



General Assembly

**Amendment**

February Session, 2004

LCO No. 3979

\*HB0504403979HDO\*

Offered by:

REP. WALLACE, 109<sup>th</sup> Dist.

REP. FONTANA, 87<sup>th</sup> Dist.

SEN. FONFARA, 1<sup>st</sup> Dist.

SEN. FASANO, 34<sup>th</sup> Dist.

To: Subst. House Bill No. 5044

File No. 248

Cal. No. 190

**"AN ACT CONCERNING PLANS OF CONSERVATION AND DEVELOPMENT."**

1 Strike section 7 in its entirety and substitute the following in lieu  
2 thereof:

3 "Sec. 7.(NEW) (*Effective from passage*) (a) On and after July 1, 2010, a  
4 zoning commission or combined planning and zoning commission  
5 shall not approve a petition requesting a change in the zoning  
6 regulations or boundaries of zoning district unless the planning  
7 commission or combined planning and zoning commission determines  
8 that such change is consistent with the plan of conservation and  
9 development adopted by the municipality under section 8-23 of the  
10 general statutes, as amended by this act, except as provided in  
11 subdivision (3) of subsection (b) of this section and subdivision (3) of  
12 subsection (c) of this section.

13 (b) (1) In the case of a petition to a zoning commission requesting a  
14 change in the zoning regulations or boundaries, such zoning  
15 commission, not more than thirty-five days after receiving the petition,  
16 shall submit the petition to the planning commission for a  
17 determination of consistency with the plan of conservation and  
18 development. Not more than thirty-five days after receipt of the  
19 petition, the planning commission shall make a determination on  
20 consistency of the petition with the plan and shall notify the zoning  
21 commission of such determination not more than thirty-five days  
22 thereafter. If the planning commission determines the petition is not  
23 consistent with the plan of conservation and development, the  
24 planning commission shall prepare an amendment to the plan that  
25 would enable the planning commission to determine the petition to be  
26 consistent with the amendment. Not more than thirty-five days after  
27 such determination, the amendment shall be prepared and submitted  
28 to the regional planning agency for review and comment in accordance  
29 with subsection (f) of section 8-23 of the general statutes, as amended  
30 by this act. If either the zoning commission or planning commission  
31 finds that a public hearing is in the public interest or a petition was  
32 submitted to the planning commission and signed by twenty per cent  
33 of the residents in the area impacted by the proposal or by twenty per  
34 cent of the owners of lots abutting such area, then the planning  
35 commission and the zoning commission shall jointly conduct a public  
36 hearing on the amendments not more than thirty-five days after  
37 making the finding or receiving the petition. If a public hearing is held  
38 under this subsection, the zoning commission shall not be required to  
39 hold a public hearing on the petition under section 8-3 of the general  
40 statutes, as amended by this act. Except as provided in this section, any  
41 public hearing and decision shall be in accordance with the periods of  
42 time permitted under section 8-7d of the general statutes, as amended,  
43 except that a decision shall be rendered by the planning commission  
44 within thirty-five days of completion of the hearing and the planning  
45 commission shall notify the zoning commission of its decision not  
46 more than thirty-five days thereafter. Notwithstanding the provisions  
47 of this subsection, if the planning commission and the zoning

48 commission jointly determine, at any time after the petition is received,  
49 that such petition would require changes to the plan of conservation  
50 and development that would be a significant change to the policies  
51 and goals of the plan of conservation and development, such planning  
52 commission shall consider the proposal in accordance with the  
53 provisions of subsection (f) of section 8-23 of the general statutes, as  
54 amended by this act.

55 (2) The planning commission may approve, deny or modify the  
56 amendment. If the planning commission approves or modifies the  
57 amendment, not less than thirty-five days after notification of such  
58 action, the zoning commission shall determine that the petition to  
59 change the zoning regulations or the boundaries of zoning districts is  
60 consistent with the plan and may approve such petition. If the  
61 planning commission denies the amendment to the plan of  
62 conservation and development, the zoning commission shall reject the  
63 petition to change the zoning regulations or the boundaries of zoning  
64 districts. In any appeal of a decision made under this subdivision, the  
65 provisions of this subdivision shall not affect the power of the Superior  
66 Court in an appropriate case (A) to order a zoning commission to  
67 change the zoning regulations and boundaries notwithstanding denial  
68 of the amendment by the planning commission, or (B) to order a  
69 planning commission to amend the plan of conservation and  
70 development to be consistent with zoning regulations and boundaries.

