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# ARTICLE 8: ADMINISTRATION, PROCEDURES, & ENFORCEMENT

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# ARTICLE 8: ADMINISTRATION, PROCEDURES, & ENFORCEMENT

## SECTION 8.1

### PURPOSE & INTENT.

It is the purpose and intent of this Article to provide for the proper and efficient administration of these Regulations, for procedures for the implementation of these Regulations, and for the enforcement of these Regulations.

## SECTION 8.2

### ADMINISTRATIVE & ENFORCEMENT.

#### 8.2.1 Planning and Zoning Director.

##### A. Authorization.

1. These Regulations shall be administered by the Planning and Zoning Director.
2. The Planning and Zoning Director shall have all authority, take all actions, and discharge all duties and responsibilities under these Regulations, as specified herein, under applicable law, or as directed by the Planning and Zoning Commission.
3. In the absence of a Planning and Zoning Director, these Regulations shall be administered by such person as may be designated by the Planning and Zoning Commission.

##### B. Method of Acting.

The Planning and Zoning Director, may act directly or through any one or more of its designees. The Planning and Zoning Director may designate any Planning and Zoning Department staff to represent the Planning and Zoning Director in exercising or discharging any actions, duties, or responsibilities under these Regulations, which are within the Planning and Zoning Director's authority. The Planning and Zoning Director shall remain responsible for any final action.

##### C. Powers & Duties.

In order to assure compliance with the provisions of these Regulations, and in addition to the general authority of the Planning and Zoning Director pursuant to Section 8.2.1.A above, the Planning and Zoning Director shall have the following specific powers and responsibilities:

1. Reviewing, making recommendations regarding, and certifying completeness and compliance of the following:
  - a. Amendments to the Plan of Conservation and Development and other adopted Land Use Plans;
  - b. Amendments to the text of these Regulations;
  - c. Applications for Rezoning; and
  - d. Applications for Site Plans, Special Permits, Special Exceptions, and Variances.
2. Making final administrative decisions on the following:
  - a. Interpretations of these Regulations;
  - b. Creating and maintaining all pertinent records;
  - c. Applications for Zoning Permits;
  - d. Applications for certain Site Plans, as provided in these Regulations;
  - e. Applications for Temporary Use Permits;
  - f. Applications for Home Occupation Permits;
3. Administering the provisions of any approved Site Plan, Special Permit, Special Exception, or other Plans under these Regulations, except where administration is otherwise expressly provided in these Regulations to be the responsibility of other City personnel;
4. Reviewing and certifying whether Plans and Applications submitted pursuant to these Regulations are complete and in compliance with all standards and requirements hereof;

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5. Together with the Decision-Making Authorities and other City code enforcement personnel as provided herein, enforcing these Regulations and the provisions of any Development approval, permit, or Plan certified, approved, or issued under these Regulations;

6. Taking all actions and discharging all duties and responsibilities as directed by the Planning and Zoning Commission; and

7. Taking all other actions as Planning and Zoning Director specified in these Regulations.

8. Investigate all suspected violations of these Regulations and take any action they deem appropriate to abate the violation and enforce compliance in accordance with the General Statutes.

9. Issue Zoning Permits and Certificates of Zoning Compliance for all proposed or completed Development projects complying with the provisions of these Regulations.

10. Inspect and examine, or cause to be inspected and examined any Building, Structure, place, premises or Use.

11. Order, in writing, the remedying of any condition found to exist with respect to any Building, Structure, place, premises or Use in violation of any provision of these Regulations.

12. Take any other action pursuant to Section 8.5 to enforce these Regulations.

### D. Additional Responsibilities.

The Planning and Zoning Director shall have the following additional responsibilities:

1. Provide information to the public on all matters relating to these Regulations;

2. Receive, file, and forward to all necessary agencies all Applications under these Regulations;

3. Undertake a study of the provisions of these Regulations, and make reports of his/her recommendations to the Planning and Zoning Commission as necessary.

4. Receive, file and forward to each applicable reviewing authority and Decision-Making Authority all Applications for matters on which such reviewing authority or Decision-Making Authority is required to review or take action-under the provisions of these Regulations;

5. Maintain permanent and current records of these Regulations, including, but not limited to, all maps, amendments, Special Permits, Special Exceptions, Variances, appeals, and Applications hereunder;

6. Prepare an annual report summarizing annexation requests and subsequent action on such requests, and submit the same annually to the Planning and Zoning Commission; and

7. Issue a permit when conditions imposed by these Regulations are complied with by the Applicant, despite the violation of contracts such as deed covenants or private agreements which may occur upon the granting of said permit.

### E. Procedures & Guidelines.

The Planning and Zoning Director shall develop, approve, and implement administrative procedures and guidelines to execute the provisions of these Regulations.

## SECTION 8.3

### REVIEW AND DECISION-MAKING AUTHORITIES.

#### 8.3.1 General.

Review and decision-making authority under these Regulations shall be vested in and delegated to the officials, commissions, committees, boards and Decision-Making Authorities designated in these Regulations and Connecticut law. This authority

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shall be deemed supplemental to any other authority lawfully conferred upon such officials, commissions, committees, boards and Decision-Making Authorities.

Such officials, commissions, committees, boards and Decision-Making Authorities shall have all implied authority necessary to carry out the duties and responsibilities expressly provided in these Regulations to the extent the implied authority is not in conflict with the express authority.

### 8.3.2 Planning & Zoning Commission.

#### A. Creation & Membership.

Information regarding the creation and membership of the Planning and Zoning Commission is available in the City Code.

#### B. Powers & Duties.

In execution of the provisions of these Regulations, the Planning and Zoning Commission shall have the following powers and duties:

1. Final decision on Site Plans, as set forth in these Regulations;
2. Hear and make final decisions on Special Permits;
3. In its discretion with respect to any Coastal Area Management Overlay Site Plan Application, hold a hearing on the applicable Coastal Area Management Overlay Site Plan and make a final decision on such Application.
4. Developing an official Plan of Conservation and Development for the physical Development of the City, including any area outside of its boundaries which, in the Planning and Zoning Commission's judgment, bears relation to the planning of the City;
5. Continuously review the effectiveness and appropriateness of these Regulations and the Official Zoning Map and make such amendments to the Plan of Conservation and Development and /or

Zoning Map as it deems necessary, in accordance with Section 8-3 of the Connecticut General Statutes, as amended.

6. Receive and act upon Applications and petitions, submitted in writing on forms which it shall prescribe, requesting a change in these Regulations or the boundaries of zoning Districts, in accordance with Section 8-3 of the Connecticut General Statutes, as amended; provided that no permit or approval shall be issued or granted and unless and until the Planning and Zoning Commission certifies that the proposal complies with the requirements of P.A. 38-388, An Act Covering Soil Erosion and Sediment Control.

7. Submit an advisory opinion on any matter before the Zoning Board of Appeals, which opinion shall be made part of the record of such public hearing;

8. Perform all duties and functions assigned to Planning and Zoning Commissions under state law, these Regulations, and any applicable Chapter of the City Code;

9. Maintain and certify the Official Zoning Map and these Regulations and make copies thereof available for purchase by the public, and maintain official records of all actions pursuant to these Regulations.

10. Give such advice on zoning matters as requested or on which it deems appropriate to the Planning and Zoning Director, the Zoning Board of Appeals, and other City agencies and staff.

11. Modify off-street Parking requirements subject to Section 4.3.12.B-1 and in accordance with the same procedural requirements set forth in Section 8.4.8 for the issuance of Special Permits.

12. At its election, retain an architect, engineer, landscape architect, professional land use planner, and/or other consultant to review, comment and guide its deliberations; provided that If the Planning and Zoning Commission determines that

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such consultant(s) are necessary, the Planning and Zoning Director shall obtain estimates from such consultant(s) and collect from the Applicant on behalf of the City 150% of the estimate, to be held in escrow until all technical reviews required for its deliberations are completed, with any excess amount collected over the actual cost to be refunded to the Applicant. This payment shall be considered as an integral part of the Application. The failure by the Applicant to make this payment shall render the Application incomplete.

### 8.3.3 Zoning Board of Appeals.

#### A. Powers & Duties.

The Zoning Board of Appeals shall have the following powers and duties:

1. To perform all duties and functions assigned to boards of appeal under state law, these Regulations, or any applicable Chapter of the City Code.
2. Without limitation to Section 8.3.3.A.1 in specific cases, after public hearing and subject to appropriate conditions and safeguards:
  - a. To hear and decide appeals where it is alleged there is an error in any order, requirement or decision made by the Planning and Zoning Director. An appeal from any order, requirement or decision of the Planning and Zoning Director must be filed at the office of the Planning and Zoning Director, in writing, on forms prescribed by the Zoning Board of Appeals, within thirty (30) days of such order, requirement or decision. Such appeal period shall commence for an aggrieved Person at the earliest of the following:
    - (1) Upon receipt of the order, requirement or decision from which such Person may appeal,
    - (2) Upon publication of a legal notice in a newspaper having substantial circulation in the City, or
    - (3) Upon actual or constructive notice of such order, requirement or decision.

b. To hear and decide all matters on which it is required to act under these Regulations or by statute, including without limitation, Applications, in the following situations:

- (1) For a Special Exception where a District boundary divides a Lot, for a Use authorized on either portion of such Lot to extend to the entire Lot, but not more than twenty-five (25) feet beyond the boundary line of the District in which such Use is authorized; provided that the Zoning Board of Appeals may impose such yard, Screening and other requirements as it deems necessary for the protection of contiguous properties.
- (2) Grant a Special Exception to permit a change from a Nonconforming Use of land or Structure to another Nonconforming Use as per Section 1.21.2.B.5.g.
- (3) Grant a Special Exception for the development of a Nonconforming Lot which is in the same ownership as an adjoining lot as per Section 1.21.3.A.2.
- (4) Grant a Special Exception to continue an abandoned or discontinued Nonconforming Use of land or Structure as per Section 1.21.2.B.4, where the intent to continue such Nonconforming Use can be demonstrated to the satisfaction of the Board.

c. Grant a Variance of any requirement of these Regulations in harmony with their general purpose and intent, so that substantial justice may be done; provided that this authority shall be exercised solely in a manner to secure the public health, safety and welfare in instances where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these Regulations.

d. Any Variance, grant, or Special Exception, issued or approved by the Zoning Board of Appeals shall be placed upon the land records of

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the City by filing a record of thereof with the Town Clerk within ninety (90) days of the effective date of such approval.

### B. Rules.

The Zoning Board of Appeals shall adopt rules for the conduct of its meetings, requiring at a minimum the requirements of Section 8.3.3.C.

### C. Proceedings.

1. The presence of three (3) members of the Zoning Board of Appeals shall constitute a quorum. An affirmative vote of a majority of those members present at a meeting shall be necessary for any action coming before the Zoning Board of Appeals; Provided that the affirmative vote of four (4) members of the Zoning Board of Appeals shall be necessary to deny or grant any Application or petition before the Zoning Board of Appeals for a Variance, Special Exception, or appeal.

2. No action shall be taken by the Zoning Board of Appeals on any case until after a public hearing and notice thereof. In accordance with the General Statutes, no appeal shall be considered and heard by the Board of Appeals earlier than 15 days after filing such appeal.

3. The Zoning Board of Appeals may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Zoning Board of Appeals as may be reasonably required.

4. All hearing sessions shall be open to the public.

### D. Appeal.

1. Any officer, agency or department of the City or other aggrieved party may appeal any decision of the Zoning Board of Appeals to a court of competent jurisdiction as provided by State law.

2. An appeal shall stay all proceedings relating to the action under appeal, unless the Planning and Zoning Director certifies to the Zoning Board of Appeals, after such notice of appeal has been filed, that by reason of facts stated in the certificate, such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order stating the justification for the stay, which may be granted by a court of competent jurisdiction, on notice to the Planning and Zoning Director, as applicable.

### E. Historic Structure.

Any Application under these Regulations that relates to a Historic Structure for which a modification of any standard or requirement of these Regulations is sought shall be subject to review by the Historical Commission.

## 8.3.4 Other Review & Decision-Making Authorities.

### A. General.

In addition to those review and decision-making bodies previously identified in this Section 8.3, other bodies as listed in Section 8.3.4.B may have review or decision authority on projects, Development, and property within the City.

### B. List.

The following other bodies may have review or decision authority on projects, Development, and property within the City:

1. Planning and Zoning Department;
2. Department of Public Works;
3. Wastewater Department;
4. Fire Department;
5. Inland Wetland Agency and Aquifer Protection Agency;

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6. Transportation Mobility and Parking;
7. City Power and Water Systems;
8. Norwalk Redevelopment Agency;
9. Building Department;
10. Health Department;
11. Conservation Department;
12. Police Department; and/or
13. Other departments and agencies as may be required under applicable law.

### SECTION 8.4 APPLICATIONS & DEVELOPMENT REVIEW PROCEDURES.

#### 8.4.1 Types of Applications & Development Reviews.

Development review as regulated by these Regulations, may involve one or more of the following types of Applications, requests, and Development reviews:

1. Interpretation of these Regulations
2. Zoning Permit
3. Site Plan Review
4. Home Occupation Permit
5. Certificate of Zoning Compliance
6. Special Permit
7. Special Exception
8. Variance
9. Appeal of Administrative Decision
10. Zoning Regulations Amendment
11. Rezoning

12. Plan of Conservation and Development or other Land Use Plan Amendment or Adoption

13. Other Applications and Reviews, as provided in these Regulations or under the General Statutes.

#### 8.4.2 Interpretation of Regulations.

##### A. Authorization.

When uncertainty exists, the Planning and Zoning Director shall be authorized to make all interpretations concerning the provisions of these Regulations.

##### B. Initiation / Request for Interpretation.

1. The Planning and Zoning Director may make an interpretation concerning the provisions of these Regulations at his or her own initiative or at the request of the Planning and Zoning Commission or the Zoning Board of Appeals.

2. In addition to requests pursuant to Section 8.4.2.B.1, a request for interpretation may be made by Persons having legal authority to take action in accordance an Application, permit or approval under these Regulations. Such Persons shall include without limitation owners or lessees of property, or their agents, and persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits or approvals under these Regulations, or the agents of such Persons. The Planning and Zoning Director may require a requesting Person or agent to submit evidence of his or her authority to submit the request for interpretation.

##### C. Action by Planning and Zoning Director.

1. Upon receipt of a request pursuant to Section 8.4.2.B, the Planning and Zoning Director shall:

- a. Review and evaluate the request in light of



the text of these Regulations, the Official Zoning Map, the Plan of Conservation and Development, and any other relevant information;

b. Consult and coordinate with other City staff, including the City Attorney, as necessary; and

c. Render an opinion.

2. The interpretation shall be provided in writing to the requesting party along with a written notice that such person may provide notice of such decision by either:

a. Publication in a newspaper having substantial circulation is such municipality stating that the certification has been issued, or

b. Any other method provided for by local ordinance.

c. Any such notice shall contain:

(1) A description of the building, use or structure;

(2) The location of the building, use or structure;

(3) The identity of the applicant, and;

(4) A statement that an aggrieved person may appeal to the zoning board of appeals in accordance with the provisions of CGS Section 8-7.

### D. Official Record.

The Planning and Zoning Director shall maintain an official record of all interpretations. The record of interpretations shall be available for public inspection during normal business hours.

### E. Appeal.

1. Final action on an interpretation of these Regulations by the Planning and Zoning Director or designee pursuant to Section 8.4.2.B.2 may be appealed to the Zoning Board of Appeals in accordance with Section 8.4.12.




### 8.4.3 Summary of Review Authority.

The following Table 8.4.3 (Review Authority) summarizes review authority under these Regulations.

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**Table 8.4.3 Review Authority**

Application or Permit	Planning and Zoning Director	Development Review Committee	Planning & Zoning Commission	Zoning Board of Appeals
Amendment of Zoning Regulations	R		< D >	
Appeal of Administrative Decision				< D >
Certificate of Zoning Compliance	D			
Home Occupation Permit	D			< A >
Interpretation of Zoning Regulations	D			< A >
Plan of Conservation & Development Amendment/Adoption	R		< D >	
Rezoning	R		< D >	
Site Plan Review	R	R	D+	
Special Exception	R			< D >
Special Permit	R	R	< D >	
Variance	R			< D >
Zoning Permit	D			< A >

<b>LEGEND</b> The following notations are utilized in this table.	 Review or Recommendation	 Decision
	 Appeal	< > Public Hearing(s) Required

## 8.4.4 Common Review Procedures.

### A. Applicability.

The review procedures described in this Section 8.4.4 apply as may be listed by the individual relevant Sections of this Article.

