

**Sec. 28-51. - Procedure.**

The director of community development shall be the officer to receive a proposal for adoption, amendment or repeal of the provisions of this chapter or the zoning maps. At the request of the director or the persons presenting the proposal, a preapplication meeting may be held to discuss the proposed amendment. Immediately upon receipt of such proposal, the director shall refer such proposal to the town council and the planning board for study and recommendation.

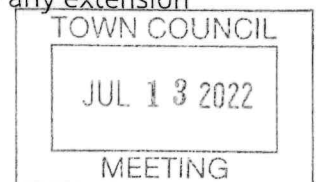
- (1) *Planning board review.* The planning board shall seek the advice of the community development department and shall report to the town council within 45 days after receipt of the proposal, giving its findings and recommendations. In its findings and recommendations to the town council, the planning board shall:
- Include a statement on the general consistency of the proposal with town's comprehensive plan, including the goals and policies statements, the implementation program, and all other applicable elements of the comprehensive plan; and
  - Include a demonstration of recognition and consideration of each of the applicable purposes of zoning as presented in section 28-2.

Where a proposal for adoption, amendment or repeal of the provisions of this chapter or the zoning map is made by the planning board, then the requirements for study by the planning board may be waived, provided that the proposal by the board includes its findings and recommendations as prescribed above.

- (2) *Town council hearing.* The town council shall hold a public hearing within 65 days of receipt of proposal, giving proper notice as prescribed in section 28-52. The town council shall render a decision within 45 days after the date of completion of the public hearing. The town council may not make any decisions that are inconsistent with the findings of the planning board, unless the council makes their own findings of facts present in the record, that the findings of the planning board are in clear error or clearly exceed their authority. The provisions of this subsection pertaining to deadlines shall not be construed to apply to any extension consented to by the applicant.

**Sec. 28-52. - Notice and hearing requirements.**

- (a) No provision of this chapter shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the town council. The town council shall first give notice of such public hearing by publication of notice in a newspaper of general circulation within the town at least once each week for three consecutive weeks prior to the date of such hearing, which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed ordinance.



Written notice, which may be a copy of such newspaper notice, shall be mailed, to the parties specified in subsections (b) through (f) of this section, at least two weeks prior to the hearing. Such newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:

- (1) Specify the place of the hearing and the date and time of its commencement;
  - (2) Indicate the provisions for adoption, amendment or repeal of this chapter that is under consideration;
  - (3) Contain a statement of the proposed amendments to this chapter that may be printed once in its entirety, or summarize or describe the matter under consideration;
  - (4) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
  - (5) State that the proposal shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment in the course of the hearing.
- (b) Where a proposed general amendment to the existing provisions of this chapter includes changes in an existing zoning map, public notice shall be given as required by subsection (a) of this section.
- (c) Where a proposed text amendment to an existing zoning ordinance would cause a conforming lot of record to become nonconforming by lot area or frontage, written notice shall be given to all owners of the real property as shown on the current real estate tax assessment records of the town. The notice shall be given at least two weeks prior to the hearing at which the text amendment is to be considered, with the content required by subsection (a). If the zoning ordinance contains an existing merger clause to which the nonconforming lots would be subject, the notice shall include reference to the merger clause and the impacts of common ownership of nonconforming lots. The notice shall be sent certified mail and a certificate of mailing from the US Postal Service shall be obtained and the certificate or an electronic copy thereof shall be retained to demonstrate proof of the mailing.
- (d) Where a proposed amendment to an existing provision of this chapter includes a specific change in a zoning district map but does not affect districts generally, public notice shall be given as required in subsection (a) of this section, with the additional requirements that:
- (1) Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries, and existing streets and roads and their names, and town boundaries where appropriate; and
  - (2) Written notice of the date, time and place of the public hearing and the nature and purpose thereof shall be sent, by certified mail, to all owners of real property whose property is

located within 200 feet of the perimeter of the area proposed for change, whether within the Town of Bristol or within an adjacent town (Warren) in which the property is located. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the amendment. The notice shall be sent by registered, certified, or first-class mail to the last known address of the owners, as shown on the current real estate tax assessment records of the town; provided for any notice sent by first-class mail, the notice shall utilize and obtain a US Postal Service certificate of mailing, PS Form 3817, or any applicable version thereof, to demonstrate proof of mailing.

- (e) Notice of a public hearing shall be sent by first class mail to the town council of any town to which one or more of the following pertain:
- (1) Which is located within 200 feet of the boundary of the area proposed for change; or
  - (2) Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within 2,000 feet of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries.
- (f) Notice of a public hearing shall be sent to the governing body of any state or municipal water department agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use, as a public water source and that is within 2,000 feet of any real property which is the subject of a proposed zoning change, provided, however, that the governing body of any state or municipal water company has filed with the director in the town a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.
- (g) No defect in the form of any notice under this section shall render an ordinance or amendment invalid, unless such defect is found to be intentional or misleading.
- (h) Costs of any notice required under this section shall be borne by the applicant.

( Amend. of 1-27-21 )