71 (c) (1) In the case of a petition to a combined planning and zoning  
72 commission requesting a change in the zoning regulations or  
73 boundaries, such commission, not more than thirty-five days after  
74 receiving such petition, shall make a determination on consistency of  
75 the petition with the plan of conservation and development. If the  
76 commission determines the petition is not consistent with the petition  
77 of conservation and development, the commission shall prepare an  
78 amendment to the plan that would enable the commission to  
79 determine the plan to be consistent with the amendment. Not more  
80 than thirty-five days after such determination, the amendment shall be  
81 prepared and submitted to the regional planning agency for review

82 and comment in accordance with subsection (f) of section 8-23 of the  
83 general statutes, as amended by this act. If the commission (A) finds  
84 that a public hearing is in the public interest, or (2) a petition was  
85 submitted to the commission and signed by twenty per cent of the  
86 residents in the area impacted by the proposal or by twenty per cent of  
87 the owners of lots abutting such area, then the commission shall  
88 conduct a public hearing on the amendment not more than thirty-five  
89 days after making the finding or receiving the commission. If a public  
90 hearing is held under this subsection, the commission shall not be  
91 required to hold a public hearing on the petition under section 8-3 of  
92 the general statutes, as amended by this act. Notwithstanding the  
93 provisions of this subsection, if the commission determines, at any  
94 time after the petition is received, that such petition would require  
95 changes to the plan of conservation and development that would be a  
96 significant change to the policies and goals of the plan of conservation  
97 and development, such commission shall consider the proposal in  
98 accordance with the provisions of subsection (f) of section 8-23 of the  
99 general statutes, as amended by this act. Except as provided in this  
100 section, any public hearing and decision shall be in accordance with  
101 the periods of time permitted under section 8-7d of the general  
102 statutes, as amended, except that a decision shall be rendered by the  
103 commission not more than thirty-five days after completion of the  
104 public hearing.

105 (2) The planning and zoning commission may approve, deny or  
106 modify the amendment. If the commission approves or modifies the  
107 amendment it shall determine that the petition to change the zoning  
108 regulations or the boundaries of zoning districts is consistent with the  
109 plan and may approve such petition. If the commission denies the  
110 amendment to the plan, the planning and zoning commission shall  
111 reject the petition requesting a change to the regulations or boundaries  
112 of zoning districts. In any appeal of a decision made under this  
113 subdivision, the provisions of this subdivision shall not affect the  
114 power of the Superior Court in an appropriate case to order a planning  
115 and zoning commission (A) to change the zoning regulations and

116 boundaries notwithstanding denial of the amendment by the planning  
117 commission, or (B) to amend the plan of conservation and  
118 development to be consistent with zoning regulations and  
119 boundaries."

120 Strike lines 575 to 596, inclusive, in their entirety and insert the  
121 following in lieu thereof:

122 "Sec. 8. Subsection (b) of section 8-3 of the general statutes is  
123 repealed and the following is substituted in lieu thereof (*Effective from*  
124 *passage*):"

125 In line 887, strike "On or before January 1, 2005, and biennially  
126 thereafter, the" and insert in lieu thereof "The"

127 In line 906, after "review" insert "when the state plan of conservation  
128 and development is submitted to such committee in accordance with  
129 section 16a-29 of the general statutes"

130 In line 908, strike "on or before February 15, 2005, and every five  
131 years thereafter" and insert in lieu thereof "at the time said state plan is  
132 submitted to the General Assembly under section 16a-30 of the general  
133 statutes"

134 In line 917, strike "state" and insert in lieu thereof "head of a state  
135 department, agency or institution, with the approval of the Secretary of  
136 the Office of Policy and Management,"

137 In line 918, strike "if the head of the department, agency"

138 In line 919, strike "or institution providing such funding  
139 determines" and insert in lieu thereof "upon determination"