### B. Pre-Application Conference.

1. Before submitting any Application under these Regulations, a Pre-Application Conference with the Planning and Zoning Director is recommended to discuss the procedures, standards and regulations required for the approval in accordance with of these Regulations.
2. The Pre-Application conference is intended to define potential issues with the project proposal and to identify any required Variances, Special Permits, Special Exceptions, Zoning Permits, Site Plans, or other certifications, approvals, or permits. Additionally, the Pre-Application conference serves to educate the prospective Applicant on the approval process and the information required to submit a complete Application.
3. At any Pre-Application Conference, the prospective Applicant and the Planning and Zoning Director may discuss the procedures, standards, and regulations required for the applicable permit or approval in accordance with these Regulations.

### C. Application Requirements.

1. Applications required under these Regulations shall be submitted on forms and in such numbers as required by the appropriate department. All forms shall include, at a minimum, the following information:
  - a. Contact information for the individual or firm submitting the Application.
  - b. Contact information for the individual or firm on whose behalf the Application is being submitted.

- c. If applicable, identification of the property affected by the Application, such as a legal description, address, or Parcel ID as may be appropriate; and

- d. Any other information required by the Planning and Zoning Director, other appropriate department, or the provisions of these Regulations.

2. An application for a Special Permit or Special Exception involving an activity regulated pursuant to the Norwalk Inland Wetlands and Watercourses Regulations shall be submitted to the Wetlands agency no later than the day the application is filed for a Special Permit or Special Exception.
3. All Applications and associated fees shall be filed with the appropriate department.
4. Filing fees shall be established from time to time to defray the actual cost of processing the Application.
5. All Applications must be complete before the applicable staff, department, review or Decision-Making Authority is required to review the Application.
6. A determination of whether an Application is complete shall be made by the Planning and Zoning Director after submittal of the Application.
7. An Application that contains all required information shall be deemed complete.
8. If the Application is determined not to be complete, the Planning and Zoning Director shall notify the Applicant in writing or digitally. The notification shall list all missing or incomplete items and provide a specific period of time for the Applicant to resubmit the material for the next scheduled meeting. The Applicant may request a meeting for explanation of the missing or incomplete items. If the Application is not resubmitted within the period specified by the Planning and Zoning

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Director, the Application shall be referred to the appropriate decision-making agency for denial. After an Application has been denied as incomplete, a new Application and fee shall be required.

9. A determination of completeness does not preclude any negative final action and does not include any implied determination that the Application successfully meets any review criteria.

10. If an incomplete Application is erroneously deemed complete and later determined to be incomplete, Section 8.4.4.C.8 shall apply.

11. The Planning and Zoning Director may require an Applicant to present evidence of authority to submit the Application.

12. Applications sufficient for processing shall be submitted to the Planning and Zoning Director in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

13. Applications for permits and/or approvals may be filed and reviewed simultaneously, at the option of the Applicant. Any Application that also requires a Variance, Special Permit, or Special Exception shall not be eligible for final approval unless and until such relief has been granted.

14. Applications submitted simultaneously are subject to approval of all other related Applications; denial or disapproval of any concurrently submitted Application shall stop consideration of any related Applications until the denied or disapproved Application is resolved.

## D. Notice & Public Hearing.

1. Notice shall be required for Applications as required in Connecticut General Statutes Section 8-3c and 8-7d. See summary shown in Table 8.4.4.D (Summary of Notice Requirements).

TABLE 8.4.4.D SUMMARY OF NOTICE

Procedure	Published	Posted	Mailed
Appeal of Administrative Decision	●		●
Plan of Conservation and Development Amendment/Adoption	●		
Rezoning	●	●*	●
Site Plan	●		
Special Permit	●	●	●
Special Exception	●		
Variance	●	●	●
Zoning Regulations Amendment	●		

\*The City is exempt from posting for Rezoning.

2. All notices shall specify the current zoning and notification that Applicant is seeking a Variance or Special Exception.

3. All notices shall include a brief summary indicating the nature of the action and the standard that is requested to be modified (if applicable).

4. Notice shall be provided per the Section 8-7d of the General Statutes:

a. notice of the hearing shall be published in a newspaper having a general circulation in Norwalk, at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days or less than ten (10) days and the last not less than two (2) days before the date set for the hearing, with terminal days excluded;

b. the notice shall include, at a minimum:

(1) The time, date, and location of the proposed meeting or hearing; and

(2) A summary description of the proposed action.

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5. For posted notice (sign), in addition to other requirements that may be required for a specific procedure, the following shall be required:

a. The sign shall state:

### NOTICE OF PUBLIC HEARING

A Public Hearing for Application for this Site is Pending Before The City of Norwalk's Planning & Zoning Commission on

[INSERT MEETING DATE at INSERT MEETING TIME]

Hearing information can be found at:

[INSERT LINK TO CITY WEBSITE DISPLAYING MEETING AGENDAS AND PARTICIPATORY INFORMATION]

For Further Information Contact Planning & Zoning Office: [INSERT PHONE NUMBER]

b. The sign shall be constructed of a rigid waterproof material, such as plastic board or metal.

c. The sign shall have a minimum dimension of thirty-six inches (36") tall by forty-eight inches (48") wide and legs of sufficient length to raise the top of the sign thirty-six (36") above the Adjacent grade.

d. The sign shall be set back no more than ten feet (10') from the Front Lot Line or on the front face of any building or structure that is closer to the Front Lot Line.

e. Such sign shall be visible to the public and composed of letters with minimum height of four inches (4").

f. Signs shall be supplied, installed, and maintained by the Applicant, securely fastened or staked.

g. Such sign shall be posted at least fifteen (15) days prior to the hearing and may be removed the following day after the close and decision on the public hearing.

h. The Applicant shall notify and submit a photograph to Planning and Zoning Department Staff when the sign has been installed.

i. Failure of an Applicant to comply with this requirement may be grounds for denial of the proposed Application.

j. For an Application to be considered complete, at least ten (10) days prior to the meeting, the Applicant shall post any required signs. The signs shall remain in place and in readable condition until one of the following occurs:

(1) The request has received final action by the Decision-Making Authority; or

(2) The Applicant withdraws the request.

k. If the signs are removed during the decision process, replaced by the Applicant and re-certified by the Planning and Zoning Department.

l. Signs for all requests shall be removed within fourteen (14) days following final action by the Decision-Making Authority or when the Applicant withdraws the request.

m. Properties fronting on more than one (1) Street must have one (1) single-faced sign placed parallel to the property line fronting on each Street.

n. Signs shall be placed at mid-point along the Frontage Line from which the site is addressed. If signs are not clearly visible at such mid-points, then they shall be placed at the clearest point of visibility as determined by the Planning and Zoning Director.

o. In situations where site conditions prevent the placement of signs in conformance with the requirements of this Section 8.4.4.D.5, alternative placement may be approved by the Planning and Zoning Director.

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6. For mailed notice, in addition to other requirements that may be required for the specific procedure, the following shall be required:

- a. All letters shall be sent by the Applicant using certified U.S. Mail, with a certificate of mailing.
- b. The letter shall specify the street address and phone number for the Planning and Zoning Department.
- c. If the letter shall contain a notice of an upcoming meeting or hearing, the letter shall include the date, time, location of the meeting and the body before which the meeting or hearing shall take place.
- d. The letter shall contain the proposed action and street address for the property in question.
- e. All letters shall be mailed at least ten (10) days prior to the scheduled meeting, hearing, or other action.
- f. Letters shall be mailed to all owners of property that are within one hundred (100) feet of the subject property (including owners of individual condominium units), as indicated on the Assessor’s records and to all neighborhood groups who have requested such notice.

7. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

8. A public hearing shall be held as required by Connecticut General Statutes Section 8-7d for the following procedures under these Zoning Regulations. See Table 8.4.4.D-8 (Summary of Required Hearings):

TABLE 8.4.4.D-8 SUMMARY OF REQUIRED HEARINGS

Procedure	Planning and Zoning Commission	Zoning Board of Appeals
Appeal of Administrative Decision		●
Plan of Conservation and Development Amendment/Adoption	●	
Rezoning	●	
Special Exception		●
Special Permit	●	
Site Plan Review	●	
Variance		●
Zoning Regulations Amendment	●	

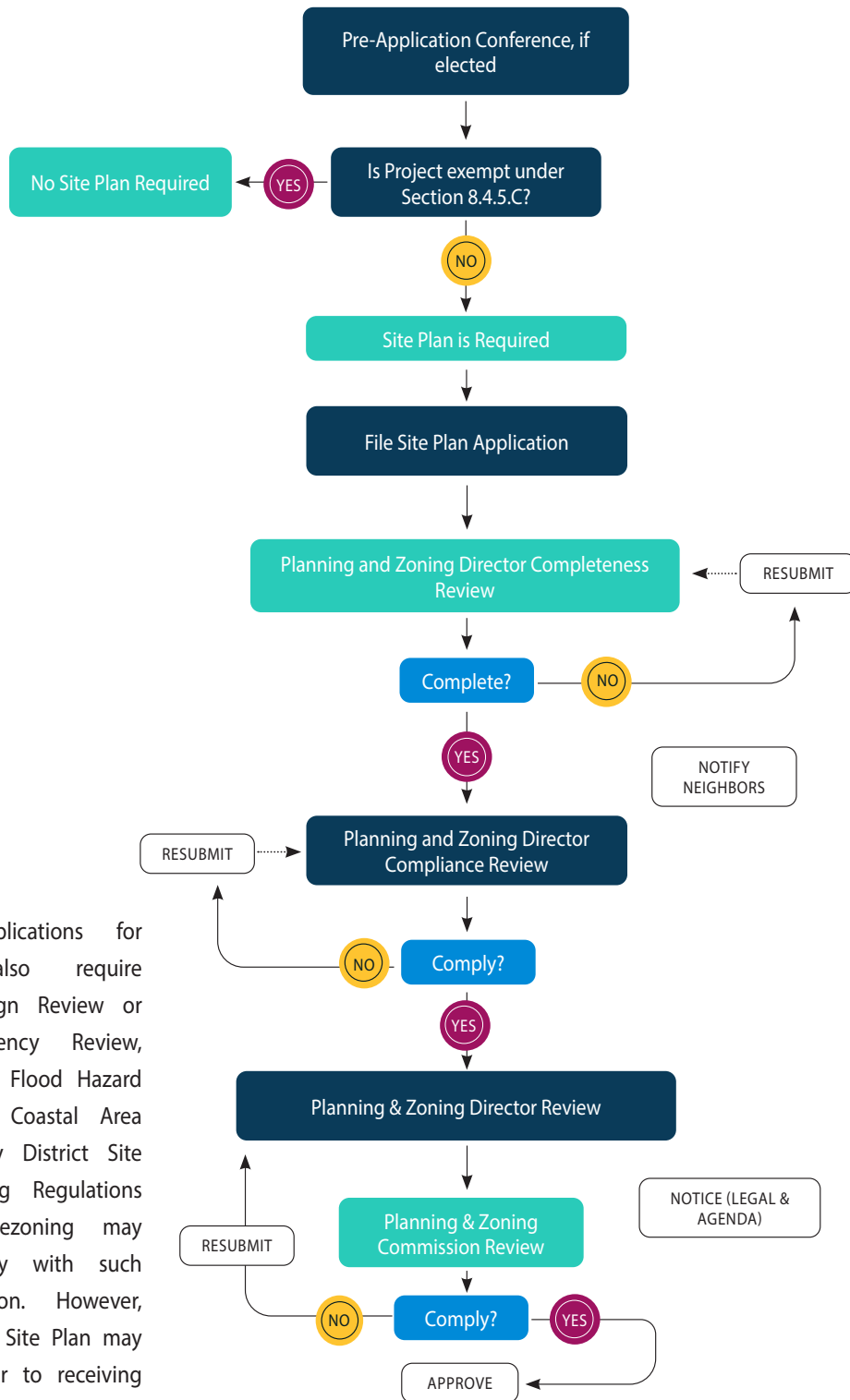
## 8.4.5 Site Plan Review.

### A. Purpose.

It is the purpose of Site Plan review to aid in determining the conformity of proposals related to Development, Buildings, Structures, Uses, and other matters with these Regulations. See Illustration 8.4.5.A (Site Plan Review Process).

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ILLUSTRATION 8.4.5.A  
SITE PLAN REVIEW PROCESS\*



\* Site Plan Applications for projects that also require Village District Design Review or Redevelopment Agency Review, a Zoning Permit for Flood Hazard Zone Development, Coastal Area Management Overlay District Site Plan Review, Zoning Regulations Amendment, or Rezoning may proceed concurrently with such additional Application. However, final approval of the Site Plan may not be granted prior to receiving all additional required permits or approvals.

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### B. Applicability.

1. Except as exempted under Section 8.4.5.C below, no Building shall be constructed, re-constructed, or Altered, and no Lot or other land shall be Developed, re-Developed, Improved, subdivided, or re-subdivided, and none of the same shall be Used, except in compliance with these Regulations, the Zoning Map, and a Site Plan that has been prepared, submitted, reviewed, certified and approved in accordance with this Article and all standards and requirements applicable thereto.

2. Except as exempted under Section 8.4.5.C below, no Building Permit or Certificate of Occupancy may be issued unless and until a Site Plan has been approved therefor and unless the Application for the same includes an approved Site Plan, which has been certified by the Planning and Zoning Director as being in compliance with this Section 8.4.5 and other applicable provisions of these Regulations. All Development shall conform to the approved Site Plan

3. All requirements imposed by an approved Site Plan shall run with the land and shall apply against any owner, subsequent owner, or occupant.

4. Where Site Plan Review is required by these Regulations, no approval or permit pursuant to these Regulations shall be granted or issued except pursuant to and in conformity with an approved Site Plan.

### C. Exemptions.

Except as otherwise provided in these Regulations, and provided that the same are not within a Village District, Redevelopment Agency District, or Coastal Area Management Overlay, the following Development, Construction, activities, or Uses shall be exempt from Site Plan review, although they are still subject to issuance of one or more Zoning Permits as required in these Regulations and may be subject to other review procedures where noted in other sections of these Regulations:

1. Construction or Alteration of a One- or Two-Family detached Dwelling located on a single Lot or Building Site;

2. Construction or Alteration of a One- or Two-Family attached Dwelling located on two abutting Lots or Building Sites;

3. A request for issuance of a Sign Permit: Proposals for which Site Plan Review is not required under these Regulations, which shall be subject to issuance of a Zoning Permit, as set forth in Section 8.4.10. Uses for which a Special Permit is required under these Regulations;

4. Ordinary Maintenance and Repair of a Building or Structure;

5. The Use or intended Use of land for Agricultural Purposes;

6. Home Occupations;

7. Accessory Uses incidental to a One- or Two-Family Dwelling, provided that an Accessory Building or Accessory Structure is not exempt.

Each of the above-listed exempt Development, Construction, activities, or Uses shall be subject to issuance of a Zoning Permit pursuant to Section 8.4.10.E.

### D. Decision-Making Authority.

The Planning and Zoning Commission shall be the Decision-Making Authority for Site Plans.

### E. Village District or Redevelopment Agency District Review.

1. If Village District Design Review or the project is within a Redevelopment Plan Area and is subject to design review, the project shall be referred for third party design review and is subject to the determined fees, which shall be used to compensate the Village District Consultant, with any unused balance being returned to the Applicant.



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2. The Planning and Zoning Director shall refer such Village District Design Review or Redevelopment Agency District Review Application to the applicable Village District Consultant or Redevelopment Agency, as applicable, to review for compliance with applicable design guidelines and, if applicable, Redevelopment Plan.

3. The report of the Village District Consultant or Redevelopment Agency, as applicable, shall be entered into the public record and considered by the Decision-Making Authority in making its decision.

### F. Coastal Area Management Overlay District Site Plan Review.

Within any Coastal Area Management Overlay District:

a. No person shall Construct, Enlarge, repair, Improve, move, or demolish any Building or Structure without first obtaining separate Coastal Area Management Overlay Site Plan Review approval for each such Building or Structure;

b. No man-made change to improved or unimproved real estate, including but not limited to Buildings or other Structures, mining, dredging, Grading, paving, or drilling operations, shall be commenced until separate Coastal Area Management Overlay District Site Plan Review approval has been obtained for each such change; and

c. No Manufactured Home shall be assembled or placed on improved or unimproved real estate without first obtaining separate Coastal Area Management Overlay District Site Plan Review approval for each Manufactured Home.

1. All Applications for Coastal Area Management Overlay District Site Plan Review shall be submitted to the Planning and Zoning Director in accordance with Section 8.4.4.C.

