



General Assembly

February Session, 2000

Raised Bill No. 5168

LCO No. 259

Referred to Committee on Planning and Development

Introduced by:
(PD)

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2 1 of public act 99-117, is repealed and the following is substituted in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] chief elected official of each municipality shall
5 prepare, adopt and amend a plan of conservation and development for
6 the municipality. The chief elected official shall appoint a special
7 committee to develop and make recommendations to amend or update
8 the plan. The committee shall be composed of representatives of each
9 board, commission, department or agency of the municipality and a
10 representative of any other organization or other persons the chief
11 elected official deems appropriate. Such plan shall show [the
12 commission's recommendation] recommendations for the most
13 desirable use of land within the municipality for residential,
14 recreational, commercial, industrial, conservation and other purposes
15 and for the most desirable density of population in the several parts of
16 the municipality. Such plan shall take into account the state plan of

17 conservation and development adopted pursuant to chapter 297 and
18 shall note any inconsistencies it may have with said state plan. Such
19 plan shall make provision for the development of housing
20 opportunities, including opportunities for multifamily dwellings,
21 consistent with soil types, terrain and infrastructure capacity, for all
22 residents of the municipality and the planning region in which the
23 municipality is located, as designated by the Secretary of the Office of
24 Policy and Management under section 16a-4a. Such plan shall also
25 promote housing choice and economic diversity in housing, including
26 housing for both low and moderate income households, and
27 encourage the development of housing which will meet the housing
28 needs identified in the housing plan prepared pursuant to section 8-37t
29 and in the housing component and the other components of the state
30 plan of conservation and development prepared pursuant to section
31 16a-26. Such plan may also show the commission's recommendation
32 for a system of principal thoroughfares, parkways, bridges, streets and
33 other public ways; for airports, parks, playgrounds and other public
34 grounds; for general location, relocation and improvement of public
35 buildings; for the general location and extent of public utilities and
36 terminals, whether publicly or privately owned, for water, sewerage,
37 light, power, transit and other purposes; and for the extent and
38 location of public housing projects. Such other recommendations may
39 be made [by the commission] and included in the plan as will [, in its
40 judgment,] be beneficial to the municipality. The plan of conservation
41 and development shall be a statement of policies, goals and standards
42 for the physical and economic development of the municipality, and
43 may 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] municipality shall consider the community
53 development action plan of the municipality, if any, the need for
54 affordable housing and the protection of existing and potential public
55 surface and ground drinking water supplies, and may consider
56 physical, social, economic and governmental conditions and trends,
57 including, but not limited to, local, regional and state studies of the
58 human resource, education, health, housing, recreation, social services,
59 public utilities, public protection, transportation and circulation,
60 cultural and interpersonal communications needs of the municipality
61 and the objectives of energy-efficient patterns of development, the use
62 of solar and other renewable forms of energy, and energy
63 conservation. The plan shall be designed to promote with the greatest
64 efficiency and economy the coordinated development of the
65 municipality and the general welfare and prosperity of its people. The
66 [commission] municipality may prepare and adopt plans for the
67 redevelopment and improvement of districts or neighborhoods which,
68 in its judgment, contain special problems or show a trend toward
69 lower land values. The plan adopted under this section for any
70 municipality that is contiguous to Long Island Sound shall be made
71 with reasonable consideration for restoration and protection of the
72 ecosystem and habitat of Long Island Sound and shall be designed to
73 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
74 Long Island Sound. The plan of any municipality in which a traprock
75 ridge, as defined in section 8-1aa, is located may make
76 recommendations for conservation and preservation of traprock
77 ridgelines, as defined in said section. The [commission may]
78 municipality shall, by vote of the legislative body of the municipality,
79 adopt the plan of conservation and development by a single resolution
80 or may, by successive resolutions, adopt parts of the plan, whether
81 geographical or functional, and amendments thereto. Prior to adopting
82 the conservation and development plan or any part thereof or
83 amendment thereto, the [commission] municipality shall file in the
84 office of the town clerk a copy of such plan or part thereof or

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

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

116 (c) [The commission of any] Any municipality more than twenty per
117 cent of which is existing preservation area, conservation area or rural

118 land, as defined in the state plan of conservation and development
119 adopted pursuant to chapter 297, shall consider as part of its plan of
120 conservation and development the use of cluster development to the
121 extent consistent with soil types, terrain and infrastructure capacity
122 within the municipality.

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

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

142 (b) No vote, whether taken prior to or subsequent to August 8, 1975,
143 by the legislative body of a municipality pursuant to section 8-2 to
144 exempt municipal property from the regulations prescribed by the
145 zoning commission of such municipality shall apply to development
146 property.

147 Sec. 3. Section 22a-102 of the general statutes is repealed and the
148 following is substituted in lieu thereof:

149 (a) In revising the municipal plan of conservation and development
150 in accordance with subsection (b) of section 22a-101, the municipal
151 planning commission shall follow: (1) The policies and goals in section
152 22a-92; (2) criteria listed in section 8-23, as amended by this act.

153 (b) In adopting any proposed municipal plan of conservation and
154 development, zoning regulations or changes thereto or other
155 municipal coastal regulations listed in subdivision (2) of subsection (b)
156 of section 22a-101 or changes thereto, the following criteria shall also
157 be considered: (1) The character and distribution of the coastal
158 resources defined in section 22a-93 within its coastal boundary, the
159 capacity of and limitations on such resources to support development,
160 and the types and methods of development compatible with the wise
161 use, protection and enhancement of such resources; (2) the nature and
162 pattern of existing development and (3) the need for public services.

163 (c) [The municipal planning commission] A municipality may revise
164 its [municipal] plan of conservation and development adopted
165 pursuant to section 8-23, as amended by this act, by making such
166 changes as: Modifications of land use categories, changes in the
167 density and intensity of land use, alteration in plan policies;
168 modifications in growth strategies, changes in acquisition priorities,
169 and alterations in public infrastructure, highway and other capital
170 improvement projects.

171 (d) The municipal planning commission shall submit its proposed
172 revisions to the municipal plan of conservation and development
173 prepared in accordance with subsections (a) and (b) of this section and
174 section 22a-101 to the commissioner and the regional planning agency
175 for review and comment prior to the final adoption of such revisions in
176 accordance with section 8-23, as amended by this act. Upon receipt of
177 such proposed revisions the commissioner and the regional planning
178 agency shall review them for consistency with requirements and
179 criteria listed in subsections (a) and (b) of this section and said section
180 22a-101 and shall within ninety days notify the municipality in writing

181 of any suggested modifications to the proposed revisions. Upon
182 receipt of such comments or ninety days after receipt by the
183 commissioner of proposed revisions, the municipal planning
184 commission may modify and adopt the proposed revisions in
185 accordance with said section 8-23.

186 ***Statement of Purpose:***

187 To transfer from the planning commission the responsibility for the
188 formation and update of the local plan of conservation and
189 development to the chief elected official and the adoption of the plan
190 to the legislative body.

[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.]