

OFFICE OF THE CITY ATTORNEY

TO : Mayor Maria Madsen Holzberg

DATE : October 29, 1997

RE : Legal Opinion Request

QUESTION PRESENTED:

Is the Planning & Zoning Commission required to conduct a public hearing and act on an application for a special exception received prior to the effective date of a moratorium on zone changes and special exceptions for the area?

ANSWER: Yes.

ANALYSIS:

Connecticut General Statutes § 8-2h, partially entitled "zoning applications filed prior to change in zoning regulations not required to comply with change", provides, in relevant part, as follows:

(a) An application filed with a zoning commission, planning and zoning commission, zoning board of appeals or agency exercising zoning authority of a town, city or borough which is in conformance with the applicable zoning regulations as of the time of filing shall not be required to comply with, nor shall it be disapproved for the reason that it does not comply with, any change in the zoning regulations or the boundaries of zoning districts of such town, city or borough taking effect after the filing of such application. C.G.S. § 8-2h, as amended.

Accordingly, as the statute's direction is clear, the Commission must schedule a public meeting and act on the application.


Timothy P. Lynch
Deputy City Attorney

TPL/kt
cc: William Warner, AICP
Planning & Zoning Director

**MEMORANDUM
PLANNING AND ZONING DEPARTMENT**

TO: Trina Solecki, City Attorney

FROM: William Warner, AICP, Director of Planning

DATE: October 15, 1997

RE: Moratorium on Newfield Street

The Planning and Zoning Commission requested legal advice on the following issue:

FACTS: The Commission is interested in imposing a moratorium on zone changes and special exceptions along the Newfield Street (CT Rt. 3) corridor.

The Moratorium text amendment appeared on the agenda on September 10, 1997, a public hearing was scheduled and opened on September 24, 1997. The hearing was continued to October 8, 1997 and adopted with an effective date of October 13, 1997.

An application for a special exception was submitted on September 24, 1997.

Is the Commission required to conduct a public hearing and act on this proposal? Please refer to C.G.S. 8-2h.

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