

SECTION 86 – APPLICATIONS FOR ZONING MAP OR TEXT AMENDMENT

86.1 APPLICATIONS

Applications shall be filed with the Planning and Zoning Commission and thereafter be acted upon and Notice given as provided in section 8-3 of the Connecticut General Statutes and the additional standards below.

86.2 PRELIMINARY HEARINGS AND WORKSHOPS

The Commission may in its discretion hold such preliminary hearings and/or workshops as it deems necessary.

86.3 FACTORS FAVORING AND DISFAVORING A CHANGE

In passing upon any such petition, the Planning and Zoning Commission shall take into account the various factors favoring and disfavoring a change, such as, but not limited to, the following:

86.3.1 **Errors and Changes.** Errors in the existing ordinance, changes that have taken place in the city and in patterns of construction and land use, the supply of land and its peculiar suitability for various purposes, the effect of a map change on the surrounding area, the purposes of zoning and the Plan of Conservation and Development of the City of West Haven;

86.3.2 **Other Method or Procedure.** Whether some other method or procedure under the zoning ordinance is more appropriate; and

86.3.3 **Minimum Area.** In the case of a map change, the size of the area involved. As a general policy the Planning and Zoning Commission shall not consider favorably any petition which would result in a total contiguous area (separated only by streets, and excluding the area of streets) of less than 2 acres in the case of a Residence District, less than 1 acre in the case of a Commercial District, less than 4 acres in the case of an Industrial District or Mixed Use District.

86.4 NO MAP OR SITE PLAN TO BE FILED

No map or site plan of the proposed development shall be filed with the zone change application so that the Commission may render an impartial decision of the zoning of the property.

86.5 FEE WAIVED FOR CITY APPLICATION

Whenever the applicant for a change in the zoning regulations is the City of West Haven or the West Haven Planning and Zoning Commission, no application fee is required and only such plans or application as the Commission determines necessary to properly advise any interested party of the nature of the requested change will be required.

86.6 EFFECTIVE DATE

Any change of a zoning district boundary or amendment to these regulations shall automatically be effective upon legal publication of the Notice of Decision of approval of same, unless otherwise expressly stated by the Commission at the time of adoption.

86.7 PUBLIC HEARING REQUIRED

A public hearing in accordance with the provisions of Section 8-6 of the Connecticut General Statutes shall be held. At such public hearing, the petitioner may be heard and any other person may be heard to speak in favor or against the said petition.

86.8 LEGAL NOTICE

Notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in such municipality at least twice, at intervals of not less than 2 days, the first not more than 15 days nor less than 10 days, and the last not less than 2 days before the date of such hearing, in accordance with the provisions of Section 8-3 of the Connecticut General Statutes.

86.9 NOTICE TO CITY COUNCIL

The Clerk of the Board shall give notice to the Council Member of the district or districts in which the subject property is located.

86.10 NOTICE TO ADJOINING MUNICIPALITIES

In the case of applications where any portion of a tract of land is within 500 feet of a town line, the Clerk of the Board shall notify the adjoining municipality Clerk by US Mail, .

86.11 PUBLIC INSPECTION OF DOCUMENTS

All applications, maps, and documents relating to a public hearing shall be open for public inspection in the Planning and Development Department not less than fifteen (15) days prior to the day of the public hearing.

86.12 PLANNING AND ZONING COMMISSION, CITY NOTICE EXEMPTION

Unless expressly required by State Statute neither the City nor the Planning and Zoning Commission shall be required to comply with the posting and mailing requirements of this section.

86.13 PROPERTY OWNERS TO BE NOTICED

In addition to published notice, the Clerk of the Board or Commission shall provide mailing labels for notice to property owners as recorded at the Office of the City Assessor whose property is located within and including a distance of 200 feet as measured from all boundaries of the property which is the subject of such application if such property is within the city.

86.13.1 **Applicant to Mail Notices.** The applicant shall use the provided mailing labels to notify property owners as recorded at the Office of the City Assessor whose property is located within and including a distance of 200 feet as measured from all boundaries of the property which is the subject of such application if such property is within the city.

86.13.2 **Applicant to Provide Affidavit of Mailing.** The applicant shall provide a signed affidavit on a form provided by the Department of Planning and Development that the furnished Mail Notices have been sent by US Mail in conformance with these Regulations.

86.13.3 **Notice to Condominiums.** In the case of a condominium, notice shall be furnished to the official business address of the association or other business entity responsible for its business affairs.

86.13.4 **Date of Mailing.** The mailing shall be made not less than 10 days or more than 15 days prior to date of the hearing.

86.13.5 **Source for Notice.** The most recent published annual list of the Office of the City Assessor shall be the basis for notice.

86.14 POSTING OF NOTICE

A sign of a design approved by the **Board** or **Commission** shall be posted City staff or the Applicant not less than 10 days prior to the public hearing on the property for which application is made where practical.

86.15 LOCATION AND CONTENT OF POSTING

A minimum 11" x 17" size sign shall be posted. The sign shall be plainly readable from curbside of the addressed street frontage and shall normally be posted on a door or window of the principal structure on the property. If there is no structure, the sign shall be attached to a board or post and prominently placed on the property near the street face at a 4 foot minimum height. The sign shall contain language which provides, but is not limited to, the following information:

1. Notice that zoning relief has been applied for.
2. An address and telephone number where further information can be obtained regarding the application.
3. Date, location and hearing time.

86.16 NOTICE FOR LARGE TRACTS OF LAND

When land area of 10 acres or more or involving more than 250 notices to owners of record within 200 feet of the subject petition area are involved the application shall be considered a large tract of land that may use one or more of the alternative means and outreach efforts listed below under the direction of Board or **Commission** involved:

- Newspaper article(s)
- Door to door distribution of Flyers or Leaflets distributed by City or Council Members
- Newsletters
- Larger display ad in legal notices section
- Informational meeting(s) before public hearing
- Larger on-site sign(s)
- Postings in or at local businesses
- Upload to Internet

86.17 DECISIONS

After the Public Hearing, the **Commission** may grant, deny or table said petition. In the case of a petition for a change in Zoning Regulations Map or Text, the **Commission** may amend and approve such amended petition, provided the amendment does not substantively alter the purpose of nature of the original petition.

Should the application for Zone Map or Text Amendment be denied, the **Commission** will not hold a public hearing for the same property, properties or amendment(s) within a twelve-month period from the date of denial. The **Commission** may also deny any petition without prejudice so as to allow the rehearing of the same application within the twelve (12) month period.

Any decision shall be filed with the City Clerk's Office, sent to the petitioner at the address listed on the application, and a statement of the decision of the **Commission** shall appear in a legal ad in the newspaper.

86.18 APPEALS

Any person or persons aggrieved by the action of the **Commission** may appeal any decision to the Superior Court of the State of Connecticut.