



General Assembly

**Raised Bill No. 1045**

January Session, 2015

LCO No. 4074



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 Section 8-23 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

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

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

15 Policy and Management and the Commissioners of Transportation,  
16 Environmental Protection and Economic and Community  
17 Development that explains why such plan was not amended. A copy  
18 of such letter shall be included in each application by the municipality  
19 for discretionary state funding submitted to any state agency.

20 [(3) Notwithstanding any provision of subdivisions (1) and (2) of  
21 this subsection, no commission shall be obligated to prepare or amend  
22 a plan of conservation and development for such municipality from  
23 July 1, 2010, to June 30, 2014, inclusive.]

24 (b) On and after [the first day of July following the adoption of the  
25 state Conservation and Development Policies Plan 2013-2018, in  
26 accordance with section 16a-30] July 1, 2015, a municipality that fails to  
27 comply with the requirements of subdivisions (1) and (2) of subsection  
28 (a) of this section shall be ineligible for discretionary state funding  
29 unless such prohibition is expressly waived by the secretary. [, except  
30 that any municipality that does not prepare or amend a plan of  
31 conservation and development pursuant to subdivision (3) of  
32 subsection (a) of this section shall continue to be eligible for  
33 discretionary state funding unless such municipality fails to comply  
34 with the requirements of said subdivisions (1) and (2) on or after July  
35 1, 2015.]

36 (c) In the preparation of such plan, the commission may appoint one  
37 or more special committees to develop and make recommendations for  
38 the plan. The membership of any special committee may include:  
39 Residents of the municipality and representatives of local boards  
40 dealing with zoning, inland wetlands, conservation, recreation,  
41 education, public works, finance, redevelopment, general government  
42 and other municipal functions. In performing its duties under this  
43 section, the commission or any special committee may accept  
44 information from any source or solicit input from any organization or  
45 individual. The commission or any special committee may hold public  
46 informational meetings or organize other activities to inform residents  
47 about the process of preparing the plan.

48 (d) In preparing such plan, the commission or any special  
49 committee shall consider the following: (1) The community  
50 development action plan of the municipality, if any, (2) the need for  
51 affordable housing, (3) the need for protection of existing and potential  
52 public surface and ground drinking water supplies, (4) the use of  
53 cluster development and other development patterns to the extent  
54 consistent with soil types, terrain and infrastructure capacity within  
55 the municipality, (5) the state plan of conservation and development  
56 adopted pursuant to chapter 297, (6) the regional plan of conservation  
57 and development adopted pursuant to section 8-35a, (7) physical,  
58 social, economic and governmental conditions and trends, (8) the  
59 needs of the municipality including, but not limited to, human  
60 resources, education, health, housing, recreation, social services, public  
61 utilities, public protection, transportation and circulation and cultural  
62 and interpersonal communications, (9) the objectives of energy-  
63 efficient patterns of development, the use of solar and other renewable  
64 forms of energy and energy conservation, (10) protection and  
65 preservation of agriculture, and (11) sea level change scenarios  
66 published by the National Oceanic and Atmospheric Administration in  
67 Technical Report OAR CPO-1.

68 (e) (1) Such plan of conservation and development shall (A) be a  
69 statement of policies, goals and standards for the physical and  
70 economic development of the municipality, (B) provide for a system of  
71 principal thoroughfares, parkways, bridges, streets, sidewalks,  
72 multipurpose trails and other public ways as appropriate, (C) be  
73 designed to promote, with the greatest efficiency and economy, the  
74 coordinated development of the municipality and the general welfare  
75 and prosperity of its people and identify areas where it is feasible and  
76 prudent (i) to have compact, transit accessible, pedestrian-oriented  
77 mixed use development patterns and land reuse, and (ii) to promote  
78 such development patterns and land reuse, (D) recommend the most  
79 desirable use of land within the municipality for residential,  
80 recreational, commercial, industrial, conservation, agricultural and  
81 other purposes and include a map showing such proposed land uses,

