

ARTICLE 12 – PUBLIC HEARING PROCEDURES

SECTION 92 – PUBLIC HEARING PROCEDURES

92.1 PROCEDURE

- 92.1.1 **Application.** Upon application on a written prescribed form by the Commission, the Board or Commission shall hear, review, and decide any petition for a Special Use Exception, Variance, Special Permit or Zoning Ordinance Map and/or Text change.
- 92.1.2 **Content.** Such application shall contain as a minimum, written statements setting forth the Regulations section under which the application is submitted, with a narrative, site or plot plan and such diagrams and/or photographs as appropriate. All such documents shall become part of the record of such application.
- 92.1.3 **Start of Public Hearing.** The public hearing must be scheduled within sixty-five (65) days of receipt of the application.
- 92.1.4 **Hearing Continuation.** Public hearings shall be completed in a single session where possible, but may be continued to a date certain where necessary for full development of evidence or for full and adequate participation of the parties, or for such other substantial purposes. In no case shall continuances be used as a delay device.
- 92.1.5 **Completion of Hearing.** The public hearing shall be completed within thirty-five (35) days of its commencement.
- 92.1.6 **Time Extensions.** An applicant may consent to time extension(s) for the start or completion of the public hearing or decision action phase in accord with section 8-26d C.G.S., but the total of all extensions together may not exceed 65 days. All time specified is in workdays per Sec. 1-225(g), C.G.S.

92.2 PUBLIC HEARINGS AND NOTICE

- 92.2.1 **Notice of Public Hearing Required.** The legal advertisement shall describe the petition and the public hearing time and location and where additional information may be secured. Notice of a public hearing shall be published at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the hearing date in a newspaper having a substantial circulation in West Haven, in accordance with the provisions of Section 8-7d of the Connecticut General Statutes. 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.
- 92.2.2 **City, Planning and Zoning Commission 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.
- 92.2.3 **Notice for Large Tracts of Land.** When land area of 10 acres or more or a list of 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, or other method as directed by the 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

92.2.4 **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 certified mail, return receipt requested and shall be mailed within seven (7) days of the date of receipt of the application or request, as required by Section 8-7(e) C.G.S.

92.2.5 **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 not less than 10 or more than 15 days prior to the public hearing date.

92.2.6 **Notice to Property Owners.** In addition to published notice, the Clerk of the Board or Commission shall prepare a list of 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.

1. **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. Individual notice to unit owners is not required.
2. **Date of Mailing.** The mailing shall be made not less than 10 or more than 15 days prior to the public hearing date.
3. **Source for Notice.** The most recent published annual list of the Office of the City Assessor shall be the basis for notice.
4. **Public Hearing Notices.** The Planning and Development Department shall furnish a model Notice of Public Hearing to the applicant.
5. **Notices by Applicant.** The applicant shall mail by U.S. Mail individual Notices of Public Hearing to the property owners on the list prepared by the Clerk and to abutters by U.S. Mail.
6. **Affidavit and Certification Required.** The applicant shall furnish an Affidavit to the Board/Commission at the Public Hearing that the individual notices were sent by U.S. Mail in accordance with the requirements of this section and shall provide a Certificate of Mailing issued by the U.S. Postal Service.

92.2.7 **Posting of Notice.** A sign of a design approved by the Board or Commission shall be posted not less than 10 days prior to the public hearing, on the property for which application is made.

1. **Location and Content of Posting.** A minimum 11" x 17" size sign shall be posted so that it is readable from curbside. The sign 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:
 - Notice that zoning relief has been applied for.
 - An address and telephone number where further information can be obtained regarding the application.
 - Date, location and hearing time.
2. **Sign.** Said sign may be obtained from the Clerk of the Board or Commission or other individual as designated by the Zoning Board of Appeals or Planning and Zoning Commission or may be posted by Planning and Development Department staff.

92.3 DECISION PROCESS

- 92.3.1 **Finding.** In making its decision the **Board** or **Commission** shall state upon the record the reasons therefore, and shall make such specific findings as may be required by these Regulations that such application is not detrimental to either the community at large or the surrounding neighborhood.
- 92.3.2 **Conditions of Approval.** The **Board** or **Commission** shall in each case determine that the adverse effects, if any, on the privacy, quiet, light, safety, environment or aesthetics in the neighborhood of such use will be minimized by appropriate conditions governing location of the site, design and method of operation.
- In the granting of an application the **Board** or **Commission** may prescribe such conditions or restrictions as deemed appropriate as it may deem necessary in the specific case, in order to minimize the adverse effects of such petition upon other property in the neighborhood as provided for by these Regulations. Such conditions or restrictions shall be incorporated in the building permit.
- 92.3.3 **Decision.** The **Board** or **Commission** after the public hearing shall take action on an application within thirty-five (35) days after completion of the public hearing, and may grant, grant with conditions or deny a petition.
- 92.3.4 **Decision to be Filed with City Clerk.** A copy of the decision shall be filed with the City Clerk's Office.
- 92.3.5 **Legal Notice.** Notice of the decision shall also be advertised in the local newspaper.
- 92.3.6 **Applicant Certificate of Decision.** If the **Board** or **Commission** grants an application, it shall issue a Certificate of Decision to the applicant for recording in the West Haven Land Records, to be sent by Certified Mail in accord with Sec. 8-26e CGS within 15 working days following the public hearing. Any condition which is attached to the grant of approval shall be clearly set forth on the Certificate of Decision.
- 92.3.7 **Applicant Certificate of Decision to be Recorded.** An application approval shall be effective upon recording of the Certificate of Decision for the zoning relief granted in the West Haven Land Records within 90 days from the Notice of Decision date. Any approval for which a Certificate of Decision has been issued but not recorded within such time shall automatically be null and void.
- 92.3.8 **Failure to Comply with Conditions or Restrictions** shall be a violation of this regulation and will automatically result in the denial or revocation of a building permit or certificate of occupancy and may result in the imposition of such other enforcement remedies available.
- 92.3.9 **Appeals from Decision.** Any person or persons may appeal any decision of the Zoning Board of Appeals to the Superior Court of the State of Connecticut pursuant to Section 8-8 of the Connecticut General Statutes.