2. Any Application for Coastal Area Management Overlay District Site Plan Review approval shall be

made prior to any Development activities, and may include, but not be limited to, plans in triplicate drawn to scale and showing:

a. The nature, location, dimensions, and elevations of the area in question;

b. Existing or proposed Structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Elevation in relation to mean sea level of the proposed lowest floor (including Basement) of all Structures; and

(2) Description of the extent to which any Watercourse will be changed or relocated as a result of proposed Development.

c. Proof of compliance with all standards and requirements of all applicable state and federal laws and regulations relating to Development or construction in or near coastal or tidal areas, including without limitation, the state Coastal Management Act.

3. In the review of the Coastal Area Management Overlay District Site Plan, the Planning and Zoning Commission shall:

a. Review all Development permits to assure that the permit requirements of these Regulations have been satisfied and that proposed Building sites will be in compliance with the standards and requirements of the Coastal Area Management Overlay District;

b. Review for consistency with the Connecticut Coastal Management Act; and

c. Advise Applicant that additional permits may be required, and if specific requirements are known, require that copies of such permits be provided and maintained on file with the Coastal Area Management Overlay District Site Plan;

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4. Before a Coastal Area Management Overlay District Site Plan is approved, the Planning and Zoning Commission shall confirm that all necessary permits have been obtained from those governmental agencies from which approval is required by federal or state law.

5. The Planning and Zoning Commission shall consider and make the final decision thereon. A Coastal Area Management Overlay District Development Permit shall be issued only upon a determination that all requirements have been satisfied.

### G. Appeal.

Final action on a Coastal Area Management Overlay District Site Plan Review may be appealed in accordance with Section 8.4.12.

### H. Maintenance of Records.

All records pertaining to Coastal Area Management Overlay District Site Plan Review shall be maintained in the office of the Planning and Zoning Director and shall be open for public inspection.

### I. Site Plan & Application Requirements - General.

Each Application for Site Plan Review shall be submitted for review and action in accordance with this Section 8.4.5 and CT General Statutes 8-3(g) and shall otherwise comply with the following requirements:

1. Such Application and the applicable Site Plan shall be prepared and submitted, be in a form, and shall contain all information required under Section 8.4.4 and this Section 8.4.5 and any additional information that may be required under applicable State or Federal regulations.

2. Each Application and the applicable Site Plan shall be prepared, signed, and submitted by or on behalf of the Applicant, and if the Applicant is not the

owner, the owner of the property. If the Applicant is unable to obtain the owner's signature, the Applicant shall submit with the Application a letter or a durable irrevocable power of attorney signed by the owner, authorizing such actions to be taken on behalf of the owner shall accompany the Site Plan and Application

3. Each Site Plan shall be prepared and signed, and, as applicable, prepared, signed, and sealed by an architect, landscape architect, engineer, or land surveyor licensed to practice by the State of Connecticut.

4. Each Site Plan shall include any more detailed and/or separate plans may be required by the Planning and Zoning Director or the Commission.

5. Each Site Plan and Application must conform to all applicable standards and requirements of the Zoning Map, any other applicable approved Plan related to the subject property or project, and these Regulations; provided however, that a conceptual Site Plan submitted as part of an Application for Zoning Regulations Amendment, Rezoning, or Special Permit need only provide information to describe the intended Development or Construction; and provided further that solely with respect to a Site Plan submitted for approval of a modification of an approved Site Plan, such Site Plan shall be required to include only those elements being changed.

6. Each Site Plan Application shall include the following:

a. The name and address of the Applicant and the owner of record, if different from the Applicant.

b. The title of the project, date prepared, and date of revisions, if any.

c. Legal description of the property and tax parcel identification.

d. A location map drawn to a scale of not less than one inch (1") equals 800 feet, with a north arrow, and written and graphic scale legend.

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- e. Photographs of the property and surrounding areas.
  - f. Existing zoning of the property and all Adjacent properties.
  - g. Identification of all Adjacent properties, including owners' names, and legal description.
  - h. The existing Uses of each Lot, Building Site, or other project land, and of all Buildings or other Structures upon it.
  - i. Description of all existing and proposed restrictions or covenants applicable to the site.
7. Each Site Plan shall be, include, show, or demonstrate, as applicable, the following:
- a. Detailed, fully dimensioned, and presented at a scale no smaller than 1" = 50' except as otherwise specifically provided in these Regulations or except as a different scale is otherwise approved in writing by the Planning and Zoning Director.
  - b. The actual shape, location and dimensions of the overall project site and each Lot or Building Site;
  - c. The shape, size, location, and materials of all Buildings or other Structures to be Constructed, demolished, Altered, or moved, and of any Building or other Structure already on the project site and each Lot or Building Site;
  - d. The existing and intended Use of each Lot, Building Site, Development Parcel, and other project land, and of all Buildings or other Structures upon it, including, for Residential Uses, the number of Dwelling Units each Building is intended to accommodate and the number of bedrooms and for all Non-Residential Uses, the number of square feet of each such Use.
  - e. Include if regulated in the applicable District, the Density of each Community District within the Site Plan area and the Density of each Building and Lot or Building Site.
  - f. Show and include the following:
    - (a) Lot or Building Site Width
    - (b) Lot or Building Site Yards
    - (c) Percentage of Building and Wall at Frontage Line-to-Lot or Building Site Width (Frontage Buildout)
    - (d) Principal Building(s)
    - (e) Accessory Building(s) and other Accessory Structure(s)
    - (f) Setbacks or Setback Areas
    - (g) Encroachments
    - (h) Building Type(s)
    - (i) Impervious Surface Coverage of each Lot or Building Site and the overall Development Parcel
    - (j) Floor Area, Dimensions, Floor Elevations, Floor-to-Ceiling Heights, and Height of each Building
    - (k) Private Frontage(s) and Facade Elements
    - (l) Building Roof Type(s) & Pitch
    - (m) Building and Lot Principal Uses, Accessory Uses, and Temporary Uses
    - (n) Vehicular Parking Lots, Parking Areas and Parking Structures including Parking Spaces and their dimensions within the Lot or Building Site, layout, design and if applicable, landscaping of Parking Lots, Parking Areas, and Parking Structures, and if applicable, Loading Area Locations, Location(s) of Garage(s), Driveways to Parking, Passenger Drop-off Locations, Driveway/Vehicular Entrance Widths, any Parking Screens, and points of vehicular ingress and egress to and from each Lot, Building Site, and overall project site, including cross-access Easements

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- (o) Driveway(s) and widths
  - (p) Exterior public and private lighting plan including photometric plan, location, pole height, luminance/head type, pole/standard type, shielding, manufacturer's specifications and hours of operation for all exterior light fixtures
  - (q) Refuse Receptacles, Utility Boxes and service meter accommodations and locations
  - (r) Any other personal property or fixtures not affixed to a Building
  - (s) All Screens & Streetscreens, including vegetative, Fence, and Wall Screens & Streetscreens and their dimensions
  - (t) Existing Tree and Vegetation Plan and Survey:
    - (i) showing all groupings of trees and how they will be incorporated into the proposed project,
    - (ii) showing the locations, numbers, species, and diameters (dbh) of all existing trees to be removed and to remain,
    - (iii) identifying tree preservation and protection measures, specifically identifying all Specimen Trees and other significant trees with a dbh of 8" or more, and
    - (iv) otherwise evidencing compliance with all applicable tree requirements of these Regulations
  - (u) Sign Plan, including locations, types, number, method of illumination and detailed dimensioned drawings
  - (v) Ground Floor Elevation above grade for each Building
  - (w) Any applicable Special Requirements
  - (x) Any Public Frontage improvement or replacement elements required under Section 6.8
  - (y) Any proposed zoning classification or Rezoning for the property or any part thereof
  - (z) Recorded Plat consistent with the Site Plan
- g. Certified Class A-2 survey of existing conditions of the applicable property, prepared and sealed by a licensed Connecticut surveyor within 6 (six) months of the Plan submission, and showing at a minimum:
- (1) Property lines and measurements,
  - (2) Flood Hazard Zones,
  - (3) Tidal and Inland Wetlands and Watercourses,
  - (4) Legal description and street address,
  - (5) Tax parcel designation,
  - (6) Utility lines and connections,
  - (7) Curb cuts,
  - (8) Streets, Internal Drives, and Alleys, showing dimensions of each element and types,
  - (9) North arrow,
  - (10) Scale Legend,
  - (11) Title block, including:
    - (a) The address and legal description of the site; and
    - (b) Names, addresses and telephone numbers for the Applicant(s) and owner(s);
  - (12) Current zoning classification and use of the property and Adjacent properties;
  - (13) Locations of all of the following existing on or within fifty feet (50') of the overall Development site:

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- (a) Buildings and other Structures, keyed to the project description and project illustrative plan provided pursuant to Section 8.4.5.1.7.n.(3) and the architectural renderings and preliminary plans provided pursuant to Section 8.4.5.1.7.n.(2), and
  - (b) Sidewalks, walkways, handicap ramps, and curb cuts;
- h. If subsurface sewage disposal is anticipated, a certification from the Health Department approving the Lot, Building Site, Development Parcel, or other land, as applicable, for each Use
- i. Demonstration that all other requirements of these Regulations are met
- j. Such other information concerning the Lot, Building Site, or other project land all Adjacent Lots, Building Sites, or other land as may be deemed necessary by the Planning and Zoning Director, Director of Public Works, or City Engineer for determining whether the provisions of these Regulations and other applicable provisions of the City Codes are being met.
- k. Show and include the following:
- (1) Position, materials, and dimensions of Fences and Walls.
  - (2) Location, dimensions, and design of all required Buffers, which shall be provided on a separate Buffer Plan.
  - (3) Proposed means of surface drainage, shown on a separate Drainage Plan.
  - (4) Bicycle Parking Accommodations, including without limitation number of spaces.
  - (5) Loading Space calculations and location, and storage, Drive-Through, Refuse Receptacle, Utility box and service meter accommodations and locations.
  - (6) Locations and total area, materials, and design of the following proposed or to remain:
- (a) Buildings or Structures,
  - (b) Parking Lots, Parking Areas, and Parking Structures, keyed to the Parking Plan provided pursuant to Section 8.4.5.1.7.n.(13).
  - (c) Driveways and their respective distances from the nearest Street corner if fewer than 200 feet;
  - (d) All impervious surfaces and ratio of total impervious surfaces-to-total site area;
  - (e) Outdoor storage and refuse areas, if any, and trash receptacles, including enclosures and Screening measures;
- l. Fire hydrants, keyed to a detailed Fire Equipment Access Plan;
- m. Location, dimensions, design, pavement specifications, profiles, finished grade, slope as a percent of grade, and curbing and striping of proposed Paths and Sidewalks and other pedestrian accommodations, bicycle, ride-sharing, and pedestrian loading accommodations, Streets, Internal Drives, Alleys, and Driveways (from the Adjacent Streets through each curb cut to the Building(s), pedestrian accommodations, Parking Area, Parking Lot, Parking Structure, or Garage);
- n. The following additional plans and information:
- (1) Site Access and Circulation Plan, indicating access and circulation routes for all vehicular and pedestrian movement;
  - (2) Full color architectural renderings and preliminary architectural plans, showing all Facades and Elevations of each other exterior Wall and all exterior materials to be used, keyed to the project description and project illustrative plan provided pursuant to Section 8.4.5.1.7.n.(3);
  - (3) Project Description and illustrative plan showing each Development and Building element regulated by these Regulations;

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(4) If applicable, public address system plan, including type, location, design, manufacturer's specifications and hours of operation;

(5) Erosion and Sedimentation Control measures for the Development;

(6) Topographic, excavation and grading plans shown at contour intervals of two feet (2'), and indicating both existing and proposed contours, extended at least ten feet (10') into Adjoining properties, and delineating areas of steep slopes as applicable;

(7) Map showing the extent of flood prone areas or storm water overflows, including Special Flood Hazard Areas as established by the Federal Emergency Management Agency;

(8) Detailed public landscaping plan and if applicable, private landscaping plan drawn to scale including:

(a) Common and botanical plant names

(b) Plant and planting specifications, including size at time of planting

(c) Total number of trees provided

(d) Total square footage of landscaped area on site and internal to each Parking Area and Parking Lot

(e) Identification of area used to calculate Parking Lot or Parking Area landscaping

(f) Fence and Wall locations, dimensions, and detail drawing

(9) Refuse collection enclosure detail drawing

(10) Stormwater Pollution Prevention Plan that meets all applicable City, State and federal standards

(11) Detailed Utilities plan, showing the locations, design, and specifications of all proposed sanitary sewage and water supply systems, electric, telecommunications, cable

television, gas, and other utility facilities, together with "Capacity and Will Serve" letters from each applicable utility provider;

(12) Stormwater drainage plan, showing all facilities with details of detention/ retention basins, catch basins, swales, dry wells and other related stormwater facilities, and if required by the Decision-Making Authority, accompanying calculations supporting the design of the proposed drainage system and indication of runoff rates, runoff patterns and storm drain loads;

(13) Detailed Parking plan, showing layout, dimensions, grades and pavement section for all Parking Spaces, drive aisles, turning radii, etc, keyed to the Parking location plan provided pursuant to Section 8.4.5.1.7.k.(6)(b);

(14) Demonstration to the satisfaction of the Decision-Making Authority that the Site Plan complies with the following, where applicable:

(a) The City-Wide Development Standards of Section 6.2 (Grading, Tree Removal, and Drainage).

(b) The City-Wide Development Standards of Section 6.3 (Import/Export of Earth Materials).

(c) The City-Wide Development Standards of Section 6.4 (Soil Erosion and Sediment Control).

(d) The City-Wide Development Standards of Section 6.5 (Sewage System).

(e) The City-Wide Development Standards of Section 6.6 (Utilities).

(f) The City-Wide Development Standards of Section 6.7 (Traffic Circulation).

(g) The City-Wide Development Standards of Section 6.8 (Streetscape Repairs, Replacements & Improvements).

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- (h) The City -Wide Development Standards of Section 6.9 (Flood Hazard Zone Overlay).
  - (i) The City-Wide Development Standards of Section 6.10 (Coastal Area Management Overlay District).
  - (j) The City-Wide Development Standards of Section 6.11 (Sustainability).
  - (k) The City-Wide Development Standards of Section 6.12 (Workforce Housing).
  - (l) All other applicable provisions of the City Ordinances, City Code, and City rules and regulations, and all applicable state and federal statutes and regulations.
- (15) If required by the Planning and Zoning Commission, a Traffic Impact Analysis;
- (16) If required by the Planning and Zoning Commission, a Parking study;
- (17) If required by the Planning and Zoning Commission, an Environmental Impact Analysis;
- (18) Development Schedule indicating, to the best of the Applicant's knowledge, the approximate date on which Development of the project can be expected to begin, the phases of Development, if any, the anticipated rate of Development and the completion date, which schedule shall be pursued with diligence until completion by the owner of the property and its successors in interest;
- (19) If the proposed Development will require other approvals, such as Rezoning, Variances, Special Permits, or Special Exceptions, the Applicant must identify all such other required approvals;
- (20) Any other studies, information, or items deemed necessary by the applicable Decision-Making Authority to determine the conformity of the Site Plan with the requirements of these Regulations, which items have been specifically identified to the Applicant in writing.
- (21) If the proposal includes a Development Parcel the items listed in Sections 8.4.5.1.7.n.(21) (a) - 8.4.5.1.7.n.(21)(h) below, including without limitation those applicable to the District in which the applicable land is situated:
- (a) Street network and types, in compliance with DPW and TMP standards.
  - (b) One or several proposed or existing Standard or Linear Pedestrian Sheds, as applicable, on which the Comprehensive Site Plan shall be based, each having a Common Destination near its center and located according to existing conditions, such as traffic intersections, Adjacent Development, and natural features. See Illustration 5.1.4.B-1 (Standard Pedestrian Shed) and Illustration 5.1.4.B-2 (Linear Pedestrian Shed);
  - (c) Calculation of percentage of Civic Space area-to-Net Site Area;
  - (d) Existing Civic Spaces, Open Spaces, Civic Buildings, and Civic Districts and all Civic Spaces, Open Spaces, Civic Buildings, and Civic Districts proposed or required, as assigned pursuant to Sections 5.2.1, 5.2.3, 5.2.4, and 5.2.5 and Section 2.4.2;
  - (e) Existing and any proposed Community Districts, assigned according to and as required Section 2.4.1;
  - (f) Existing and proposed Special Districts, if any, assigned according to Section 2.4.3;
  - (g) Existing and proposed Special Requirements, if any;
  - (h) The proposed Block Structure for the site in compliance with applicable Block Perimeter Standards; and
- o. Demonstrate that all other requirements of these Regulations are met.