82 (E) recommend the most desirable density of population in the several  
83 parts of the municipality, (F) note any inconsistencies with the  
84 following growth management principles: (i) Redevelopment and  
85 revitalization of commercial centers and areas of mixed land uses with  
86 existing or planned physical infrastructure; (ii) expansion of housing  
87 opportunities and design choices to accommodate a variety of  
88 household types and needs; (iii) concentration of development around  
89 transportation nodes and along major transportation corridors to  
90 support the viability of transportation options and land reuse; (iv)  
91 conservation and restoration of the natural environment, cultural and  
92 historical resources and existing farmlands; (v) protection of  
93 environmental assets critical to public health and safety; and (vi)  
94 integration of planning across all levels of government to address  
95 issues on a local, regional and state-wide basis, (G) make provision for  
96 the development of housing opportunities, including opportunities for  
97 multifamily dwellings, consistent with soil types, terrain and  
98 infrastructure capacity, for all residents of the municipality and the  
99 planning region in which the municipality is located, as designated by  
100 the Secretary of the Office of Policy and Management under section  
101 16a-4a, (H) promote housing choice and economic diversity in  
102 housing, including housing for both low and moderate income  
103 households, and encourage the development of housing which will  
104 meet the housing needs identified in the state's consolidated plan for  
105 housing and community development prepared pursuant to section 8-  
106 37t and in the housing component and the other components of the  
107 state plan of conservation and development prepared pursuant to  
108 chapter 297, and (I) consider allowing older adults and persons with a  
109 disability the ability to live in their homes and communities whenever  
110 possible. Such plan may: (i) Permit home sharing in single-family  
111 zones between up to four adult persons of any age with a disability or  
112 who are sixty years of age or older, whether or not related, who receive  
113 supportive services in the home; (ii) allow accessory apartments for  
114 persons with a disability or persons sixty years of age or older, or their  
115 caregivers, in all residential zones, subject to municipal zoning  
116 regulations concerning design and long-term use of the principal

117 property after it is no longer in use by such persons; and (iii) expand  
118 the definition of "family" in single-family zones to allow for accessory  
119 apartments for persons sixty years of age or older, persons with a  
120 disability or their caregivers. In preparing such plan the commission  
121 shall consider focusing development and revitalization in areas with  
122 existing or planned physical infrastructure. For purposes of this  
123 subsection, "disability" has the same meaning as provided in section  
124 46a-8.

125 (2) For any municipality that is contiguous to Long Island Sound,  
126 such plan shall be (A) consistent with the municipal coastal program  
127 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with  
128 reasonable consideration for restoration and protection of the  
129 ecosystem and habitat of Long Island Sound, and (C) designed to  
130 reduce hypoxia, pathogens, toxic contaminants and floatable debris in  
131 Long Island Sound.

132 (f) Such plan may show the commission's and any special  
133 committee's recommendation for (1) conservation and preservation of  
134 traprock and other ridgelines, (2) airports, parks, playgrounds and  
135 other public grounds, (3) the general location, relocation and  
136 improvement of schools and other public buildings, (4) the general  
137 location and extent of public utilities and terminals, whether publicly  
138 or privately owned, for water, [sewerage,] light, power, transit and  
139 other purposes, (5) the extent and location of public housing projects,  
140 (6) programs for the implementation of the plan, including (A) a  
141 schedule, (B) a budget for public capital projects, (C) a program for  
142 enactment and enforcement of zoning and subdivision controls,  
143 building and housing codes and safety regulations, (D) plans for  
144 implementation of affordable housing, (E) plans for open space  
145 acquisition and greenways protection and development, and (F) plans  
146 for corridor management areas along limited access highways or rail  
147 lines, designated under section 16a-27, (7) proposed priority funding  
148 areas, and (8) any other recommendations as will, in the commission's  
149 or any special committee's judgment, be beneficial to the municipality.

150 The plan may include any necessary and related maps, explanatory  
151 material, photographs, charts or other pertinent data and information  
152 relative to the past, present and future trends of the municipality.

153 (g) Any municipal plan of conservation and development scheduled  
154 for adoption on or after July 1, 2015, shall identify the general location  
155 and extent of any (1) areas served by existing sewerage systems, (2)  
156 areas where sewerage systems are planned, and (3) areas where sewers  
157 are to be avoided. In identifying such areas, the commission shall  
158 consider the provisions of this section and the priority funding area  
159 provisions of chapter 297a.

160 ~~[(g)]~~ (h) (1) A plan of conservation and development or any part  
161 thereof or amendment thereto prepared by the commission or any  
162 special committee shall be reviewed, and may be amended, by the  
163 commission prior to scheduling at least one public hearing on  
164 adoption.

