

MEMORANDUM

FROM: OFFICE OF THE CITY ATTORNEY
MIDDLETOWN, CONNECTICUT 06457

TO: Mayor Sebastian J. Garafalo

DATE: February 21, 1989

RE: Legal Opinion Request/Zoning Map Amendment Map Scale

FACTS:

An application was made for a zoning map amendment. The geographic area involved in this amendment application was shown on two different maps with one map on a scale of 1" = 100' and the other on a scale of 1" = 200'. The areas to be rezoned are contiguous to one another.

LAW:

Section 71 of the Middletown Zoning Code, "AMENDMENT PROCEDURE" provides, in pertinent part that: "If a map amendment is involved, the scale of the map shall be adequate to clearly identify the boundaries of the zones."

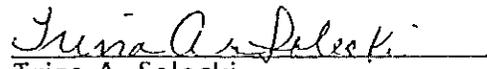
DISCUSSION:

The standard by which the Courts have determined whether or not adequate notice was given to the public in any particular instance requires that the notice fairly and sufficiently apprise those who may be affected of the nature and character of the action proposed. Neuger v. Zoning Board, 145 Conn. 625, 630 (1958), Dupont v. Planning and Zoning Commission, 156 Conn. 213, 218 (1968); and Winslow v. Zoning Board, 143 Conn. 381, 389 (1956).

It is clear from the language of Section 71 of the Zoning Code of the City of Middletown that the requirements as to the scale of the map are intended to fairly and sufficiently apprise those persons who may be affected by the proposed map amendment of the boundaries of the zones. Nowhere is it stated in the zoning regulations that the map or maps must be of a specific scale or that maps of contiguous parcels must be of the same scale. All that is required is that the boundaries of zones be shown to a scale adequate to clearly identify where they are located.

CONCLUSION:

Therefore, if the maps in question adequately and clearly identify the boundaries of the zones, the amendment procedure regulations have not been violated.


Trina A. Solecki
City Attorney

TAS/es
cc: George Reif, Planning and Zoning Director
Richard W. Tomc, Corporation Counsel