



House of Representatives

General Assembly

File No. 265

February Session, 2000

Substitute House Bill No. 5168

House of Representatives, March 28, 2000

The Committee on Planning and Development reported through REP. DAVIS of the 50th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Concerning Municipal Plans Of Conservation And Development.

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2 1 of public act 99-117, is repealed and the following is substituted in
3 lieu thereof:

4 (a) The commission shall prepare [, adopt and amend] a plan of
5 conservation and development for the municipality and any
6 amendments to such plan. The commission shall appoint a special
7 committee to develop and make recommendations to amend or update
8 the plan. The membership on the committee shall include, but not be
9 limited to, representatives of local boards dealing with zoning, finance,
10 general government, inland wetlands, conservation, recreation,
11 education and public works. Such plan shall show [the commission's
12 recommendation] recommendations for the most desirable use of land

13 within the municipality for residential, recreational, commercial,
14 industrial, conservation and other purposes and for the most desirable
15 density of population in the several parts of the municipality. Such
16 plan shall take into account the state plan of conservation and
17 development adopted pursuant to chapter 297 and shall note any
18 inconsistencies it may have with said state plan. Such plan shall make
19 provision for the development of housing opportunities, including
20 opportunities for multifamily dwellings, consistent with soil types,
21 terrain and infrastructure capacity, for all residents of the municipality
22 and the planning region in which the municipality is located, as
23 designated by the Secretary of the Office of Policy and Management
24 under section 16a-4a. Such plan shall also promote housing choice and
25 economic diversity in housing, including housing for both low and
26 moderate income households, and encourage the development of
27 housing which will meet the housing needs identified in the housing
28 plan prepared pursuant to section 8-37t and in the housing component
29 and the other components of the state plan of conservation and
30 development prepared pursuant to section 16a-26. Such plan may also
31 show the commission's recommendation for a system of principal
32 thoroughfares, parkways, bridges, streets and other public ways; for
33 airports, parks, playgrounds and other public grounds; for general
34 location, relocation and improvement of public buildings; for the
35 general location and extent of public utilities and terminals, whether
36 publicly or privately owned, for water, sewerage, light, power, transit
37 and other purposes; and for the extent and location of public housing
38 projects. Such other recommendations may be made [by the
39 commission] and included in the plan as will [, in its judgment,] be
40 beneficial to the municipality. The plan of conservation and
41 development shall be a statement of policies, goals and standards for
42 the physical and economic development of the municipality, and may
43 include all necessary and related maps, explanatory material,
44 photographs, charts or other pertinent data and information relative to
45 the past, present and future trends of the municipality, and may

46 include recommended programs for the implementation of the plan,
47 including a schedule and budget for public capital projects, and a
48 program for enactment and enforcement of zoning and subdivision
49 controls, building and housing codes and safety regulations, plans for
50 implementation of affordable housing and plans for open space
51 acquisition and greenways protection and development. In preparing
52 such plan the commission shall consider the community development
53 action plan of the municipality, if any, the need for affordable housing
54 and the protection of existing and potential public surface and ground
55 drinking water supplies, and may consider physical, social, economic
56 and governmental conditions and trends, including, but not limited to,
57 local, regional and state studies of the human resource, education,
58 health, housing, recreation, social services, public utilities, public
59 protection, transportation and circulation, cultural and interpersonal
60 communications needs of the municipality and the objectives of
61 energy-efficient patterns of development, the use of solar and other
62 renewable forms of energy, and energy conservation. The plan shall be
63 designed to promote with the greatest efficiency and economy the
64 coordinated development of the municipality and the general welfare
65 and prosperity of its people. The commission may prepare and adopt
66 plans for the redevelopment and improvement of districts or
67 neighborhoods which, in its judgment, contain special problems or
68 show a trend toward lower land values. The plan adopted under this
69 section for any municipality that is contiguous to Long Island Sound
70 shall be made with reasonable consideration for restoration and
71 protection of the ecosystem and habitat of Long Island Sound and shall
72 be designed to reduce hypoxia, pathogens, toxic contaminants and
73 floatable debris in Long Island Sound. The plan of any municipality in
74 which a traprock ridge, as defined in section 8-1aa, is located may
75 make recommendations for conservation and preservation of traprock
76 ridgelines, as defined in said section. The [commission may]
77 municipality shall, by vote of the legislative body of the municipality,
78 adopt the plan of conservation and development by a single resolution