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p. Demonstrate that all applicable previously approved Plans (such as earlier Site Plans), and all other applicable Land Use Plans have been complied with.

8. Site Plan Applications that cover property located, either wholly or in part, within a Flood Hazard Zone Overlay District shall:

a. Be submitted in conformance with this Section 8.4.5 and Section 6.9;

b. Indicate the location of area(s) subject to flooding.

c. Require the issuance of a Zoning Permit for Flood Hazard Zone Development.

9. Site Plan Applications that cover property located, either wholly or in part, within a Coastal Area Management Overlay District shall:

a. Be submitted in conformance with this Section 8.4.5 and Section 6.10.

b. Indicate the location of area(s) within the Coastal Area Management Overlay District.

c. Require the issuance of a Coastal Area Management Overlay District Application prior to final Site Plan approval.

### J. Site Plan Procedures - Coordination with other Approvals.

If the Development requires a Variance, the Applicant shall identify in the Site Plan Application all such other permits and approvals that such Applicant is seeking and the Planning and Zoning Director shall refer a draft Site Plan to the Planning and Zoning Commission to obtain such Planning and Zoning Commission's recommendation prior to making Application for any other such permits or approvals.

For any site plan application involving a regulated activity Inland Wetland or Watercourse under Chapter

440, the decision of the Commission shall not be rendered on the Site Plan Application until the Inland Wetlands Agency has submitted a report with its final decision. In making its decision, the Commission shall give due consideration to the report of the Inland Wetlands Agency and if the Commission establishes terms and conditions for approval that are not consistent with the final decision of the Inland Wetlands Agency, the commission shall state on the record the reasons for such terms and conditions.

### K. Site Plan Procedures - Submission of Application.

1. The Applicant shall submit to the Planning and Zoning Director a complete Site Plan Application as prescribed on the Site Plan Application form, including all supporting documentation, accompanied by the appropriate filing fee as indicated on the approved Schedule of Fees in effect as of the date of the Application. Legal notice fees shall be the responsibility of the Applicant, who will be billed for the payment of legal notice fees directly by the publisher of such notice.

2. The digital copy of the Application must be clearly identified with the name of the Applicant, project address, submission date, and case number, if assigned.

### L. Site Plan Procedures - Completeness Review.

If the Planning and Zoning Director determines that a Site Plan Application is incomplete, he or she may notify the Applicant of such determination with a written explanation regarding which items are incomplete and advise the Applicant that the Application may be denied as incomplete.



## M. Site Plan Procedures - Compliance Review, Notice & Hearing.

1. After review of the application, the Planning & Zoning Director shall provide a report to the Commission indicating general compliance with the regulations.
2. The Planning and Zoning Commission may in its discretion when, in its opinion, the size of the Building, the location of the property, the area of land, the amount of Parking provided and the traffic to be generated creates the potential for a significant impact upon the community or region, hold a public hearing on the matter. Notice of any such hearing shall be given in accordance with Section 8-7d of the Connecticut General Statutes, as amended.

## N. Site Plan Procedures - Review Criteria.

1. The criteria to be applied by the Commission in reviewing and approving a Site Plan and Application as the Decision-Making Authority shall be whether such Plan and Application comply with the applicable conditions, standards, and requirements of these Regulations.
2. With respect to a Site Plan and Application for which the Planning and Zoning Director has determined is complete, the Planning and Zoning Commission shall rely on this determination with respect to compliance of all conditions, standards, and requirements of Articles 1-5 and Article 7 of these Regulations and shall review the Plan and Application for compliance with all other conditions, standards, and requirements of these Regulations, including without limitation those of Article 6 (City-Wide Standards). Additionally, in the case of Development in a Special District, the Planning and Zoning Commission shall determine:
  - a. Whether the Development design and intensity are appropriate for and tailored to

the unique characteristics of the site, such as significant wooded areas, Specimen Trees, wetlands, steep slopes, floodplains, and zoning of or existing Development on Adjacent property;

b. Whether the proposed access and circulation are adequate with respect to traffic patterns, traffic control measures, and street pavement areas, with provisions for maintaining traffic flows and reducing any negative effects of traffic on nearby properties;

c. Whether the Development complies with all applicable Development and site construction requirements;

d. Adequacy of stormwater facilities, water supply, sanitary sewer service, fire protection, street signs, and street lighting as evidenced by conformance with City standards, specifications and guidelines;

e. Compliance with requirements for Easements or dedications;

f. In reviewing Site Plans, the following standards shall be taken into consideration:

(1) All proposed uses for which a site plan is required shall provide for ingress and egress to the site which does not adversely impact the normal flow of traffic or normal safe conditions of the roadways. Site plans shall be referred to the Department of Public Works and the Transportation, Mobility and Parking Department for review and recommendations.

(2) The Commission may require such reasonable improvements as may be necessary to accommodate traffic increases caused by the proposed development to maintain existing levels of service and to improve traffic safety. A Traffic Impact Analysis, as specified below, may be required from the applicant to determine the extent of necessary improvements.

(a) All proposed uses which will generate over five hundred (500) vehicle trips per

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day, either individually or in combination with other uses on a lot, shall be required to submit a Traffic Impact Analysis, prepared by a traffic engineer deemed qualified to undertake such analysis by the Commission, for review as part of a required site plan

(b) The Traffic Impact Analysis shall include the following information: the present roadway conditions, existing roadway capacity, traffic accidents for the previous three years, vehicle miles traveled (VMT), existing and projected traffic volumes (including ADT, peak A.M. and peak P.M. volumes) upon completion of the proposed use, existing and projected volume capacity ratios, existing and projected vehicle miles traveled (VMT), existing and projected levels of service, and existing and proposed sight lines and stopping sight distances, based on verifiable data and reasonable generation factors for the site and immediately affected road networks and intersections; and, proposed methods, if any, of mitigating the impact of the proposal on traffic congestion and safety.

(3) Whether sanitary and storm sewers have been designed and certified by a civil engineer and approved by the Department of Public Works.

(4) Whether proper provision has been made for erosion and sedimentation control.

(5) Whether there is any existing zoning violation exists on the property.

g. Except for Buildings designated as historic under a Local, State or National inventory, any proposed Building containing a Footprint of 5,000 square feet or more or a Floor Area of 20,000 square feet or more, shall either:

(1) Demonstrate that the construction methodology is certifiable as:

(a) 75% or more of the Development's stormwater is retained on-site through Low Impact Development (LID) practices, and either

(b) LEED Silver, or

(c) Enterprise Green Communities, or

(d) National Green Building Standard Silver.

(2) Demonstrate that the construction methodology is certifiable as:

(a) Passive House/PHIUS/EnerPHit, or

(b) LEED Zero, or

(c) Enterprise Green Communities Plus, or

(d) Zero Energy Ready Homes, or

(e) Living Building Challenge.

(3) Provide seventy-five percent (75%) or more of the building's energy usage be obtained from the Development and retain seventy-five percent (75%) or more of the Development's stormwater on-site through Low Impact Development (LID) practices.

(4) Documentation from a qualified professional, confirming compliance with the requirements for any of the programs listed in this section must be provided prior to obtaining a Zoning Certificate of Compliance.

### O. Site Plan Procedures - Decision-Making Authority's Action.

1. The Site Plan and Application shall be approved, disapproved, and modified to comply with these Regulations, and approved by the Decision-Making Authority in accordance with the review criteria of Section 8.4.5.N and as set forth in Sections 8.4.5.O.2-6.

2. The Planning and Zoning Commission shall take action on a complete Site Plan Application

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in accordance with the time periods specified in Section 8-7d of the Connecticut General Statutes, as amended. If the Application is not acted upon within the allotted time period, such inaction shall constitute approval.

3. Site Plans and Applications may be modified or denied only if it fails to comply with requirements already set forth in these Regulations.

4. If a Site Plan and Application are approved or modified and approved, the Site Plan as approved or modified and approved shall become part of the record of the Decision-Making Authority's action, and subsequent actions relating to the Development must be consistent with approved items.

5. A Planning and Zoning Commission's decision to deny or require modification of a Site Plan and Application shall be in writing, and shall set forth the reasons for such denial or modification.

6. Notice of a decision on a Site Plan Application shall be sent by certified mail to the Applicant within fifteen (15) days after the decision is rendered.

### P. Comment Compilation.

The Planning & Zoning Commission shall compile all staff comments on a Site Plan and Application in light of the applicable requirements of these Regulations. A copy of these comments shall be provided to the Applicant.

### Q. Concurrent Applications.

Site Plan Applications for projects that also require Village District Design Review or Redevelopment Agency Review, a Variance, a Zoning Permit for Flood Hazard Zone Development, Coastal Area Management Overlay District Site Plan Review, Zoning Regulations Amendment, or Rezoning may proceed concurrently with such additional Application. However, final approval of the Site Plan may not be granted prior to receiving all additional required permits or approvals.

### R. Time Limits on Approvals.

Any Site Plan approved under these Regulations shall become null and void five (5) years after the date of its approval unless a Building Permit for the entire project or applicable phase thereof has been obtained; provided that such period may be extended by the Decision-Making Authority upon written request of the Applicant for up to five (5) additional years.

### S. Inspection of Required Improvements.

Inspections during Development work and the installation of site Improvements shall be made by the entity responsible for such Improvements, which is required to certify compliance with approved Site Plans. Without limitation to the foregoing, no Improvements shall be accepted for maintenance by the City unless and until the requirements regarding public improvements have been met.

### T. Fees.

The Applicant shall pay to the City the fees established in Fee Schedule Document available from the Planning and Zoning Department in order to cover a portion of the costs associated with the administration of these Regulations.

### U. Construction & Use Pursuant to Approved Application, Plans, & Permits

1. Permits, including without limitation, Special Permits, issued on the basis of approved Site Plans and Applications, authorize only the Use, arrangement, and Construction set forth in such approved Plans and Applications, and none other. Use, arrangement, or Construction that does not comply with such approved Plans and Applications shall constitute a violation of these Regulations, enjoined or punishable as provided by Section 8.5.

## V. Certificate of Zoning Compliance.

No Certificate of Zoning Compliance shall be issued for a Building, Structure, Use or other proposal subject to Site Plan review until all Improvements to the Lot or Building Site have been completed or a financial guarantee in an amount to cover the cost of the incomplete Improvements has been approved as to form and financial institution by the Corporation Counsel and filed with the Planning and Zoning Director and conditioned on completion of the items within a time deemed reasonable by the Planning and Zoning Director. The financial guarantee shall be released only after all improvements are complete and are in satisfactory condition. If not satisfactory, within 65 days of release request, a written explanation shall be provided to the Applicant detailing the outstanding work that must be completed before such financial guarantee or portion thereof may be released.

## W. Extension or Alteration of Existing Building, Structure, or Use.

Any Extension or Alteration of an existing Building, Structure, or Use subject to Site Plan review, which substantially changes its Character or intensity, shall be subject to review and approval as set forth herein..

### 8.4.6 Temporary Use Permit.

#### A. Applicability.

1. Temporary Uses occurring on property outside of the public Street right-of-way shall be allowed only upon the issuance of a Temporary Use Permit, except as set forth in Section 4.3.9.E.
2. The provisions of this section shall not apply to Temporary Uses occurring within the public Street right-of-way.

#### B. Application Requirements.

A Temporary Use Permit Application shall be submitted in accordance with Section 8.4.4.C.

## C. Action by Planning and Zoning Director.

1. Upon hearing recommendations from all appropriate departments, the Planning and Zoning Director may approve the issuance of a Temporary Use Permit subject the Use standards established in Section 4.3.9 and the following:

- a. No lighting or electrical service shall be provided without an electrical permit;
- b. No Temporary Use Structure shall be erected without a Building Permit, if required by the Building Code;
- c. No Temporary Use Structure shall block fire lanes or pedestrian or vehicular access;
- d. The site of the Temporary Use shall be cleared of all debris at the end of the Temporary Use. All temporary Structures shall be cleared from the site within five days after the Use is terminated;
- e. Written permission of the property owner for the Temporary Use shall be provided;
- f. Adequate Parking shall be provided;
- g. Required Parking for other Uses shall remain available;
- h. Adequate traffic control measures shall be provided;
- i. Adequate provisions for refuse disposal and sanitary facilities shall be provided; and
- j. When appropriate, adequate provisions for crowd control shall be provided.

2. Temporary Use Permits shall be valid for the time period established in Section 4.3.9.E. Where no time period is established in Section 4.3.9.E, the Use shall be specified in the permit. The Planning and Zoning Director may extend this time period by up to sixty (60) days at his/her discretion provided the request is made at the time of original Application.

3. Temporary Use Permits may be renewed one time by the Planning and Zoning Director unless other renewal standards are specified in Section 4.3.9.E or in other provisions of this Section. The Planning and Zoning Commission may authorize the Planning and Zoning Director to issue a Temporary Use Permit for Principal or Accessory Use or activities. Any such permit shall not be extended beyond what may be authorized by the Planning and Zoning Commission.

### D. Revocation of Temporary Use Permit.

A Temporary Use Permit may be revoked upon notice to the Permit holder and an opportunity to be heard. If the Planning and Zoning Director finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

### 8.4.7 Home Occupation Permit.

#### A. Applicability.

Any Home Occupation shall require a permit, as set forth below.

#### B. Application Requirements.

A Home Occupation Application shall be submitted in accordance with Section 8.4.4.C.

#### C. Action by Planning and Zoning Director.

1. Upon review of the Application, the Planning and Zoning Director shall approve the Home Occupation Permit, provided the Home Occupation meets all requirements of these Regulations.

2. The Planning and Zoning Director shall maintain a record of all Home Occupation Permits that have been issued by the City.

#### D. Time Limit.

A Home Occupation Permit shall be valid for so long as the terms and conditions thereof are met.

#### E. Revocation.

A Home Occupation Permit shall be revoked, upon notice to the Permit holder and an opportunity to be heard, if the Planning and Zoning Director finds the Home Occupation to be in violation of the requirements of these Regulations.

#### F. Appeal.

Final action on a Home Occupation Permit may be appealed in accordance with Section 8.4.12.

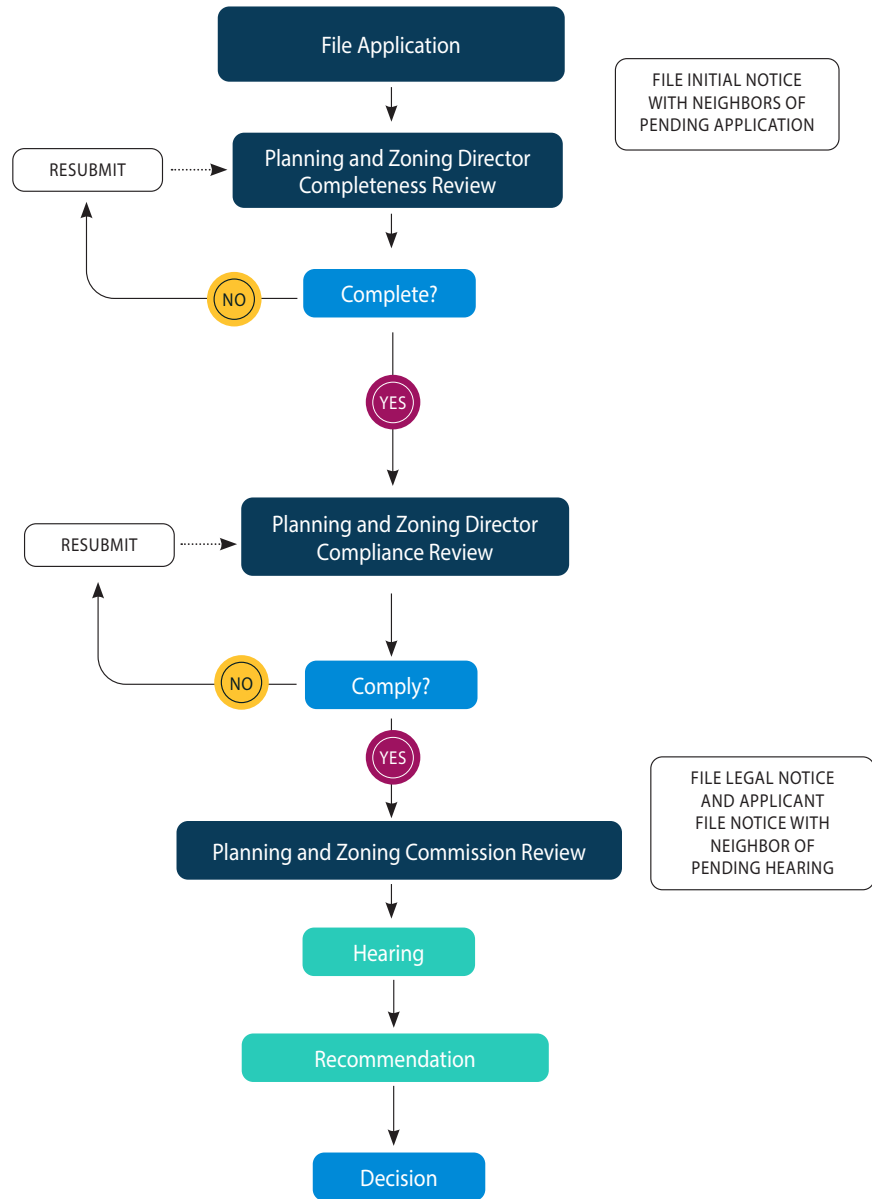
### 8.4.8 Special Permits.