165 (2) At least sixty-five days prior to the public hearing on adoption,  
166 the commission shall submit a copy of such plan or part thereof or  
167 amendment thereto for review and comment to the legislative body or,  
168 in the case of a municipality for which the legislative body of the  
169 municipality is a town meeting or representative town meeting, to the  
170 board of selectmen. The legislative body or board of selectmen, as the  
171 case may be, may hold one or more public hearings on the plan and  
172 shall endorse or reject such entire plan or part thereof or amendment  
173 and may submit comments and recommended changes to the  
174 commission. The commission may render a decision on the plan  
175 without the report of such body or board.

176 (3) At least thirty-five days prior to the public hearing on adoption,  
177 the commission shall post the plan on the Internet web site of the  
178 municipality, if any.

179 (4) At least sixty-five days prior to the public hearing on adoption,  
180 the commission shall submit a copy of such plan or part thereof or

181 amendment thereto to the regional council of governments for review  
182 and comment. The regional council of governments shall submit an  
183 advisory report along with its comments to the commission at or  
184 before the hearing. Such comments shall include a finding on the  
185 consistency of the plan with (A) the regional plan of conservation and  
186 development, adopted under section 8-35a, (B) the state plan of  
187 conservation and development, adopted pursuant to chapter 297, and  
188 (C) the plans of conservation and development of other municipalities  
189 in the area of operation of the regional council of governments. The  
190 commission may render a decision on the plan without the report of  
191 the regional council of governments.

192 (5) At least thirty-five days prior to the public hearing on adoption,  
193 the commission shall file in the office of the town clerk a copy of such  
194 plan or part thereof or amendment thereto but, in the case of a district  
195 commission, such commission shall file such information in the offices  
196 of both the district clerk and the town clerk.

197 (6) The commission shall cause to be published in a newspaper  
198 having a general circulation in the municipality, at least twice at  
199 intervals of not less than two days, the first not more than fifteen days,  
200 or less than ten days, and the last not less than two days prior to the  
201 date of each such hearing, notice of the time and place of any such  
202 public hearing. Such notice shall make reference to the filing of such  
203 draft plan in the office of the town clerk, or both the district clerk and  
204 the town clerk, as the case may be.

205 [(h)] (i) (1) After completion of the public hearing, the commission  
206 may revise the plan and may adopt the plan or any part thereof or  
207 amendment thereto by a single resolution or may, by successive  
208 resolutions, adopt parts of the plan and amendments thereto.

209 (2) Any plan, section of a plan or recommendation in the plan that is  
210 not endorsed in the report of the legislative body or, in the case of a  
211 municipality for which the legislative body is a town meeting or  
212 representative town meeting, by the board of selectmen, of the

213 municipality may only be adopted by the commission by a vote of not  
214 less than two-thirds of all the members of the commission.

215 (3) Upon adoption by the commission, any plan or part thereof or  
216 amendment thereto shall become effective at a time established by the  
217 commission, provided notice thereof shall be published in a  
218 newspaper having a general circulation in the municipality prior to  
219 such effective date.

220 (4) Not more than thirty days after adoption, any plan or part  
221 thereof or amendment thereto shall be posted on the Internet web site  
222 of the municipality, if any, and shall be filed in the office of the town  
223 clerk, except that, if it is a district plan or amendment, it shall be filed  
224 in the offices of both the district and town clerks.

225 (5) Not more than sixty days after adoption of the plan, the  
226 commission shall submit a copy of the plan to the Secretary of the  
227 Office of Policy and Management and shall include with such copy a  
228 description of any inconsistency between the plan adopted by the  
229 commission and the state plan of conservation and development and  
230 the reasons therefor.

231 [(i)] (j) Any owner or tenant, or authorized agent of such owner or  
232 tenant, of real property or buildings thereon located in the  
233 municipality may submit a proposal to the commission requesting a  
234 change to the plan of conservation and development. Such proposal  
235 shall be submitted in writing and on a form prescribed by the  
236 commission. Notwithstanding the provisions of subsection (a) of  
237 section 8-7d, the commission shall review and may approve, modify  
238 and approve or reject the proposal in accordance with the provisions of  
239 subsection [(g)] (h) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	8-23

*PD Joint Favorable*