



General Assembly

Amendment

January Session, 2007

LCO No. 9312

SB0121509312SD0

Offered by:

SEN. COLEMAN, 2nd Dist.

REP. FELTMAN, 6th Dist.

To: Subst. Senate Bill No. 1215

File No. 723

Cal. No. 559

(As Amended)

"AN ACT IMPLEMENTING A PROCESS OF STATE-WIDE RESPONSIBLE GROWTH."

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

3 "Section 1. (NEW) (*Effective July 1, 2007*) (a) The zoning commission
4 of each municipality may establish a conservation development zone
5 as part of the zoning regulations adopted under section 8-2 of the
6 general statutes or any special act.

7 (b) A conservation development zone shall be an overlay zone and
8 shall satisfy the following requirements:

9 (1) The number of housing units per acre of the conservation
10 development zone shall constitute an increase of at least ten per cent
11 more than the housing density of the underlying zone;

12 (2) The size of lots in the conservation development zone shall be
13 based on soil characteristics. If a lot is served by a public water or
14 sewer system, the regulations may authorize the commission to waive
15 the requirements of the zoning regulations, including, but not limited
16 to, requirements for acreage, setbacks, lot coverage, building height
17 and road frontage. If a lot is not served by a public water or sewer
18 system such regulations shall contain provisions for acreage, setbacks,
19 lot coverage, building height and road frontage that protect health and
20 safety of the municipality; and

21 (3) Open space in a development shall follow the contours of the
22 land in the area to be developed;

23 (4) The minimum amount of open space within a development is
24 forty per cent of the land that can be improved excluding: (A) Land
25 already committed to a public use or purpose, whether publicly or
26 privately owned; (B) existing parks, recreation areas and open space
27 that is dedicated to the public or subject to a recorded conservation
28 easement; (C) land otherwise subject to an enforceable restriction on or
29 prohibition of development; (D) wetlands or watercourses as defined
30 in chapter 440 of the general statutes; and (E) areas of contiguous land
31 that are unsuitable for development because of topographic features;
32 and

33 (5) The open space within the development shall be transferred by
34 easement or conveyance to the municipality or to a nonprofit land
35 holding conservation organization.

36 Sec. 2. (NEW) (*Effective July 1, 2007*) (a) A zoning commission, at the
37 time of and as part of its adoption of regulations for a conservation
38 development zone, may adopt design standards for conservation
39 within such zone.

40 (b) Such design standards may (1) ensure that construction within
41 the conservation development zone is complementary to adjacent and
42 neighboring buildings and structures; and (2) address the scale and
43 proportions of buildings; site coverage; alignment, width and grade of

44 streets and sidewalks; type and location of infrastructure; location of
45 building and garage entrances; off-street parking; protection of
46 significant natural site features; location and design of open spaces;
47 signage; and setbacks and buffering from adjacent properties.

48 Sec. 3. (NEW) (*Effective July 1, 2007*) (a) A zoning commission shall
49 prescribe, consistent with the provisions of this section and sections 1
50 and 2 of this act, the form of an application for approval of a
51 conservation development. Receipt and processing of applications
52 shall follow the time periods and procedures of chapter 124 or chapter
53 126 of the general statutes, as applicable. A zoning commission or its
54 agent is authorized, to the extent allowed by the Freedom of
55 Information Act, to conduct one or more preliminary or preapplication
56 planning or workshop meetings with regard to a conservation
57 development zone or development. A zoning commission may
58 conduct a public hearing in connection with an application for site
59 plan or subdivision approval of a conservation development.

60 (b) The regulations of a conservation development zone may require
61 the applicant for approval of a conservation development to pay the
62 cost of reasonable consulting fees to provide peer review of the
63 technical aspects of the application for the benefit of the zoning
64 commission. Such fees shall be held in a separate account and used
65 only for expenses associated with the technical review of the
66 application by consultants who are not otherwise salaried employees
67 of the municipality or the zoning commission, and any surplus
68 remaining, including any interest accrued, shall be returned to the
69 applicant within forty-five days of the completion of such technical
70 review.

71 (c) Conservation development zone regulations may provide for the
72 referral of a site plan or subdivision application for comment to other
73 agencies, boards or commissions of the municipality. If a site plan or
74 subdivision application is referred to another agency, board or
75 commission, such agency, board or commission shall provide any
76 comments within thirty-five days of referral of such application.

77 (d) A conservation development shall be approved by the zoning
 78 commission subject only to conditions that are necessary to (1) ensure
 79 substantial compliance of the proposed development with the
 80 requirements of the conservation zone regulations, design standards
 81 and, if applicable, subdivision regulations; or (2) ensure compliance
 82 with the provisions of any state law or regulations adopted thereunder
 83 or local ordinance concerning land use. An application may be denied
 84 only on the grounds that: (A) The development does not meet the
 85 requirements set forth in the conservation zone regulations; (B) the
 86 applicant failed to submit information and fees required by the
 87 regulations and necessary for an adequate and timely review of the
 88 design of the development or potential development impacts; or (C)
 89 there is no grantee for an easement or conveyance of the open space.

90 (e) The duration and renewal of an approval of a conservation
 91 development shall be governed by subsection (i) of section 8-3,
 92 subsection (j) of section 8-3, section 8-26c or section 8-26g of the general
 93 statutes, as applicable."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	New section
Sec. 2	<i>July 1, 2007</i>	New section
Sec. 3	<i>July 1, 2007</i>	New section