 lots containing such manufactured homes which are substantially
511 different from conditions and requirements imposed on single-family
512 dwellings and lots containing single-family dwellings. Such

513 regulations shall not impose conditions and requirements on
514 developments to be occupied by manufactured homes having as their
515 narrowest dimension twenty-two feet or more and built in accordance
516 with federal manufactured home construction and safety standards
517 which are substantially different from conditions and requirements
518 imposed on multifamily dwellings, lots containing multifamily
519 dwellings, cluster developments or planned unit developments. The
520 commission may also prescribe the extent to which and the manner in
521 which streets shall be graded and improved and public utilities and
522 services provided and, in lieu of the completion of such work and
523 installations previous to the final approval of a plan, the commission
524 may accept a bond in an amount and with surety and conditions
525 satisfactory to it securing to the municipality the actual construction,
526 maintenance and installation of such improvements and utilities
527 within a period specified in the bond. Such regulations may provide,
528 in lieu of the completion of the work and installations above referred
529 to, previous to the final approval of a plan, for an assessment or other
530 method whereby the municipality is put in an assured position to do
531 such work and make such installations at the expense of the owners of
532 the property within the subdivision. Such regulations may provide
533 that in lieu of either the completion of the work or the furnishing of a
534 bond as provided in this section, the commission may authorize the
535 filing of a plan with a conditional approval endorsed thereon. Such
536 approval shall be conditioned on (1) the actual construction,
537 maintenance and installation of any improvements or utilities
538 prescribed by the commission, or (2) the provision of a bond as
539 provided in this section. Upon the occurrence of either of such events,
540 the commission shall cause a final approval to be endorsed thereon in
541 the manner provided by this section. Any such conditional approval
542 shall lapse five years from the date it is granted, provided the
543 applicant may apply for and the commission may, in its discretion,
544 grant a renewal of such conditional approval for an additional period
545 of five years at the end of any five-year period, except that the
546 commission may, by regulation, provide for a shorter period of

547 conditional approval or renewal of such approval. Any person, firm or
548 corporation who, prior to such final approval, sells or offers for sale
549 any lot subdivided pursuant to a conditional approval shall be fined
550 not more than five hundred dollars for each lot sold or offered for sale.

551 (b) The regulations adopted under subsection (a) of this section shall
552 also encourage energy-efficient patterns of development and land use,
553 the use of solar and other renewable forms of energy, and energy
554 conservation. The regulations shall require any person submitting a
555 plan for a subdivision to the commission under subsection (a) of this
556 section to demonstrate to the commission that such person has
557 considered, in developing the plan, using passive solar energy
558 techniques which would not significantly increase the cost of the
559 housing to the buyer, after tax credits, subsidies and exemptions. As
560 used in this subsection and section 8-2, passive solar energy techniques
561 mean site design techniques which maximize solar heat gain, minimize
562 heat loss and provide thermal storage within a building during the
563 heating season and minimize heat gain and provide for natural
564 ventilation during the cooling season. The site design techniques shall
565 include, but not be limited to: (1) House orientation; (2) street and lot
566 layout; (3) vegetation; (4) natural and man-made topographical
567 features; and (5) protection of solar access within the development.

568 (c) The regulations adopted under subsection (a) of this section,
569 may, to the extent consistent with soil types, terrain, infrastructure
570 capacity and the plan of development for the community, provide for
571 cluster development, and may provide for incentives for cluster
572 development such as density bonuses, or may require cluster
573 development.

574 (d) Not more than two years after the municipal plan of
575 conservation and development is revised pursuant to section 8-23, as
576 amended by this act, the regulations shall be reviewed, and revised, if
577 needed, to be consistent with a map of such plan showing projected
578 land uses and the recommendations of such plan concerning

579 subdivisions.

580 Sec. 7. Section 8-26 of the general statutes, as amended by section 7
581 of public act 03-177, is repealed and the following is substituted in lieu
582 thereof (*Effective from passage*):

583 All plans for subdivisions and resubdivisions, including
584 subdivisions and resubdivisions in existence but which were not
585 submitted to the commission for required approval, whether or not
586 shown on an existing map or plan or whether or not conveyances have
587 been made of any of the property included in such subdivisions or
588 resubdivisions, shall be submitted to the commission with an
589 application in the form to be prescribed by it. The commission shall
590 have the authority to determine whether the existing division of any
591 land constitutes a subdivision or resubdivision under the provisions of
592 this chapter, provided nothing in this section shall be deemed to
593 authorize the commission to approve any such subdivision or
594 resubdivision which conflicts with applicable zoning regulations. Such
595 regulations may contain provisions whereby the commission may
596 waive certain requirements under the regulations by a three-quarters
597 vote of all the members of the commission in cases where conditions
598 exist which affect the subject land and are not generally applicable to
599 other land in the area, provided that the regulations shall specify the
600 conditions under which a waiver may be considered and shall provide
601 that no waiver shall be granted that would have a significant adverse
602 effect on adjacent property or on public health and safety. The
603 commission shall state upon its records the reasons for which a waiver
604 is granted in each case. The commission may establish a schedule of
605 fees and charge such fees. The amount of the fees shall be sufficient to
606 cover the costs of processing subdivision applications, including, but
607 not limited to, the cost of registered or certified mailings and the
608 publication of notices, and the costs of inspecting subdivision
609 improvements. Any schedule of fees established under this section
610 shall be superseded by fees established by ordinance under section 8-
611 1c. On and after subdivision regulations adopted under section 8-25, as

