

Required Notice Before Zone Change

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Issue

In Connecticut, before a local zoning or combined planning and zoning commission (“commissions”) approves a zone change (i.e., a change to the zoning map), must property owners in the zone be notified?

(Several municipalities zone under a special act, rather than under the powers granted by [CGS § 8-2](#), the Zoning Enabling Act. These special acts’ provisions may establish notice requirements that vary from the below-described requirements.)

Summary

The type of public notice required before a commission considers or enacts a zone change depends on (1) who initiated the zone change and (2) whether the municipality has adopted more comprehensive notice requirements than the statutes require.

The law requires applicants seeking a zone change to apply in writing to the commission. The application must be considered at a public hearing, which must be noticed, twice, in a newspaper having general circulation in the municipality. The first notice must be published 10 to 15 days before the hearing; the second at least two days before the hearing. Municipalities may require that additional notice be given to neighboring landowners (see below). In addition to the newspaper notice, commissions must make a copy of the proposed changes available to the public for inspection at the town, city, or borough clerk’s office, as applicable. If the application involves a district (such as a special taxing district), a copy must be filed with both the district clerk and the town clerk ([CGS §§ 8-3\(a\) & \(c\)](#) and [8-7d\(a\)](#)).

Commissions do not have to publish newspaper notice of a public hearing being held on a commission-initiated proposal. However, they must provide notice of the hearing to individuals and organizations that have requested notification (see below). Additionally, as is the case for applicant-initiated zone change proposals, a copy of the proposal must be available for public inspection in the clerk's office ([CGS §§ 8-3\(a\) & 8-7d\(d\)](#)).

After a decision is made to change zone boundaries, a commission must publish notice in a newspaper having substantial circulation in the municipality. Commissions determine when a zone change will take effect, but the date cannot precede the newspaper notice's publication. (The newspaper notice starts the 15-day period for appealing a zone change decision to the Superior Court.) Commissions must also file a copy of the zone change with the town, city, or borough clerk, as applicable (or district and town clerks, in the case of districts)([CGS §§ 8-3\(d\)](#) and [8-8\(b\)](#)).

Notice to Neighbors of Applicant-Initiated Proposals

Besides publishing newspaper notices about proposals from applicants, commissions may provide for additional notice of submitted proposals (e.g., zone boundary changes). A commission choosing to provide the additional notice must adopt the requirement by regulation. At a minimum, the regulation must require the commission to provide the additional notice by certified mail to owners of property adjacent to that which is the subject of the hearing, posting a sign on the subject property, or both. The law specifies that landowners are those individuals listed as the owners on the property tax map or the most recently completed grand list as of the notice's mailing date ([CGS § 8-7d\(a\)](#)).

Notice Registry for Commission-Initiated Proposals

The law requires commissions to establish a registry through which they can directly notify voters, landowners, and nonprofit organizations about commission-proposed regulatory changes, including new or modified zoning boundaries. Commissions must inform individuals and organizations on the registry about proposed changes at least seven days before the public hearing, if feasible.

Commissions must inform eligible residents about the registry and explain how they can register for it. Individuals or organizations that submit written requests to be entered in the registry may opt to receive notice by regular mail or email. Registrations must be renewed every three years. Commissions are not civilly liable to any party asking to be listed in the registry for good faith acts or omissions or bona fide errors that occurred despite the commission's reasonable procedures to prevent such errors ([CGS § 8-7d\(g\)](#)).

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