#### A. Applicability.

This Section applies to Special Permits. Special Permits are for Uses, Buildings, or Structures that are considered to be generally appropriate in the applicable District, but because of their potential for incompatibility with Adjacent Uses, Buildings, or Structures, require individual review for specific locations. Special Permits may be considered only to the extent provided in this Section 8.4.8. See Illustration 8.4.8.A (Special Permit Process).

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ILLUSTRATION 8.4.8.A  
SPECIAL PERMIT PROCESS



## B. Statement of Purpose.

The development and execution of comprehensive Zoning Regulations are based upon the division of the City into Districts within which the Use of land, Buildings, and Structures and the bulk and location of Buildings, and Structures in relation to the land are substantially uniform. It is recognized that certain Uses, Buildings, and Structures, because of their unique characteristics, cannot be specifically classified or regulated in a particular District without consideration in each case of the impact of such Use of land, Buildings, and Structures upon the neighborhood and surrounding area and upon the public health, safety and welfare. Such Use of land, Buildings, and Structures as specified elsewhere in these Regulations may be permitted only by Special Permit or Special Exception.

## C. Authority.

1. The Planning and Zoning Commission shall hear and decide requests for Special Permits, in accordance with the provisions of these Regulations.
2. The procedures and requirements for Special Permit Uses are applicable when a Use is indicated within the applicable District as a Special Permit Use in Tables 4.3.9.A (Building, Lot, & Building Site Principal Uses), 4.3.9.D (Building, Lot, & Building Site Accessory Uses), and 4.3.9.E (Building, Lot, & Building Site Temporary Uses) and are not applicable to Use when a Use is indicated within the applicable District only as a Use Permitted by Right with Limitations Standards in such Tables.
3. Special Permits may be granted for Buildings, Uses, and Structures only in the specific situations and circumstances expressly set forth in these Regulations. When an existing Use, Building, or Structure which is permitted only by Special Permit is proposed to be Extended or Altered in a manner which would in any way change its Character or intensity or feature thereof, such proposed Extension

or Alteration shall be treated as a new Application for Special Permit under this Section 8.4.8.

## D. Pre-Application Conference.

An Applicant for a Special Permit is encouraged to schedule a Pre-Application Conference in accordance with Section 8.4.4.B.

## E. Application Requirements.

1. An Application for a Special Permit shall be filed with the Planning and Zoning Director.
2. Such Application shall conform to the requirements of these Regulations and with such other requirements as the Planning and Zoning Commission may prescribe from time to time, shall be in accordance with Section 8.4.4.C (Application Requirements), and shall contain the information and exhibits required under Section 8.4.5.I as if it were an Application for Site Plan review.
3. The Application shall be signed by the Applicant and, if the Applicant is not the owner, the owner of the property. If the Applicant is unable to obtain the signature of the owner, the Applicant may submit a letter of authorization signed by the property owner.
4. An Application for a Special Permit shall be accompanied by a filing fee as indicated on the approved Schedule of Fees, effective as of the date of the Application. In addition, legal notice fees shall be the responsibility of the Applicant, who will be billed for such fees directly by the publisher of such notice.

## F. Planning and Zoning Director Action.

1. The Planning and Zoning Director shall transmit one copy of the Application and all supporting information to the City Engineer for technical assistance in evaluating the proposed Development in relation to drainage, threatened erosion, the adequacy of the plans for flood and erosion

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protection, the adequacy of drainage facilities, and other technical matters.

2. If the subject property or part thereof is located within a Historic District, the Planning and Zoning Director shall transmit one copy of the Application and all supporting information to the Historic District Commission.

3. The Planning and Zoning Director shall prepare a report that reviews the Application in light of any requirements of these Regulations and technical input from the City Engineer or other review bodies. A copy of the report shall be provided to the Planning and Zoning Commission and to the Applicant.

### G. Special Permit Requirements.

1. A Special Permit may be granted provided the Planning and Zoning Commission finds that the request conforms to the following requirements:

a. If the Special Permit is for a Use, the proposed Use must be listed as a Special Permit Use for the applicable District and conforms to all applicable standards listed in Section 4.3.9.F, for the proposed Use;

b. The proposed Use, Building, or Structure must be so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;

c. The proposed Use, Building, or Structure must not adversely affect other property in the area in which it is located;

d. The proposed Use, Building, or Structure must conform to all applicable provisions of these Regulations for the District in which it is to be located.

e. The proposed Use, Building, or Structure must be in harmony with the general purpose and intent of these Regulations;

f. Except for Buildings designated as historic under a Local, State or National inventory, any proposed

Building containing a Footprint of 5,000 square feet or more or a Floor Area of 20,000 square feet or more, shall either:

(1) Demonstrate that the construction methodology is certifiable as:

(a) 75% or more of the Development's stormwater is retained on-site through Low Impact Development (LID) practices, and either

(b) LEED Silver, or

(c) Enterprise Green Communities, or

(d) National Green Building Standard Silver.

(2) Demonstrate that the construction methodology is certifiable as:

(a) Passive House/PHIUS/EnerPHit, or

(b) LEED Zero, or

(c) Enterprise Green Communities Plus, or

(d) Zero Energy Ready Homes, or

(e) Living Building Challenge.

(3) Provide seventy-five percent (75%) or more of the building's energy usage be obtained from the Development and retain seventy-five percent (75%) or more of the Development's stormwater on-site through Low Impact Development (LID) practices.

(4) Documentation from a qualified professional, confirming compliance with the requirements for any of the programs listed in this section must be provided prior to obtaining a Zoning Certificate of Compliance.

2. In addition, prior to granting a Special Permit, the Planning and Zoning Commission shall consider the following conditions where applicable:

a. The Density of Use and the bulk of Buildings.

b. All proposed uses for which a site plan is required shall provide for ingress and egress to the site which does not adversely impact the



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normal flow of traffic or normal safe conditions of the roadways. Site plans shall be referred to the Department of Public Works and the Transportation, Mobility and Parking Department for review and recommendations.

c. The Commission may require such reasonable improvements as may be necessary to accommodate traffic increases caused by the proposed development to maintain existing levels of service and to improve traffic safety. A Traffic Impact Analysis, as specified below, may be required from the applicant to determine the extent of necessary improvements.

(1) All proposed uses which will generate over five hundred (500) vehicle trips per day, either individually or in combination with other uses on a lot, shall be required to submit a Traffic Impact Analysis, prepared by a traffic engineer deemed qualified to undertake such analysis by the Commission, for review as part of a required site plan.

(2) The Traffic Impact Analysis shall include the following information: the present roadway conditions, existing roadway capacity, traffic accidents for the previous three years, vehicle miles traveled (VMT), existing and projected traffic volumes (including ADT, peak A.M. and peak P.M. volumes) upon completion of the proposed use, existing and projected volume capacity ratios, existing and projected vehicle miles traveled (VMT), existing and projected levels of service, and existing and proposed sight lines and stopping sight distances, based on verifiable data and reasonable generation factors for the site and immediately affected road networks and intersections; and, proposed methods, if any, of mitigating the impact of the proposal on traffic congestion and safety.

d. Availability of mass transit facilities and provision of sidewalks, with a minimum clearance of five (5) feet without obstructions.

e. Availability and compatibility of utilities.

f. Adverse impact from noise, odor, fumes, dust and artificial lighting.

g. Signs of size and design that are in harmony with the neighborhood.

h. Adequacy of Yards, Open Space, Screening and Buffering.

i. Impact on neighborhood properties, as compared to Uses, Buildings, and Structures permitted as a matter of right.

j. Existing land Use in the area.

k. Proximity of community facilities.

l. Compliance with these Regulations and the Plan of Conservation and Development.

m. Utilization of green infrastructure and other sustainability measures.

n. Conservation of Wetlands, Watercourses and other ecologically valuable lands.

o. No violation under these Regulations exists on the property.

3. The Planning and Zoning Commission may attach reasonable conditions and safeguards as it deems necessary to protect the general health, safety, welfare and property values of the neighborhood, including but not limited to, requiring additional Screening, limiting the hours of operation, requiring the redesign of Buildings or Structures, and similar types of safeguards or conditions, and may impose such other conditions and restrictions upon the premises benefited by a Special Permit as may be necessary to reduce or minimize the injurious effect of such Special Permit upon and ensure compatibility with surrounding properties. In addition, in granting a Special Permit, the Planning and Zoning Commission may attach additional requirements as conditions to granting a Special Permit for a Non-Residential Use in a Residential District in order to protect the general health, safety, welfare and property values of Residential

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neighborhoods.

4. The provisions of this Section 8.4.8.G.4 shall apply to all Applications for approval of any Special Permit for a Use, Building, or Structure located within any Flood Hazard Zone Overlay as indicated on the Official Zoning Map:

a. The Planning and Zoning Commission shall determine the specific flood or erosion hazard at the site and shall evaluate the suitability of the proposed Use, Building, or Structure in relation to the flood hazard. Upon consideration of the factors listed herein and the purposes of these Regulations, the Planning and Zoning Commission may attach such conditions to the granting of the Special Permit as it deems necessary to further the purposes of these Regulations.

b. In passing upon such Applications, the Planning and Zoning Commission shall consider the technical evaluation of the City Engineer, all relevant factors, and standards specified in other sections of these Regulations, and:

- (1) The danger that materials may be swept onto the other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (5) The importance of the services provided by the proposed facility to the community;
- (6) The necessity to the facility of a waterfront location, where applicable;
- (7) The availability of alternative locations, not

subject to flooding or erosion damage;

(8) The compatibility of the proposed use with existing Development anticipated in the foreseeable future;

(9) The relationship of the proposed Use to the recommendations of the Plan of Conservation and Development and floodplain management program for that area;

(10) The safety of access to and from the property in times of flood for ordinary and emergency vehicles;

(11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

(12) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. The additional requirements of Section 8.4.5.E shall be applicable where these Regulations require Village District Design Review or Redevelopment Agency Review.

### H. Planning & Zoning Commission Action.

1. After conducting the public hearing, considering the recommendations of the Planning and Zoning Director, the requirements listed in Section 8.4.8.G, and if applicable any consultant's report on compliance with applicable design guidelines, the Planning and Zoning Commission shall approve, approve with conditions, or disapprove the Application in accordance with the time periods specified in Sections 8-3c and 8-7d of the Connecticut General Statutes, as amended.

2. In approving the Application, the Planning and Zoning Commission shall set an effective date and may attach such conditions to the Special Permit as shall ensure compliance with the requirements of these Regulations

and of any other applicable Section of these Regulations.

### I. Extension or Change of Existing Special Permitted Use, Building, or Structure.

Any extension or change of an existing Use, Building, or Structure permitted by Special Permit which substantially changes its Character or intensity shall require a new Special Permit.

### J. Records of Special Permits.

The Planning and Zoning Director shall deliver all resolutions granting Special Permits and maps pertaining thereto to the Town Clerk for recording and filing in the land records of the City at the Applicant's Expense.

### K. Expiration of Special Permit.

Any Special Permit for which all improvements have not been completed within five (5) years from the effective date of the Special Permit shall become null and void, unless an extension of time of up to five (5) additional years is applied for and granted by the Planning and Zoning Commission.

### L. Financial Guarantee for Completion.

1. The Planning and Zoning Commission may require the Applicant to post a financial guarantee with good and sufficient surety to guarantee the installation and maintenance of all erosion and sedimentation control measures, and the completion of all Improvements to be conveyed to, or controlled by, the City, plus a contingency of no more than ten (10%) percent.

2. At the time of occupancy, the Planning and Zoning Director may require the Applicant to post a financial guarantee with good and sufficient surety to guarantee completion of all Improvements depicted on the approval plans or required as a condition of approval under a

Special Permit.

3. Such financial guarantee shall be posted by Applicant approved as to form and financial institution by Corporation Counsel at any time before completing Improvements depicted on the approved plans or required as a condition of approval under a Special Permit.

4. Upon completion of required Improvements, a maintenance bond shall be posted in the amount of fifteen percent (15%) of the total amount of the original financial guarantee or one thousand dollars (\$1,000), whichever is greater. The maintenance bond shall be retained for a period of one (1) year after the release of the original financial guarantee in order to insure that the required improvements are in satisfactory condition. Liability shall be limited to defects in material and workmanship.

### M. Certain Non-Residential Uses, Buildings & Structures.

1. A Non-Residential Use, Building, or Structure in existence at the Effective Date of these Regulations, which is located in a District that permits such Use, Building, or Structure, is hereby declared to be in conformance with the requirements of this Section 8.4.8.M, subject to Section 8.4.8.M.2.

2. If such Building or Structure is destroyed by fire, explosion, act of God or act of public enemy, to an extent exceeding fifty percent (50%) of its assessed value, it may be reconstructed with the approval of the Planning and Zoning Director only if the height, bulk, location, and Use of such Building or Structure is substantially as it had previously existed, except as modified where necessary to conform with the Flood Hazard and Coastal Area Management provisions of these Regulations.

3. The owner of such a Building or Structure shall document by A-2 Survey or other means, the height, bulk, location and Use of the Building or Structure as

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it had previously existed and shall obtain a permit to rebuild said structure within one hundred and eighty (180) days from the date of its destruction.

4. No Alteration in the approved Use of the Building or Structure are permitted under these Regulations.

### N. Expansion of Building or Structure.

An existing Building or Structure, previously approved by Special Permit and in existence at the Effective Date of these Regulations, may be expanded by up to twenty-five percent (25%) of its existing floor area provided that the proposed expanded Building or Structure complies with the applicable building and Zoning Regulations in effect prior to the Effective Date of these Regulations. Any such expansion, other than a minor change, shall require a new Special Permit.

### 8.4.9 Variances & Special Exceptions.

#### A. Applicability.

This Section applies to Variances and Special Exceptions.

#### B. Authority.

1. The Zoning Board of Appeals shall hear and decide, in accordance with the provisions of these Regulations, requests for Variances and Special Exceptions.

2. The Zoning Board of Appeals may authorize, upon appeal relating to a piece of property, a Variance from the strict application of certain standards, conditions, and requirements of these Regulations; subject however to the requirements of this Section.

3. The Zoning Board of Appeals may authorize a Special Exception Use in accordance with these Regulations only as specifically provided for with respect to Historic Structures in Districts CD-3

and CD-4 as provided in Article 4 or as specifically provided in Section 8.3.3.A.2.b(1-4); subject however to the requirements of this Section.

4. Notwithstanding anything to the contrary contained or implied in Section 8.4.9.B.2, no Variance may be granted with respect to any of the following types of standards, conditions, or requirements of these Regulations:

- a. Use
- b. Floor Area
- c. Lot or Building Site Width
- d. Impervious Surface Coverage
- e. Parking
- f. Signs
- g. Extension of Nonconforming Use
- h. Maximum dimensions of vehicular lanes

#### C. Pre-Application Conference.

All Applicants for a Variance or Special Exception are encouraged to participate in a Pre-Application Conference in accordance with Section 8.4.4.B.

#### D. Application Requirements.

An Application for a Variance or Special Exception shall be filed in writing with the Planning and Zoning Director in accordance with Section 8.4.4.C (Application Requirements) and shall contain the information and exhibits required under Section 8.4.5.I as if it were an Application for Site Plan review.

#### E. Planning and Zoning Director Action.

1. The Planning and Zoning Director shall review the Application for completeness. If incomplete, the Planning and Zoning Director shall notify the Applicant of such determination with a written explanation regarding which items are incomplete,

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and shall notify the Applicant that such Application may be denied by the Board as incomplete.

2. The Planning and Zoning Director shall transmit one copy of the Application and all supporting information to the City Engineer for technical assistance in evaluating the proposed project in relation to flood heights and velocities, threatened erosion, the adequacy of the plans for flood and erosion protection, the adequacy of drainage facilities, and other technical matters.