612 amended by this act, are revised pursuant to said section 8-25, the
613 commission shall determine if each plan for subdivision or
614 resubdivision is consistent with the map of the plan of conservation
615 and development showing projected land uses and the
616 recommendations of such plan concerning subdivisions. The
617 commission may hold a public hearing regarding any subdivision
618 proposal if, in its judgment, the specific circumstances require such
619 action. No plan of resubdivision shall be acted upon by the
620 commission without a public hearing. Such public hearing shall be
621 held in accordance with the provisions of section 8-7d, as amended.
622 The commission shall approve, modify and approve, or disapprove
623 any subdivision or resubdivision application or maps and plans
624 submitted therewith, including existing subdivisions or resubdivisions
625 made in violation of this section, within the period of time permitted
626 under section 8-26d, as amended. Notice of the decision of the
627 commission shall be published in a newspaper having a substantial
628 circulation in the municipality and addressed by certified mail to any
629 person applying to the commission under this section, by its secretary
630 or clerk, under his signature in any written, printed, typewritten or
631 stamped form, within fifteen days after such decision has been
632 rendered. In any case in which such notice is not published within
633 such fifteen-day period, the person who made such application may
634 provide for the publication of such notice within ten days thereafter.
635 Such notice shall be a simple statement that such application was
636 approved, modified and approved or disapproved, together with the
637 date of such action. The failure of the commission to act thereon shall
638 be considered as an approval, and a certificate to that effect shall be
639 issued by the commission on demand. The grounds for its action shall
640 be stated in the records of the commission. No planning commission
641 shall be required to consider an application for approval of a
642 subdivision plan while another application for subdivision of the same
643 or substantially the same parcel is pending before the commission. For
644 the purposes of this section, an application is not "pending before the
645 commission" if the commission has rendered a decision with respect to

646 such application and such decision has been appealed to the Superior
647 Court. If an application involves land regulated as an inland wetland
648 or watercourse under the provisions of chapter 440, the applicant shall
649 submit an application to the agency responsible for administration of
650 the inland wetlands regulations no later than the day the application is
651 filed for the subdivision or resubdivision. The commission shall not
652 render a decision until the inland wetlands agency has submitted a
653 report with its final decision to such commission. In making its
654 decision the commission shall give due consideration to the report of
655 the inland wetlands agency. In making a decision on an application,
656 the commission shall consider information submitted by the applicant
657 under subsection (b) of section 8-25, as amended by this act,
658 concerning passive solar energy techniques. The provisions of this
659 section shall apply to any municipality which exercises planning
660 power pursuant to any special act.

661 Sec. 8. (NEW) (*Effective July 1, 2004*) (a) As used in this section:

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

666 (2) "Growth-related project" means any project which includes (A)
667 the acquisition of real property when the acquisition costs are in excess
668 of one hundred thousand dollars, except the acquisition of open space
669 for the purposes of conservation or preservation; (B) the development
670 or improvement of real property when the development costs are in
671 excess of one hundred thousand dollars; (C) the acquisition of public
672 transportation equipment or facilities when the acquisition costs are in
673 excess of one hundred thousand dollars; or (D) the authorization of
674 each state grant, any application for which is not pending on July 1,
675 2005, for an amount in excess of one hundred thousand dollars, for the
676 acquisition or development or improvement of real property or for the
677 acquisition of public transportation equipment or facilities, except the

678 following: (i) Projects for maintenance, repair, additions or renovations
679 to existing facilities, acquisition of land for telecommunications towers
680 whose primary purpose is public safety, parks, conservation and open
681 space, and acquisition of agricultural, conservation and historic
682 easements; (ii) funding by the Department of Economic and
683 Community Development for any project financed with federal funds
684 used to purchase or rehabilitate existing single or multi-family housing
685 or projects financed with the proceeds of revenue bonds if the
686 Commissioner of Economic and Community Development determines
687 that application of this section and sections 10 and 11 of this act (I)
688 conflicts with any provision of federal or state law applicable to the
689 issuance or tax-exempt status of the bonds or any provision of any
690 trust agreement between the Department of Economic and
691 Community Development and any trustee, or (II) would otherwise
692 prohibit financing of an existing project or financing provided to cure
693 or prevent any default under existing financing; or (iii) any other
694 project, funding or other state assistance not included under
695 subparagraphs (A) to (D), inclusive, of this subsection.

