

Effective Date: 6/1/2019

Zone Change
Zoning text
amendment

ARTICLE 14 ZONE CHANGES AND AMENDMENTS

14.1 Authority

On its own initiative or on receipt of a written application to amend any portion of these regulations, the Planning & Zoning Commission may amend the regulations or change the boundaries of the zones herein after public hearing in accordance with Chapter 124, Section 8-3 of the General Statutes of the State of Connecticut.

14.2 Standards

In considering change of zone applications the Commission shall require compliance with the following:

- 14.2.1 That the existing and future character of the neighborhood in which the zone and/or use is to be located will be protected;
- 14.2.2 That adequate safeguards have been taken to protect adjacent property and the neighborhood in general from detriment;
- 14.2.3 That in the case where an application proposes a zone change which will increase building density over that permitted under the existing zone, the topography and other natural features of the property are capable of accommodating such increased development without detrimental impact; and that adequate safeguards have been taken to protect the natural environment;
- 14.2.4 That all required public services will be reasonably available to serve the proposed development;
- 14.2.5 Every application for change of zone shall require a public hearing.

14.3 Notice

Notice of the time and place of such hearing shall be paid for by the applicant and published in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Prospect at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before such hearing, and a copy of such proposed regulation or boundary shall be filed in the office of the Land Use Inspector and the office of the Town Clerk for public inspection at least ten (10) days before such meeting. Notice of the public hearing shall be mailed by the applicant by certificate of mailing no later than ten (10) days before such hearing to all owners of property, as recorded in the office of the Town Assessor on the date the application is filed, located within 500 feet of the property which is the subject of the application. In the case where any property within 500 feet of the property which is the subject of the application has been submitted to common interest ownership, such as a condominium, the required notice need only be sent to the homeowners' association and to those owners of buildings or dwelling units located within such 500 feet.

Evidence of such mailing and a list of property owners to whom notices were sent shall be presented to the Land Use Office at or before the public hearing.

14.4 Protest

If a protest is filed at such hearing with the Planning & Zoning Commission against such change, signed by owners of 20% or more of the area of lots included in such proposed change, or of the lots within five hundred (500) feet in all directions of the property change, such change shall not be adopted except by a vote of two-thirds of all the members of the Planning & Zoning Commission.

14.5 Application

Any person or persons who are property owners or residents in the Town of Prospect, Connecticut may make written application for amendment of these regulations signed by the applicant. A plan giving proposed boundaries must accompany each application for change in zoning boundaries.

14.6 Fee

Fees for amending the Town of Prospect Zoning Regulations shall be set in accordance with the Town of Prospect Zoning and Subdivision Fee Schedule.

14.7 Reapplication

No application relating to the same change or substantially the same change need be heard by the Commission more than once in a period of twelve (12) months.

Special Permit TEXT a man of man

- 12.7.2 Acceptance by Commission:** The Commission shall officially accept Special Permit applications at the next regular or special meeting or within thirty-five (35) days after the Special Permit application was submitted, whichever is sooner provided the information submitted by the applicant under Section 12.3 is complete to the Commission's satisfaction. In the event any application is not accepted, the applicant shall be notified in writing within 10 days.
- 12.7.3 Commission Action:** The Planning and Zoning Commission shall hold a public hearing regarding any Special Permit within sixty-five (65) days after the date the commission officially received the Special Permit application. Public hearings shall be completed within thirty-five (35) days after the hearing's start date and decisions on the application shall be rendered within sixty-five (65) days of the hearings completion date. An extension not to exceed a total of sixty-five (65) days may be granted to extend any of the aforementioned periods with the consent of the applicant.
- 12.7.4 Notice:** Notice of the time and place of such hearing shall be paid for by the applicant and published in the form of a legal advertisement in a newspaper having a substantial circulation in the Town of Prospect at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before such hearing. Notice of the public hearing shall be mailed by the applicant by certificate of mailing no later than ten (10) days before such hearing to all owners of property, as recorded in the office of the Town Assessor on the date the application is filed, located within 500 feet of the property which is the subject of the application. In the case where any property within 500 feet of the property that is the subject of the application has been submitted to common interest ownership, such as a condominium, the required notice need only be sent to the homeowners association and to those owners of buildings or dwelling units located within such 500 feet. Evidence of such mailing and a list of property owners to whom notices were sent shall be presented to the Land Use Office at or before the public hearing.
- 12.7.5** Whenever the Commission grants or denies a Special Permit, it shall state upon its records the reason for its decision. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the Town and addressed by certified mail to the person who requested or applied for a Special Permit by the Clerk of the Commission under his signature in any written, printed, typewritten or stamped form, within fifteen days after such decision has been rendered. Such permit or exception shall become effective at such time as is fixed by the Commission, provided a copy thereof shall be filed in the Town Clerk's Office.

Section 12.8 Planning And Zoning Commission Responsibilities

Special Permits shall be granted only where the Planning and Zoning Commission finds that the proposed use or the proposed extension or alteration of an existing use is in accord with the public convenience and welfare. (See Section 12.10.)

Section 12.9 Additional Conditions And Safeguards