3. If the subject Building or Structure or part thereof is located within a Historic District, the Planning and Zoning Director shall transmit one copy of the Application and all supporting information to the Historic District Commission.

4. The Planning and Zoning Director shall prepare a report that reviews the Application in light of any requirements of these Regulations and technical input from the City Engineer or other review bodies. A copy of the report shall be provided to the Zoning Board of Appeals and to the Applicant.

5. Upon delivery of such report, the Planning and Zoning Director shall forward the Application to the Zoning Board of Appeals.

### F. Requirements.

1. The Zoning Board of Appeals shall not grant a Variance unless it makes the following findings based upon evidence presented to it:

a. That by reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of these Regulations, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict Application of any regulation contained within these Regulations would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.

b. That the Variance is the minimum Variance necessary so as to relieve such difficulties or hardship and thereby make possible the reasonable use of the land, Building, or Structure.

c. That the Variance will not authorize uses or activities in the applicable District other than those permitted by these Regulations.

d. That financial returns alone or personal circumstances shall not be considered as a basis for granting a Variance.

e. That the granting of the Variance will not be substantially detrimental to the public good or substantially injurious to other property or improvements in the area in which the subject property is located, and will not substantially impair the intent and purpose of the general provisions of the City's Plan of Conservation and Development, Zoning Map, or these Regulations.

f. That the proposed Variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the Streets, or increase the danger of fire, or endanger the public safety.

g. That the alleged difficulty or hardship has not been caused or created by the act or omission of the Applicant or any person having an interest in the property.

2. Notwithstanding anything to the contrary contained or implied in Section 8.4.9.F.1, and except for Variances under the provisions of Section 6.9 (Flood Hazard Overlay Zone), none of the following shall be deemed or considered to be, or be considered in making a determination whether strict compliance with these Regulations presents, a peculiar and exceptional practical difficulty to or exceptional or undue hardship upon the owner of property:

a. Pecuniary considerations

b. Aesthetic considerations

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- c. Historic Preservation
  - d. Public good
  - e. Over-compliance with other provisions of these Regulations
  - f. Personal Situations
  - g. Proximity to inconsistent or incompatible Uses or Development
  - h. Other Variances that have been granted
  - i. Nonconformities
  - j. District boundaries
  - k. Special Permit Uses or Uses Permitted by Right with Limitations; or
  - l. Deterioration of surrounding area
3. Neither any Nonconforming Use of neighboring lands, Structures, or Buildings in the same District, nor any non-permitted or Nonconforming Use of lands, Structures, or Building in other Districts shall be considered grounds for the issuance of a Variance.
4. Under no circumstances shall the Zoning Board of Appeals grant a Variance to allow a Use that is not permissible under these Regulations in the applicable District, or any Use which is expressly or by implication prohibited by the terms of these Regulations in said District.
5. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a Variance as may be necessary to comply with the provisions set out in Sections 8.4.9.F.1 above to reduce or minimize the injurious effect to such Variance upon surrounding property and better carry out the general intent of these Regulations. The Zoning Board of Appeals may establish expiration dates as a condition or as a part of any Variances.
6. The additional requirements of Sections 8.4.9.F.6.a-c

following shall apply to all Applications for approval of any Variance from the provisions of Section 6.9 (Flood Hazard Zone Overlay):

- a. Each Application for a Variance shall reflect the type of Building(s) or Structure(s) for which the Variance is sought, the size of such Buildings or Structures, the approximate location upon the parcel and the intended use thereof.
  - b. Due to the extreme hazardous conditions within the Floodway and the effect of obstructions to upstream Structures, no Variance shall be issued within the designated Flood Hazard Zone Overlay District which would result in any increase in Flood levels during the regulatory Flood discharge.
  - c. Any Applicant to whom a Variance is granted shall be given notice that the proposed Building or Structure will be located in the Flood prone area, but the Building or Structure will be permitted to be built with a lowest Flood elevation [number of feet approved by the Variance] feet below the regulatory Flood elevation, and that the cost of Flood insurance will be commensurate with the increased risk resulting from the reduced first Floor elevation, and all subsequent purchasers shall be notified in writing, and same shall be set out in any deed or other writing issued to subsequent purchasers, lessees, mortgagors or vendees.
7. Any person, including without limitation any agency of the City, who is aggrieved by a decision of the Zoning Board of Appeals on a Variance, may appeal to a court of competent jurisdiction. The judgment and findings of the Zoning Board of Appeals on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under these Regulations shall be final and subject to review only for illegality or want of jurisdiction.
8. The Zoning Board of Appeals shall not grant a Special Exception unless is able to find, based upon evidence presented to it that any standard of review, condition, or requirement to grant such Special Exception has been met and that the Special Exception will not adversely affect any contiguous property.

## G. Zoning Board of Appeals Action.

After conducting the public hearing, and considering the recommendations of the Planning and Zoning Director and the requirements listed in Sections 8.4.9.F, the Zoning Board of Appeals shall:

1. Approve the request;
2. Approve the request with conditions;
3. Deny the request; or
4. Continue the hearing.

## 8.4.10 Zoning Permits.

### A. Applicability.

This Section is applicable to Zoning Permits, pursuant to which the Planning and Zoning Director certifies that premises, Buildings, and Structures to be Developed and constructed pursuant to Plans approved under these Regulations shall, upon such Development and Construction, comply with all provisions of these Regulations. All Uses and Structures identified in Article 4 require the issuance of a Zoning Permit.

### B. Requirement.

Unless otherwise exempted pursuant to these Regulations, no land shall hereafter be Developed, occupied, or Use and no Building or Structure shall be hereafter Constructed, Altered, occupied, or used in whole or in part for any purpose whatsoever, nor any Use established, Expanded or Extended until the Planning and Zoning Director has issued all required Zoning Permits for such proposal.

### C. Nonconformities.

No Alteration, Expansion, or Extension of Use and no Alteration shall be made in a Nonconforming Use, Nonconforming Lot, Nonconforming Building or Structure, Nonconforming Sign or premises without a Zoning Permit having first been issued by the Planning and Zoning Director that such Alteration, Extension or Expansion is in conformity with the provisions of these Regulations.

## D. Application for Zoning Permit - General.

1. An Application for a Zoning Permit shall be submitted on a form prescribed by the Planning and Zoning Director and shall include all items as may be required by the Planning and Zoning Director and such other items as may be specified in these Regulations for the applicable type of Zoning Permit.

2. The following specific types of activities and Uses must obtain a Zoning Permit:

a. Flood Hazard Zone Development or Construction or site Grading in accordance with Section 6.9.4, which shall conform to the requirements of Section 8.4.10.H;

b. activities involving a Sketch Plan for any Development, Construction, activity, or Use that is exempt from Site Plan Review under Section 8.4.5.C;

c. Signs shall conform to Section 8.4.10.F;

## E. Applications for Zoning Permits - Specific as to Development, Construction, Activity, etc. Exempt from Site Plan Review.

An Application for a Zoning Permit for Development, Construction, activity, or Use that is exempt from Site Plan Review under Section 8.4.5.C shall include a Sketch Plan, both of which shall meet the following requirements, where applicable:

1. Such Application and Sketch Plan shall be prepared, submitted, be in a form, and contain all information required under Section 8.4.4 and this Section 8.4.10.E, and any additional information that may be required under applicable State or Federal regulations.

2. Each Sketch Plan and Application shall be prepared, signed, and submitted by or on behalf of the Owner of the applicable property. If such Plan is prepared, signed, or submitted on behalf of

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such Owner, a written durable irrevocable power of attorney authorizing such actions to be taken on behalf of the Owner shall accompany the Application.

3. Each Sketch Plan and Application shall be prepared in accordance with this Section 8.4.10.E and must conform to all applicable requirements of these Regulations.

4. Each Sketch Plan and Application shall be submitted for review and action in accordance with this Section 8.4.10.E.

5. Each Sketch Plan and Application shall include or show:

a. The name and address of the Applicant and the owner of record, if different from the Applicant.

b. The name, address, signature, and seal of the professional preparing the Sketch Plan.

c. The title of the project, date prepared, and date of revisions, if any.

d. Legal description of the property and tax parcel identification.

e. Existing zoning of the property and all Adjacent properties.

f. The identification of all Adjacent properties, including owners' names as shown on the Assessor's records and legal description.

g. Description of all existing and proposed restrictions or covenants applicable to the project site.

h. Location, width, and purpose of all existing and proposed Easements, Setbacks, Setback Areas, reservations and areas, dedicated to Public use, both within and Adjacent to the property.

i. Each Sketch Plan shall be fully dimensioned and at a scale no smaller than 1" = 200' except as otherwise specifically provided in these Regulations or as agreed to in writing by the Planning and Zoning Director, shall

be in compliance with the standards and requirements of the Zoning Map, any other applicable approved Plan, and these Regulations, and shall:

(1) Show the actual shape, location and dimensions of the overall project site and each Lot or Building Site;

(2) Show the shape, size, and location of all Buildings or other Structures to be Constructed, erected, Altered or moved, and of any Building or other Structure already on project site and each Lot or Building Site;

(3) Include the existing and intended Use of each Lot, Building Site, Development site, and other land, and of all Buildings or other Structures upon it, including, for Residential activities the number of Dwelling Units each Building is intended to accommodate and for all Non-Residential Uses, the number of square feet of each such Use.

(4) Include if regulated in the applicable District the Density per Community District and the Density of each Building and Lot or Building Site.

(5) Show and include the following:

(a) Lot or Building Site Width

(b) Lot or Building Site Layers

(c) Percentage of Building and Wall at Frontage Line-to-Lot or Building Site Width (Frontage Buildout)

(d) Principal Building

(e) Accessory Building and other Accessory Structure

(f) Setbacks or Setback Areas

(g) Encroachments

(h) Building Type

(i) Proposed Impervious Surface Coverage of each Lot or Building Site and the overall Development site



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- (j) Proposed Floor Area, Dimensions, Floor Elevations, Floor-to-Ceiling Heights, and Height of each Building
- (k) Private Frontage and Facade Elements
- (l) Building Roof Type & Pitch
- (m) Building and Lot Principal Uses, Accessory Uses, and Temporary Uses
- (n) Vehicular Parking Accommodations, including Parking Spaces and their dimensions within the Lot or Building Site, layout, design and if applicable, landscaping of Parking Lots, Parking Areas and Parking Structures, Parking and if applicable Loading Area Locations, Location of any Garage, Driveways to Off-Street Parking, Passenger Drop-off Location, Driveway/Vehicular Entrance Width, any Parking Screen, and points of vehicular ingress and egress to and from each Lot or Building Site, including cross-access Easements
- (o) Driveway(s) and widths
- (p) Exterior public and private lighting plan including photometric plan, location, pole height, luminaire/head type, pole/standard type, shielding, manufacturer's specifications and hours of operation for all exterior light fixtures
- (q) Refuse Receptacle, Utility Box and Service Meter Accommodations and Locations
- (r) Any other personal property or fixtures not affixed to a Building
- (s) if applicable, Private Landscaping, Walls, and Fencing
- (t) All Screens & Streetscreens, including vegetative, Fence, and Wall Screens & Streetscreens and their dimensions
- (u) Existing Tree and Vegetation Plan and Survey:
  - (i) showing all groupings or trees and how they will be incorporated into the proposed Development,
  - (ii) showing the locations, numbers, species, and diameters (dbh) of all existing trees to be removed and to remain,
  - (iii) identifying tree preservation and protection measures, specifically identifying all Specimen Trees and other significant trees with a dbh of eight inches (8") or more, and
  - (iv) otherwise evidencing compliance with all applicable tree requirements of these Regulations
- (v) Sign Plan, including locations, types, numbers, illumination and detailed dimensioned drawings of each Sign
- (w) Ground Floor Elevation above Finished Grade for each Building
- (x) Any applicable Special Requirements
- (y) Any Public Frontage improvement or replacement elements required under Section 6.8.
- (z) Any proposed zoning classification or Rezoning for all or any portion of the property.
- (aa) Recorded Plat consistent with the Sketch Plan
- (ab) Certified survey of existing conditions of the subject property, prepared and sealed by a licensed Connecticut surveyor within 6 (six) months of the submission, and showing at a minimum:
  - (i) Property lines and measurements,
  - (ii) Tax lot designation,
  - (iii) Utility lines and connections,
  - (iii) Curb cuts,
  - (iv) Street designations, and
  - (v) North arrow.

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(ac) If subsurface sewage disposal is anticipated, a certification from the Health Department approving the Lot, Building Site, Development Parcel, or other land, as applicable, for each Use.

(ad) Demonstrate that all other requirements of these Regulations are met.

(ae) Such other information concerning the Lot, Building Site, or other land and all Adjacent Lots, Building Sites, or other land as may be deemed necessary by the Planning and Zoning Director, Director of Public Works, or City Engineer for determining whether the provisions of these Regulations and other applicable provisions of the City Codes are being met and

(af) any Public Landscaping, including proposed plant species and size at time of planting.

6. Each Sketch Plan must comply with the standards and requirements of the Zoning Map, any other applicable approved Plan, and these Regulations, including without limitation those applicable to the District or Districts in which the land covered by such Sketch Plan is situated; provided however, that a conceptual Sketch Plan submitted as part of an Application for Zoning Regulations Amendment or Rezoning need only provide information to describe the intended Development or Construction; and provided further that solely with respect to a Sketch Plan submitted for approval of a modification, such Sketch Plan shall be required to include only those elements being changed.

7. Sketch Plan Applications that cover property located, either wholly or in part, within a Flood Hazard Zone Overlay District shall:

a. Be submitted in conformance with this Section 8.4.10 and Section 6.9;

b. Indicate the location of area(s) subject to Flooding.

c. Require the issuance of a separate Flood Hazard Zone Development Zoning Permit prior to issuance.

8. Sketch Plan Applications that cover property located, either wholly or in part, within a Coastal Area Management Overlay District shall:

a. Be submitted in conformance with this Section 8.4.10 and Section 6.10;

b. Indicate the location of area(s) within the Coastal Area Management Overlay District.

c. Require approval of a Coastal Area Management Overlay District Development Site Plan prior to issuance.

### F. Applications for Zoning Permits - Specific as to Signs.

1. No Sign other than an Exempt Sign may exist or be erected, installed, Altered, modified, or restored in the City unless it is the subject of a valid Zoning Permit for such Sign issued in accordance with this Section 8.4.10.F.

2. Applications for Sign Zoning Permits shall be made with the Planning and Zoning Director.

3. Each Application for a Sign Zoning Permit shall be accompanied by a fully dimensioned Sign Plan that reflects all proposed Signs, the method and means of installation, method of illumination, the number of Signs and Sign types, and the locations on the applicable Building or Lot that comply with all applicable standards and requirements of these Regulations, together with such other information as may be necessary to determine and provide for the enforcement of Article 7 (Sign Standards).

4. The Planning and Zoning Director shall review such Application, Sign Plan, and other materials to determine whether the proposed Sign complies with Article 7 (Sign Standards).

5. A Sign Zoning Permit shall be issued if and only if:

a. the Applicant pays the Application fee in accordance with a fee schedule adopted by the Planning and Zoning Commission; and

b. the Planning and Zoning Director determines that

the Application, the proposed Sign, the Sign Plan and other materials accompanying the Application conform to the applicable requirements of these Regulations.

## G. Applications for Zoning Permits - Specific as to Development or Construction in Coastal Area Management Overlay District.

Applications for Zoning Permits for Development or Construction in the Coastal Area Management Overlay District shall comply with Section 6.10.2.

## H. Applications for Zoning Permits - Specific as to Development in Flood Hazard Zone Overlay District.

Applications for Zoning Permits for Development in the Flood Hazard Zone Overlay District shall comply with Section 6.9.4.

## I. Issuance of Zoning Permit.

Upon determination by the Planning and Zoning Director that the premises, Use, Development, Building or Structure, as applicable, as described in an Application complies with these Regulations, the Planning and Zoning Director shall issue a Zoning Permit.

## J. Record of Zoning Permits.

A record of all Zoning Permits shall be kept on file in the office of the Planning and Zoning Director.

## K. Fees.

Fees for a Zoning Permit shall be in accordance with the Schedule of Fees approved by the Planning and Zoning Commission, effective as of the date of the Application.

### 8.4.11 Certificate of Zoning Compliance.

#### A. Applicability.

This Section is applicable to Certificates of Zoning Compliance, pursuant to which the Planning and Zoning Director certifies that premises and Buildings and Structures thereon comply with all provisions of these Regulations.