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

698 (b) On or before January 1, 2005, and biennially thereafter, the
699 Secretary of the Office of Policy and Management, in consultation with
700 the Commissioners of Economic and Community Development,
701 Environmental Protection, Administrative Services and Transportation
702 shall develop recommendations for delineation of the boundaries of
703 priority funding areas in the state and for revisions thereafter. In
704 making such recommendations the secretary shall consider areas
705 designated as regional centers, growth areas, neighborhood
706 conservation areas and rural community centers on the state plan of
707 conservation and development, redevelopment areas, distressed
708 municipalities, as defined in section 32-9p of the general statutes;
709 targeted investment communities, as defined in section 32-222 of the
710 general statutes; public investment communities, as defined in section

711 7-545 of the general statutes, enterprise zones, designated by the
712 Commissioner of Economic and Community Development under
713 section 32-70 of the general statutes and corridor management areas
714 identified in the state plan of conservation and development. The
715 secretary shall submit the recommendations to the Continuing
716 Legislative Committee on State Planning and Development established
717 pursuant to section 4-60d of the general statutes for review. The
718 committee shall report its recommendations to the General Assembly
719 on or before February 15, 2005, and biennially thereafter. The
720 boundaries shall become effective upon approval of the General
721 Assembly.

722 Sec. 9. (NEW) (*Effective July 1, 2004*) (a) On and after the approval of
723 the General Assembly of the boundaries of priority funding areas
724 under section 8 of this act, each state agency, department or institution
725 shall provide funding for growth-related projects by a ranking process
726 for applications based on points as follows: (1) Location in a priority
727 funding area, five points; and (2) one point for each determination by
728 the head of the agency, department, or institution that the project (A)
729 enhances other activities targeted by state agencies, departments and
730 institutions to a municipality within the priority funding area, (B) is
731 located in a distressed municipality, targeted investment community
732 or public investment community, (C) supports existing neighborhoods
733 or communities, (D) promotes the use of mass transit, (E) is consistent
734 with the municipal plan of conservation and development of the
735 municipality adopted under section 8-23 of the general statutes, as
736 amended by this act, and the regional plan of development adopted
737 under section 8-35a of the general statutes, as amended by this act, and
738 (F) provides for compact, transit accessible, pedestrian-oriented mixed
739 use development patterns and land reuse and promotes such patterns
740 and reuse.

741 (b) Notwithstanding the provisions of subsection (a) of this section,
742 the state may provide funding for a growth-related project that is not
743 located in a priority funding area if the head of the department, agency

744 or institution providing the funding determines that (1) failure to fund
745 the project creates an extreme inequity, hardship or disadvantage that
746 clearly outweighs the benefits of locating the project in a priority
747 funding area, (2) there is no reasonable alternative for the project in a
748 priority funding area in another location, (3) the project must be
749 located away from other developments due to its operation or physical
750 characteristics, or (4) the project is necessary. Funding shall not be
751 available for economic development but shall only be available to
752 comply with state environmental and health standards. Not more than
753 one year after the designation of priority funding areas, and annually
754 thereafter, each department, agency or institution shall prepare a
755 report that describes grants made under this subsection and the
756 reasons therefor.

757 Sec. 10. (*Effective July 1, 2004*) On and after the approval of the
758 General Assembly of the boundaries of priority funding areas
759 pursuant to section 8 of this act, each state agency, department or
760 institution shall cooperate with municipalities to ensure that programs
761 and activities in rural areas sustain village character.

762 Sec. 11. (NEW) (*Effective July 1, 2004*) On and after the approval of
763 the General Assembly of the boundaries of priority funding areas
764 under section 8 of this act, each state agency and department shall
765 review regulations adopted in accordance with the provisions of
766 chapter 54 of the general statutes and modify such regulations to carry
767 out the purpose of coordinated management of growth-related projects
768 in priority funding areas and to implement the ranking process
769 provided for in section 9 of this act.

770 Sec. 12. (NEW) (*Effective July 1, 2004*) The Office of Policy and
771 Management shall coordinate review of federal projects in relation to
772 their location in priority funding areas to encourage location in urban
773 areas pursuant to the provisions of Federal Executive Order 12072-
774 Federal Space Management.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>
Sec. 4	<i>July 1, 2004</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>July 1, 2004</i>
Sec. 9	<i>July 1, 2004</i>
Sec. 10	<i>July 1, 2004</i>
Sec. 11	<i>July 1, 2004</i>
Sec. 12	<i>July 1, 2004</i>

Statement of Purpose:

To promote consistency in state and regional plans of conservation and development and to provide for priority funding areas and for corridor management areas along limited access highways and rail lines.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]