79 or may, by successive resolutions, adopt parts of the plan, whether
80 geographical or functional, and amendments thereto. Prior to adopting
81 the conservation and development plan or any part thereof or
82 amendment thereto, the commission shall file in the office of the town
83 clerk a copy of such plan or part thereof or amendment thereto [but, in
84 the case of a district commission, such commission shall file such
85 information in the offices of both the district clerk and the town clerk,]
86 and shall hold at least one public hearing thereon, notice of the time
87 and place of which shall be published in a newspaper having general
88 circulation in the municipality at least twice at intervals of not less than
89 two days, the first not more than fifteen days, nor less than ten days,
90 and the last not less than two days prior to the date of each such
91 hearing, which notice shall make reference to the filing of such records
92 in the office of the town clerk, or both the district clerk and the town
93 clerk, as the case may be. Any plan or part thereof or amendment
94 thereto shall, upon adoption by the commission, be filed in the office of
95 the town clerk, [but, if it is a district plan or amendment, it shall be
96 filed in the offices of both the district and town clerk,] and shall
97 become effective at a time established by the commission, provided
98 notice thereof shall be published in a newspaper having general
99 circulation in the municipality prior to such effective date.

100 (b) The commission shall review the plan of conservation and
101 development at least once every ten years and shall adopt such
102 amendments to the plan or parts of the plan, in accordance with the
103 provisions of this section, as the commission deems necessary to
104 update the plan. On and after July 1, 2000, if a commission does not
105 review the plan within said ten years, the chief elected official of the
106 municipality shall submit a letter to the Secretary of the Office of
107 Policy and Management and the Commissioners of Transportation and
108 Economic and Community Development that explains why such
109 review was not conducted. A copy of the letter shall be included in
110 each application by the head of a municipal agency for funding for
111 development of real property submitted to said secretary or

112 commissioners until the plan is reviewed in accordance with this
113 subsection.

114 (c) The commission of any municipality more than twenty per cent
115 of which is existing preservation area, conservation area or rural land,
116 as defined in the state plan of conservation and development adopted
117 pursuant to chapter 297, shall consider as part of its plan of
118 conservation and development the use of cluster development to the
119 extent consistent with soil types, terrain and infrastructure capacity
120 within the municipality.

121 Sec. 2. Section 7-487 of the general statutes is repealed and the
122 following is substituted in lieu thereof:

123 (a) This chapter shall not supersede any other general statute,
124 special act, municipal charter or ordinance, with regard to zoning
125 regulations of the municipality adopted pursuant to section 8-2, or any
126 special act, inland wetlands regulations adopted pursuant to section
127 22a-42a, such environmental regulations, orders, permits or licenses
128 promulgated, issued or adopted by the Commissioner of
129 Environmental Protection or any municipality pursuant to the
130 authority granted under titles 22a and 25, local building requirements,
131 the requirements of any plan of conservation and development for the
132 municipality which has been approved [by a municipal planning
133 commission] pursuant to section 8-23, as amended by this act, or any
134 redevelopment plan or urban renewal plan for the municipality which
135 has been approved by a redevelopment agency pursuant to section 8-
136 127. In addition the physical improvement, use and enjoyment of
137 development property shall be subject to all general statutes, special
138 acts, municipal charters and ordinances and all state or local
139 regulations.

140 (b) No vote, whether taken prior to or subsequent to August 8, 1975,
141 by the legislative body of a municipality pursuant to section 8-2 to
142 exempt municipal property from the regulations prescribed by the

143 zoning commission of such municipality shall apply to development
144 property.

PD Committee Vote: Yea 16 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: None

Municipal Impact: Minimal

Explanation

Municipal Impact:

The bill changes the procedures for adopting municipal plans of conservation including requiring additional municipal officials and committees to be involved in the plans, as well as shift authority for certain duties and eliminating certain filing requirements. These changes are anticipated to result in a minimal workload impact, within municipal resources.

OLR Bill Analysis

sHB 5168

AN ACT CONCERNING MUNICIPAL PLANS OF CONSERVATION AND DEVELOPMENT.

SUMMARY:

This bill shifts the authority for adopting municipal plans of conservation and development and subsequent plan changes from planning commissions to local legislative bodies. A legislative body can adopt an entire plan by a single resolution or parts of the plan by successive resolutions. It can also adopt amendments to the plan by successive resolutions. It appears that planning commissions must still adopt plans before the legislative bodies act on them. The bill also makes conforming technical changes.

Planning commissions must still prepare, amend, and update the plans, but the bill requires them to appoint a special committee when amending or updating them. The committee must recommend how the plan should be changed or updated. It must include representatives from local boards and agencies, including zoning and conservation commissions, finance and education boards, the inland wetlands agency, and the public works department.

The bill eliminates two filing requirements that apply to planning commissions established by special districts. It eliminates the requirement that they file plans or amendments with the district and town clerk before and after the commissions adopt these documents. The law allows districts to establish a zoning or planning commission if the town has not established one. But it also requires them to dissolve their commissions once a town establishes one.

EFFECTIVE DATE: October 1, 2000

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 16 Nay 0