#### B. Requirement.

Unless otherwise exempted pursuant to these Regulations, a separate Certificate of Zoning Compliance issued by the Planning and Zoning Director upon completion of the Development, proposed within the Permit, provided that the Development complies with the standards set forth in these regulations and any other approvals related to this Development.

#### C. Application for Certificate.

An Application for a Certificate of Zoning Compliance shall be made at the same time that an Application is submitted for any related permit or approval. Such Application shall be made on a form prescribed by the Planning and Zoning Director.

#### D. Surveys.

1. Upon the completion of the foundation for any Building or Structure, an as-built drawing or survey prepared by a licensed land surveyor and certifying that the location of the foundation is in compliance with these Regulations and any permit issued hereunder, shall be submitted and an interim Certificate of Zoning Compliance shall be issued by the Planning and Zoning Director prior to continuation of work.
2. Upon completion of any Building or Structure, an as-built drawing or survey in both plan and profile views, showing the location of all Improvements as constructed, shall be submitted prior to the issuance of a Certificate of Zoning Compliance.

#### E. Issuance Prior to Completion of Improvements.

Certificates of Zoning Compliance may be issued for a property where Improvements are not completed if a

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financial guarantee approved as to form and financial institution by Corporation Counsel in an amount sufficient to cover the cost of the incomplete Improvements has been filed, subject to the approval of the Planning and Zoning Director. The financial guarantee shall be released only after a written request is received and all Improvements are complete and are in satisfactory condition. If not satisfactory, within 65 days of release request, the Planning and Zoning Director shall provide a written explanation to the Applicant, detailing the outstanding work that must be completed before such financial guarantee or portion thereof may be released.

### F. Nonconformities.

No Expansion or Extension of Use and no Alteration shall be made in a Nonconforming Use, Nonconforming Lot, Nonconforming Building, Nonconforming Sign or premises without a Zoning Permit having first been issued by the Planning and Zoning Director that indicates such, Extension or Alteration is in conformity with the provisions of these Regulations.

### G. Issuance of Certificate.

Upon determination by the Planning and Zoning Director, that the premises, Building or Structure complies with these Regulations, a Certificate of Zoning Compliance shall be issued after completion of the activity for which the Certificate was required.

### H. Record of Certificates.

A record of all Certificates of Zoning Compliance shall be kept on file in the office of the Planning and Zoning Director.

### I. Fees.

Fees for a Certificate of Zoning Compliance shall be in accordance with the Schedule of Fees approved by the Planning and Zoning Commission, effective as of the date of the Application.

## 8.4.12 Appeals.

### A. Administrative Decisions.

1. An appeal to the Zoning Board of Appeals may be made by the aggrieved party in the case of refusal by the Planning and Zoning Director to issue any certification or permit or to approve any Application on which he or she is the Decision-Making Authority.
2. An Application for an appeal of an administrative decision shall be filed in accordance with Section 8.4.4.C.
3. A notice of appeal of an administrative decision shall be considered filed when a complete Application is delivered to the Planning and Zoning Director. The date and time of filing shall be entered on the notice.
4. An Application for appeal of an administrative decision shall be filed with the Zoning Board of Appeals within 30 days of receipt of the decision from which the appeal is taken.
5. Any appeal of an administrative decision shall require a public hearing before the Zoning Board of Appeals.
6. Each Application for appeal of an administrative decision shall be numbered serially and filed in proper form with the required date, and shall be placed upon the calendar of the Zoning Board of Appeals by the Planning and Zoning Director. The calendar numbers shall begin anew on January 1, each year, shall be hyphenated with the year in which the appeal is filed.
7. The Planning and Zoning Director will assign appeals for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order by the Zoning Board of Appeals, upon good cause being shown. The Planning and Zoning Director shall give published public notice on behalf of the Zoning Board of Appeals as forth in Section 8.4.4.D.4.

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8. All notices shall specify the current zoning and notification that the Applicant is seeking an appeal of administrative decision.

9. The notice shall be published in accordance with 8.4.4.D.4.

10. At the public hearing of the case before the Zoning Board of Appeals, the appellant shall appear on appellant's own behalf or be represented by counsel or agent. The appellant's case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

11. Every person before the rostrum shall abide by the order and direction of the chair. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Zoning Board of Appeals and shall be dealt with as the chair deems proper.

12. The Zoning Board of Appeals may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Zoning Board of Appeals shall have all the powers of the officer from whom the appeal is taken.

13. The concurring vote of four (4) voting members is required to reverse any administrative order, requirement, decision, or determination of the Planning and Zoning Director, or to decide in favor of the Applicant on any matter upon which it is required to pass under these Regulations

14. An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official from whom the appeal is taken certifies to the Zoning Board of Appeals that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a

stay would seriously interfere with the effective enforcement of these Regulations. In that case, proceedings shall not be stayed except by order of the Zoning Board of Appeals or a court, issued on an Application of the party seeking the stay, for due cause shown, after notice to the administrative official.

15. Any Person, including without limitation, any agency of the City, who is aggrieved by a decision of the Zoning Board of Appeals on appeal of an administrative decision may appeal to a court of competent jurisdiction. The judgment and findings of the Zoning Board of Appeals on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under these Regulations shall be final and subject to review only for illegality or want of jurisdiction.

### B. Planning & Zoning Commission Decisions.

An appeal of a Planning and Zoning Commission decision may be made by the aggrieved party pursuant to State law.

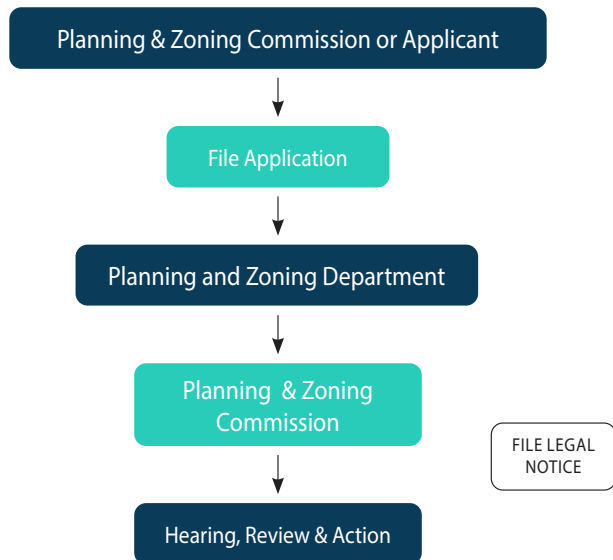
### 8.4.13 Zoning Regulations Amendment.

#### A. Applicability.

This Section 8.4.13 is applicable to requests for amendment of the text or other content of these Regulations. Requests for changing the Zoning Map as applied to a particular piece of property (i.e., a Rezoning or Zoning Map Amendment) are governed by Section 8.4.14. See Illustration 8.4.13.A (Zoning Regulations Amendment Process).

# ARTICLE 8: ADMINISTRATION, PROCEDURES, & ENFORCEMENT

ILLUSTRATION 8.4.13.A  
ZONING REGULATIONS AMENDMENT



## B. General.

The Planning and Zoning Commission may, from time to time, amend these Regulations by changing any provisions whenever it is alleged that there was an error in these Regulations or whenever the public necessity, convenience, and general welfare require such amendment.

## C. Consistency with Plans.

1. All requests for Amendment of these Regulations must be consistent with the Plan of Conservation and Development and other applicable Local Plans. A petition for Amendment of these Regulations shall not be approved by the Planning and Zoning Commission when there is a conflict with the Plan of Conservation and Development or other applicable Local Plans, as determined by the Planning and Zoning Commission (see Section 8.3.2.B.4).
2. When required, an Application for an amendment to the Plan of Conservation and Development or

local plan may be submitted concurrently with an Application for Zoning Ordinance Amendment. The decisions, however, shall be rendered with separate motions.

## D. Initiation of Amendment.

An Amendment to these Regulations may be initiated by the Planning and Zoning Commission, the Planning and Zoning Director, or by an Application by the owner of the property or an authorized agent of the owner.

## E. Application for Amendment.

1. An Application for an Amendment of these Regulations shall be filed with the Planning and Zoning Director.
2. Such Application for Amendment shall be submitted in accordance with Section 8.4.4.C.
3. Applications for Amendment of these Regulations shall be in such form as prescribed from time to time by the Planning and Zoning Commission and, where applicable, shall be accompanied by a conceptual Sketch Site Plan meeting the requirements of Section 8.4.10.E for any Development that may be proposed for the subject property.
4. The Planning and Zoning Commission may fix a reasonable fee, as indicated on the approved Schedule of Fees in effect as of the date of the Application, to be paid by the Applicant at time of submission of the Application. Official agencies of the City shall be exempt from the fee requirements.
5. Legal notice fees shall be the responsibility of the Applicant, who will be billed for the payment of legal notice fees directly by the publisher of such notice.
6. On receiving such an Application, the Planning and Zoning Director shall transmit a copy thereof to the Planning and Zoning Commission for consideration and action.

## F. Grounds for Amendment.

The Planning and Zoning Commission in its deliberation and decision shall consider the following grounds:

1. The extent to which the proposed Amendment is consistent with the remainder of these Regulations, including, specifically, the purpose and intent statements;
2. The extent to which the proposed Amendment represents a new idea not considered in these Regulations, or represents a revision necessitated by changing circumstances over time;
3. Whether or not the proposed Amendment corrects an error in these Regulations;
4. The extent to which the proposed Amendment is consistent with the Plan of Conservation and Development; and
5. Whether or not the proposed Amendment revises these Regulations to comply with state or federal statutes or case law.

## G. Planning & Zoning Commission Action.

The Planning and Zoning Commission may approve the proposed Amendment, approve the Amendment with modifications that do not exceed or contravene the scope of the legal notice, or deny the Amendment. Any approval or approval with modifications shall state the effective date of the amendment.

## H. Effect of Denial of Application.

Whenever an Application for Amendment of these Regulations is denied, the Application for such amendment shall not be eligible for reconsideration for one (1) year following such denial, except in the following cases:

1. Upon initiation by the Planning and Zoning Commission.

2. When the previous Application was denied for the reason that the proposed Amendment would not conform to the Plan of Conservation and Development, and the Plan of Conservation and Development has subsequently been amended in a manner which will allow the proposed Amendment.

## I. Entry of Amendment.

1. Upon enactment of an Amendment to these Regulations, the Planning and Zoning Director shall cause such Amendment to be entered into these Regulations, and if such Amendment affects the Zoning Map, cause such Amendment to be entered on the Official Zoning Map, in each case noting thereon the effective date of such Amendment.
2. No Amendment to these Regulations shall become effective until after such Amendment and entries, as applicable, have been made to these Regulations and, if applicable, to Official Zoning Map.
3. The denial was due to procedural irregularities which can be corrected upon reapplication.

## J. No Unauthorized Changes.

No changes of any nature shall be made to these Regulations except in conformity with the procedures set forth in this Section 8.4.13. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of these Regulations and punishable as provided under Section 8.5.

## 8.4.14 Rezoning.

### A. Applicability.

This Section 8.4.14 is applicable to requests for a change in the District boundaries of property, including without limitation the District assignment of a particular piece of property, as depicted on the Official Zoning Map. Such a change is sometimes referred to as a Rezoning or a Zoning Map Amendment. Requests for an Amendment of the text or other content of these Regulations

## ARTICLE 8: ADMINISTRATION, PROCEDURES, & ENFORCEMENT

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(i.e., an Amendment of these Regulations or a “text amendment”) are governed by Section 8.4.13. See Illustration 8.4.14 (Rezoning Process).

### B. General.

1. The Planning and Zoning Commission may, from time to time, amend the Zoning Map by changing the boundaries of Districts or District Overlays whenever it is alleged that there was an error in the Zoning Map or whenever the public necessity, convenience, and general welfare require such Amendment.

### C. Consistency & Coordination with Plans.

1. All Rezoning proposals shall be consistent with the Plan of Conservation and Development and any applicable Local Plans. A Rezoning shall not be approved unless the Rezoning is consistent with and not in conflict with the Plan of Conservation and Development or applicable local plans, as determined by the Planning and Zoning Commission (see Section 8.3.2).

2. When required, an Application for a Plan of Conservation and Development Amendment or other Land Use Plan Amendment may be submitted concurrently with an Application for Rezoning. The decisions, however, shall be rendered as separate actions of the Planning and Zoning Commission.

### D. Initiation of Rezoning.

An Amendment to the Zoning Map may be initiated by the Planning and Zoning Commission, the Planning and Zoning Director, or by Application of by the owner of the property or an authorized agent of the owner.

### E. Application for Rezoning.

1. An Application for Rezoning shall be filed with the Planning and Zoning Director.
2. Such Application for Rezoning shall be submitted in accordance with Section 8.4.4.C.

### F. Application Requirements.

1. Applications for Rezoning shall be in such form as prescribed from time to time by the Planning and Zoning Commission.
2. The Planning and Zoning Commission may fix a reasonable fee, as indicated on the approved Schedule of Fees in effect as of the date of the Application, to be paid by the Applicant at time of submission of the Application. Official agencies of the City shall be exempt from the fee requirements.
3. Legal notice fees shall be the responsibility of the Applicant, who will be billed for the payment of legal notice fees directly by the publisher of such notice.
4. On receiving such an Application, the Planning and Zoning Director shall transmit a copy thereof to the Planning and Zoning Commission for consideration and action.
5. Rezonings should correspond with the boundary lines of existing platted Lots, Building Sites, or tracts. If the boundaries of a Rezoning request stop short of an exterior property line, that portion of the property outside the proposed Rezoning boundary must be capable of being subdivided in accordance with the City Subdivision Regulations and Developed in accordance with the requirements of these Regulations.
6. All requirements of these Regulations shall be met capable of being within the boundaries of the area being Rezoned. If all of the requirements cannot be met on the property proposed to be Rezoned, the Rezoning shall be expanded to include necessary property being used to meet such requirements or shall be denied.
7. A conceptual Sketch Site Plan meeting the requirements of Section 8.4.10.E shall be provided as part of a Rezoning Application in connection with a any proposed Development or Construction on any part of the land proposed to be Rezoned.



### G. Grounds for Rezoning.

1. The Planning and Zoning Commission in its deliberation and decision shall consider to the following grounds for a Rezoning and shall note the same in the official record as follows:

- a. The Rezoning is consistent with the Plan of Conservation and Development and any applicable Local Area Plans;
- b. It has been determined that the legal purposes for which zoning exists are not contravened; and
- c. It has been determined that there will be no adverse effect upon Adjacent property owners unless such effect can be justified by the overwhelming public good or welfare.

### H. Planning & Zoning Commission Action.

The Planning and Zoning Commission may approve the request, deny the request, or may approve a Rezoning or a smaller area or at a less intensive classification than that proposed. Any approval for Rezoning shall state the effective date thereof.

### I. Effect of Denial of Application.

Whenever an Application for a Rezoning of any property is denied, no Application for Rezoning of all or any part of such property may be made or considered for one year following such denial, except in the following cases:

1. Upon initiation by Planning and Zoning Commission.
2. If the new Application, although involving all or a portion of the same property, is for a different District than that for which the denied Application was made.
3. If the previous Application was denied for the reason that the proposed Rezoning would not conform to the Plan of Conservation and Development, and the Plan of Conservation and Development was subsequently

amended in a manner which would allow the proposed zoning.

