

## **§42 AMENDMENT OF ZONING REGULATIONS** *Revised 08-25-08*

### **42-1 Authority**

The Planning and Zoning Commission may, on its own motion from time to time, adopt, amend or repeal the provisions and boundaries established by these regulations. However, no change in the regulations, restrictions, or boundaries shall become effective until after notice and public hearing is held by the Commission, at which time parties-in-interest and citizens shall have an opportunity to be heard. All amendments shall be considered in accordance with and subject to the Connecticut General Statutes, as amended.

### **42-2 General**

Any person, firm or corporation desiring an amendment or change in the Zoning Regulations and/or Official Building Zone Map of the Town of Westport, may submit an application proposing such amendment or change to the Planning and Zoning Commission. Before the Commission shall consider any such application the following requirements shall be met and the following information submitted.

### **42-3 Application for Change of Zone**

All proceedings to change the zoning boundaries or the zoning text of these regulations, including any change in punctuation or wording, shall be instituted by application in writing to, and in a form prescribed by, the Commission. Applications shall be signed by the applicant and shall be considered in accordance with the procedures adopted by the Commission, as amended, from time to time.

#### **42-3.1 Zoning Boundary Changes**

The application shall describe the existing and proposed zone boundaries of the property and shall give a metes and bounds description of the property or identification by Assessor's Map and Lot Number of the lots, or parts thereof to be included in the amendment or change.

##### **42-3.1.1 Existing Land Use Map**

Twelve copies of a map shall be submitted with the application showing all existing lots, dimensions, property lines, streets, rights-of-way, the existing land uses in the standard color key of the Commission, the existing and proposed zoning district boundary lines in appropriate markings, the north point, graphic scale, date, the name of the applicant and the Zoning Amendment number. This map shall also show the above required information for the area included in and within two hundred fifty (250) feet of area affected by the application. The Existing Land Use and Existing Conditions may be combined on one map. The Standard Color Key of the Commission is as follows:

- Yellow - residential
- Red - commercial
- Blue - light and dark - water and institutional
- Green - open space
- Brown - multi-family residential
- Purple – industrial

##### **42-3.1.2 Existing Conditions Map**

Twelve copies of a map shall be submitted with the application showing all existing streets, existing buildings and structures, existing waterbodies and watercourses, the existing contours at a contour interval not to exceed two (2) feet, and any existing

wetlands boundary lines, flood boundary lines and/or mean high water lines, the north point, graphic scale, date, the name of the applicant and the Zoning Amendment number. This map shall also show the above required information for the area included in and within two hundred fifty (250) feet of the area affected by the application. The Existing Land Use and Existing Conditions may be combined on one map.

**42-3.1.3 Proposed Zoning Map**

In addition to the above maps twelve copies of a separate zoning map shall be submitted with the application showing all existing lots, dimensions, property lines, streets, rights-of-way, the existing and proposed zoning district boundary lines in appropriate markings, the north point, graphic scale, date, the name of the applicant and the Zoning Amendment number. This map or accompanying list shall also show both the names and addresses of property owners and any Zoning Board of Appeals Variance case numbers for all lots included in and within two hundred fifty (250) feet of the area affected by the application, as indicated in the current records of the Westport Assessor's and the Zoning Board of Appeal's offices, respectively.

**42-3.1.4 Map Sources**

The above listed maps shall be drawn to a scale of one hundred (100) feet or two hundred (200) feet to the inch and may be based on the property line maps of the Assessor's office, topography maps of the Engineering Department and the zoning maps of the Engineering Department and the zoning maps of the Commission, and may show any other information considered pertinent by the applicant.

**42-3.1.5 Conceptual Site Plan**

Applications for a Change of Zone to General Business District/Saugatuck (GBD/S) shall be accompanied by twelve (12) copies of a conceptual site plan, drawn to scale, showing building locations (footprint), driveways, parking areas and other improvements related to site development (See §24A).

**42-3.2 Notice Mailing**

A list of names and addresses of all property owners located in and within 500 feet of the proposed zone change line shall be submitted along with Certificates of mailing for each such property owner as shown on the tax assessment records as of the date of application submission. Each property owner shall receive a notice indicating that an application has been submitted to the Planning & Zoning Commission.

**42-3.3 Zoning Text Changes**

The application shall precisely set forth the existing provisions, the specific provisions to be changed and the provisions to be substituted, deleted or added to the regulations. Deletions shall be bracketed and stricken out, "[--]" and additions shall be underlined. Twelve (12) copies of the proposed text shall be submitted.

**42-3.4 Fees**

All applications shall be accompanied by a fee, pursuant to an adopted Fee Schedule, to cover the cost of processing the application. Said fee shall be made payable to the Town of Westport at the time of filing the application.

**42-3.5 Explanatory Statement**

All applications shall be accompanied by ten (10) copies of a statement explaining the need for the proposed amendment and identifying any benefits to the Town.

**42-4 Completeness, Date of Submission and Date of Receipt**

An application shall be deemed to be complete if it is in proper form and is accompanied by all the application material required by §42-3, Application. The planning staff shall note on the application the date of submission to the Commission. If the planning staff fails to so note within thirty (30) days of the date of filing said application in the Planning and Zoning Office, the application shall be deemed to be submitted on the 31st day after the date of filing.

The date of receipt of a formal application shall be the date of the next regularly scheduled meeting of the Commission, immediately following the date of submission to the Commission, of a complete application or thirty-five (35) days after such submission, whichever is sooner.

**42-5 Regional and Municipal Referral**

Any proposed change of zone or regulation affecting the use of a zone within five hundred (500) feet of the Town Line shall be referred to the Regional Planning Agency and adjoining municipality in accordance with the Connecticut General Statutes.

**42-6 Public Hearings**

Within sixty-five (65) days after the date of receipt of a complete application, the Commission shall hold a public hearing on said application. Notice of a public hearing shall be published in accordance with the Connecticut General Statutes.

**42-6.1 Additional Information**

The Commission may require the submission of additional information deemed necessary to determine compliance with the intent and purpose of these regulations.

**42-7 Commission Action**

Within sixty-five (65) days after completion of the public hearing, the Commission shall adopt or deny the change of zone or amendment to the regulations. Whenever the Commission adopts any change of zone or amendment to the regulations, it shall state upon its records the reason why such change was made.

**42-8 Extension of Time**

The applicant may consent in writing to an extension of the time periods in accordance with the Connecticut General Statutes.

**42-9 Effective Date**

Zoning regulations, zoning district boundaries and any amendments or changes thereto, shall become effective at such time as may be fixed by the Commission, pursuant to the Connecticut General Statutes, provided that both a copy of such regulation, boundary or change shall be filed with the Town Clerk and notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in the Town before such effective date.