4. The denial was due to procedural irregularities which can be corrected upon reapplication.

### J. Reflection on Zoning Map.

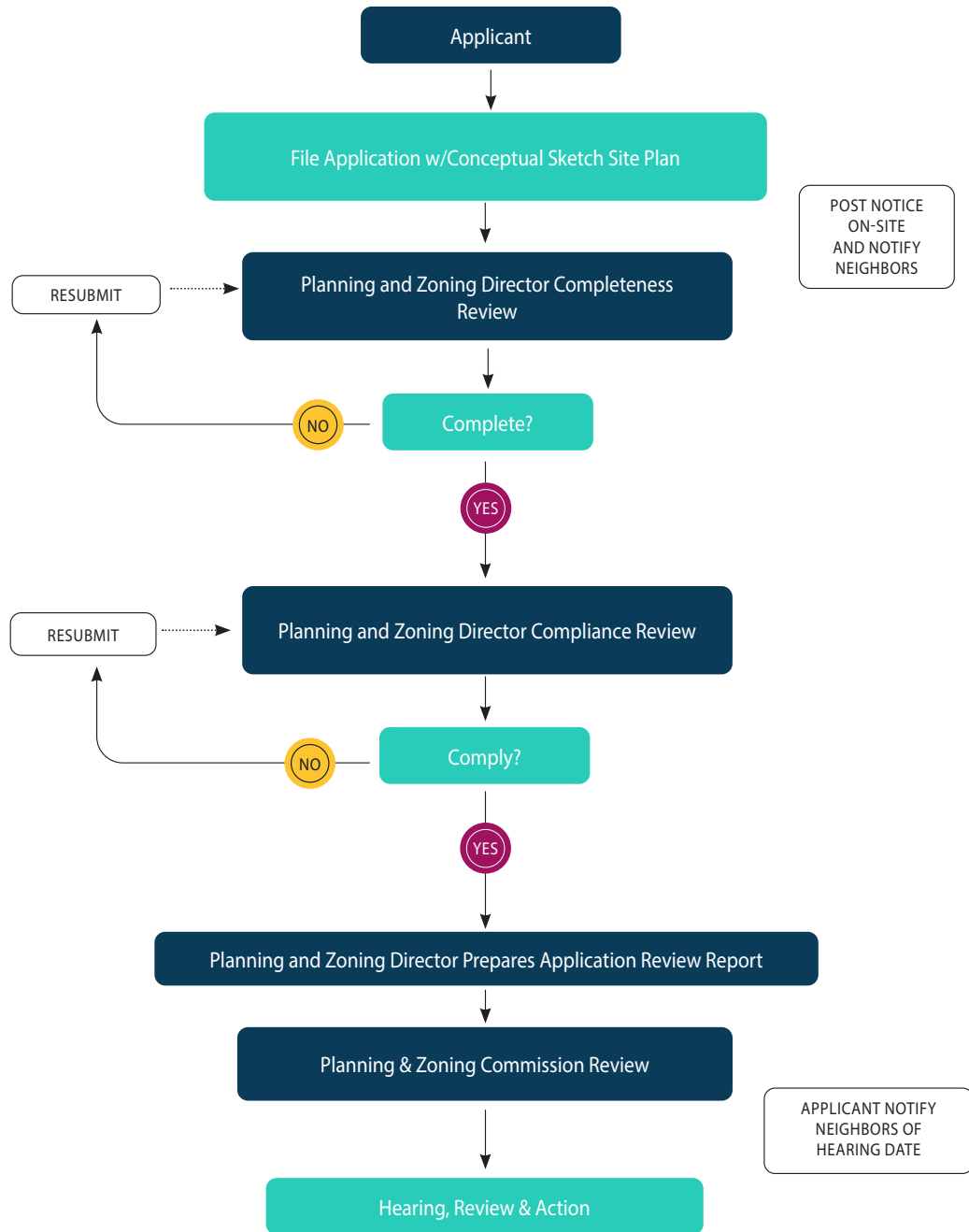
1. Upon approval of a Rezoning, the Planning and Zoning Director shall cause such amendment to be placed upon the Zoning Map, noting thereon the effective date of such Rezoning.
2. No amendment to these Regulations that involves any matter portrayed on the Official Zoning Map shall become effective until after such change and entry have been made on said map.

### K. No Unauthorized Changes.

No changes of any nature shall be made in the Official

# ARTICLE 8: ADMINISTRATION, PROCEDURES, & ENFORCEMENT

ILLUSTRATION 8.4.14  
REZONING PROCESS



## ARTICLE 8: ADMINISTRATION, PROCEDURES, & ENFORCEMENT

Zoning Map or matter shown thereon except in conformity with the procedures set forth in these Regulations. Any unauthorized change of whatever kind by any Person or Persons shall be considered a violation of these Regulations and punishable as provided under Section 8.5.

### 8.4.15 Plan Amendment / Adoption.

#### A. Applicability.

1. This Section 8.4.15 is applicable to the adoption of, or amendments to, the Plan of Conservation and Development, Future Land Use Map, or other City land use plans and maps (hereinafter referred to collectively as "Land Use Plans).
2. The Planning and Zoning Commission shall consider adoption of, or amendments to, Land Use Plans as may be required from time to time.
3. The process for adoption of a Land Use Plan shall be the same as that for a Land Use Plan Amendment, as set forth herein.

#### B. Coordination with Rezoning Application.

An Application for a Land Use Plan Amendment may be submitted and reviewed concurrently with a Rezoning Application. The public hearings on both the proposed Land Use Plan Amendment and the proposed Rezoning may be heard at the same meeting; however, decisions shall be rendered separately.

#### C. Pre-Application Conference.

All Applicants applying for a Land Use Plan Amendment shall schedule a Pre-Application Conference with the Planning and Zoning Director in accordance with Section 8.4.4.B.

#### D. Application Requirements.

An Application for a Land Use Plan Amendment shall be submitted in accordance with Section 8.4.4.C, Application

Requirements. The Planning and Zoning Director are encouraged to review the Application and make any recommendations to the Planning and Zoning Commission.

#### E. Notice and Hearing.

1. The Planning and Zoning Commission shall consider any recommendations from the Planning and Zoning Director, and shall conduct a public hearing.
2. Notice and public hearing requirements shall be in accordance with Section 8.4.4.D.
3. The Applicant or a representative of the Applicant shall appear at the meetings to explain why the Land Use Plan should be changed.

#### F. Criteria for Action.

The Planning and Zoning Commission shall review and consider the proposed Land Use Plan Amendment in relation to the following, where applicable:

1. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of all other applicable adopted Land Use Plans;
2. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
3. Whether the proposed change would create substantial adverse impacts in the Adjacent area or the City in general;
4. Whether conditions affecting the area have changed to a sufficient extent to warrant the proposed change; and
5. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

#### G. Action by Planning and Zoning Commission.

1. Following the public hearing, the Planning and Zoning Commission shall take action on the Plan or Plan Amendment and set an effective date, thereof.

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2. The Planning and Zoning Commission may approve the Plan or Plan Amendment, approve the Plan or Plan Amendment with conditions, or deny the Plan or Plan Amendment.

3. The Planning and Zoning Commission shall create and maintain a written record of its action. The effective date of an approved Plan Amendment shall be the date otherwise specified in the approval.

### H. Official Copies of Land Use Plans.

Official, current copies of all adopted Land Use Plans, as amended, shall be maintained in the office of the Town Clerk and Planning and Zoning Director and shall be available for review during normal business hours.

#### 8.4.16 Subdivision Plats.

Subdivision Plats must meet the standards and requirements of these Regulations and the City Subdivision Regulations as the same are in effect from time to time, and must be prepared, submitted, reviewed and acted upon in accordance with such City Subdivision Regulations.

#### 8.4.17 Other District Reviews.

##### A. Applicability.

Design, District, and/or Site Plan Review is required for proposals involving a Village District or Redevelopment Agency District in addition to all other requirements of these Regulations.

##### B. Application.

If Village District Design Review or Redevelopment Agency District Review is required, an Application for such review shall be filed with the Planning and Zoning Director concurrently with any other required Application. In the case of Village District Design Review, such Application shall be accompanied by a filing fee as indicated on the fee schedule, which

shall be used to compensate the Village District Consultant, with any unused balance being returned to the Applicant.

### C. Referral.

1. The Planning and Zoning Director shall refer the Application for District Design Review or Redevelopment Agency Review to the Village District Consultant, as applicable. To review such Application for compliance with applicable design guidelines and, if applicable, the applicable Redevelopment Plan.

2. The Village District Consultant or Redevelopment Agency, as applicable, shall prepare a report of its determination relative to the Application. Such report, shall be entered into the public hearing record and considered by the Decision-Making Authority in making its decision on the other Application.

## SECTION 8.5 ENFORCEMENT.

### 8.5.1 Enforcement; Violations; Penalties; & Remedies - General.

#### A. Enforcement.

These Regulations and the provisions of any approval, permit, or Plan certified, approved, or issued under these Regulations shall be enforced by the Planning and Zoning Director, the City Code Enforcement Officer, or any law enforcement officer of the City.

#### B. Violations.

1. The owner or agent of a Building, Structure or premises where a violation of any provision of these Regulations shall have been committed or shall exist, or the lessee or tenant of an entire Building, Structure, or premises where such violation shall have been committed or shall exist, or the owner, agent, lessee or tenant of any part of the Building, Structure, or premises in which such violation shall

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have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any Building, Structure or premises in which any such violation shall exist, shall be subject to approval or permit revocation upon notice and the opportunity to be heard in addition to all remedies, penalties, and actions set forth herein. Without limiting the foregoing, each such Person shall be subject to revocation and/or penalties in accordance with the provisions of the Connecticut General Statutes, as now or hereafter amended, with the Superior Court of the State of Connecticut having jurisdiction of all such offenses subject to appeal as in other cases.

2. Upon determination by the Planning and Zoning Director that there is a violation present on a property, a Notice of Violation shall be issued to the property owner. Such Notice shall follow standard operating procedures established by the City for processing violations. If a violation is not corrected, the violation shall be administered by the Citation Hearing Officer, who shall process the matter in accordance with City Code 117 and CGS 7-152c and 8-12a.

3. Failure to strictly adhere to any approval granted or permit issued pursuant to these Regulations or the documents, plans, terms, conditions, safeguards, approvals and/or permits approved as part of any Application, shall be a violation of these Regulations and the Decision Making Authority shall have the authority upon notice and an opportunity to be heard to revoke the approval granted or permit issued associated with that violation, at any time the operation is found to be in noncompliance with the original approval or permit; provided, the Planning and Zoning Commission finds that:

- a. the violation(s) is a gross violation of the approval or permit; and
- b. staff has demonstrated that the violator is non-responsive to staff requests to remedy the

violation; or

- c. the violation(s) is repeated after bringing the property into compliance after an initial violation.

Should the Decision Making Authority conclude that the violation is a gross violation and the violator is not responding to repeated requests from staff to correct the violation or the violation is a repeat offense, the Decision Making Authority shall hold a public hearing to consider revocation of the approval or permit. The Decision Making Authority shall notify the violator, the property owner if other than the violator, and all owners of Adjacent land no later than ten (10) days prior to the scheduled hearing date. Mailings shall be evidenced by a certificate of mailing. The name of the owners shall be taken from the latest Tax Assessor records. When a condominium is located across the Street or abuts the subject proposal notification may be sent to the condominium association in lieu of the individual unit owners.

If the Decision Making Authority determines that the approval or permit shall be revoked, it shall direct City staff to pursue all legal remedies to gain compliance.

Regardless of whether the Planning and Zoning Commission determines that the violation warrants revocation of the approval or permit, such determination shall not prohibit the pursuit of any other remedy or enforcement means available.

### C. Complaints / Notice of Violation.

1. Whenever a violation of these Regulations occurs, or is alleged to have occurred, any Person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Planning and Zoning Director. The Planning and Zoning Director shall record properly such complaint, immediately investigate the same, and forward the same to the applicable Decision Making Authority, or other City code or law enforcement personnel,

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who may take action thereon as provided by these Regulations.

2. If, after such investigation or at his own initiation, the Planning and Zoning Director determines that a violation of these Regulations exists, the Planning and Zoning Director, other City code or law enforcement officer of the City, shall serve a notice of violation on the owner, agent or contractor of the premises, Building, or Structure where such violation has been committed or shall exist, and on any lessee or tenant of the part of, or of the entire premises, Building, or Structure where such violation has been committed or shall exist and/or on the agent, architect, contractor, or any other Person who takes part or assists in such violation or who maintains any premises, Building, or Structure with respect to which any such violation has been committed or shall exist.

3. Upon the determination by the Zoning Official that a violation exists, the Zoning Official is authorized to issue citations in accordance with City Code.

4. If the violation is one of those for which the premises, Building, or Structure may or must be vacated, such fact shall be stated in the notice, and a notice to that effect shall be affixed at the front of the premises, Building, or Structure giving notice thereof.

### D. Correction of Violation.

Any such Person who, having been served with an order to correct any such violation, shall fail to comply with said order within ten (10) days after such service or shall continue to violate any provision of these Regulations in the respect named in such order shall also be subject to a civil penalty in accordance with the provisions of the Connecticut General Statutes, as now or hereafter amended. A violation concerning Grading may become effective immediately upon service of the order.

### E. Remedies.

In case any Building or Structure is proposed to be erected, Constructed, reconstructed, Altered, Extended, or converted, or any Building, Structure, or land is or is proposed to be Used in violation of these Regulations, the Planning and Zoning Director or other appropriate authority of the City may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, Construction, reconstruction, Alteration, Extension, conversion of Use, to correct or abate the violation, or to prevent the occupancy of such land, Building, or Structure.

### F. Other Remedies.

In addition, if those Persons notified shall fail to correct any violation within the required period, the Planning and Zoning Director may seek other means legally available to ensure compliance.

### G. Each Violation Separate.

Each violation of these Regulations shall constitute a separate and distinct violation and each day a violation of these Regulations continues after expiration of the allotted time for its cure, if any, shall constitute a separate and distinct violation.

### H. Penalties for Violation.

1. Any violation of these Regulations or failure to comply with any of its requirements (including without limitation violations of conditions and safeguards established in connection with grants of Variances, Special Permits, or Special Exceptions) shall constitute a violation of these regulations.

2. Each day such violation exists shall be deemed a separate offense.

3. The owner or tenant of any Building, Structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation

may each be found guilty of a separate offense and suffer the penalties herein provided.

### I. Other Remedies for Violation.

In addition to all other remedies provided by these Regulations or other applicable law, rule or regulation, if there exists or occurs with respect to any Lot, Building Site, Development Parcel, or other land or to any Building, Structure, Development, Use, permit, license, approval, or certificate issued or granted pursuant to these Regulations any violation or failure to comply with any requirement, standard, or condition of these Regulations or any such permit, license, approval, or certificate, any or all of the following actions or proceedings may be taken on behalf of the City, whether by legal process or otherwise:

1. Revocation or suspension of any or all approvals, permits, certificates, or licenses related to such Lot, Building Site, Development Parcel, or other land or any Building, Structure, Development, or Use following notice and an opportunity to be heard;
2. Denial of any or all Applications, approvals, permits, certificates, or licenses related to such Lot, Building Site, Development Parcel, or other land or any Building, Structure, Development, or Use;
3. Issuance of one or more stop work or cease and desist orders;
4. Any work in violation of these Regulations may be ordered stopped by the Planning and Director by posting a copy of such order at the site of such work, the Planning and Zoning Director may take such action as they deem appropriate regarding enforcement of any appeal, approval, permit, license, Special Permit, Special Exception or Variance granted under these Regulations;
5. Taking or instituting any other action or proceeding, whether by legal process or otherwise, to require compliance with the requirements, standards, and conditions of these Regulations, and all permits, licenses,

certificates, or approvals granted or issued pursuant to these Regulations; and

6. Taking or instituting any other action or proceeding to prevent the unlawful erection, Construction, reconstruction, Alteration, repair, conversion, moving, maintenance, Use, Development, Improvement, Building, or Structure, to restrain, correct or abate such violation, to prevent the occupancy of such Building, Structure, or Lot, Building Site, Development Parcel, or other land or to prevent any illegal act, conduct, business, or Use in or about such premises.

### 8.5.2 Revocation Procedure.

#### A. Notice of Non-Compliance.

Without limitation to any of the other penalties, remedies, and rights of enforcement provided for under these Regulations, if the Planning and Zoning Director that a violation exists under these Regulations or any approval, permit, license, or certificate, or approval granted or issued pursuant to these Regulations, or that one or more of the terms or conditions of such approval, permit, licenses, or certificate are not being complied with, the Planning and Zoning Director, as applicable, shall give notice of noncompliance to the owner, as shown on the latest tax assessment roll, by certified mail addressed to the address shown thereon, requiring that within ten (10) days after such service, the specified violations cease and desist, and/or be corrected, and that in the event that the violations are not stopped and/or corrected as applicable within that time, any such approval, permit, license, or certificate will be revoked following an opportunity to be heard.

A return receipt or refusal of certified mail shall create a presumption of compliance with the mailing requirements hereof.

#### B. Reinspection.

On or after said tenth (10th) day of certified mail notice and following an opportunity to be heard, the Planning and Zoning Director, as applicable, shall reinspect the site, and, if any of such violations still exist, the Planning and Zoning Director, as applicable, shall revoke the approval, permit,

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license, or certificate, post a notice of revocation on the subject property and mail a notice, by certified mail, to the owner thereof as shown on the latest tax assessment roll.

### C. Appeal.

In the event that any Person shall feel aggrieved by the revocation, such Person shall have thirty (30) days from the mailing of the notice of revocation to file an appeal with the Zoning Board of Appeals, specifying the objections, the Zoning Board of Appeals shall review the same and give a decision, by certified mail, to the Applicant at the address shown on the Application. The revocation shall be stayed by the appeal from the date of filing until three (3) days after any notice of denial shall be sent by the Zoning Board of Appeals.



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