

## SECTION X

### ADMINISTRATION AND ENFORCEMENT

#### A. ADMINISTRATION

##### 1. Planning and Zoning Commission

Applications to the Planning and Zoning Commission shall be submitted to the Clerk of the Commission on forms prescribed by the Commission and with supporting plans, materials, and other information required by the Commission. Applications shall be accompanied by the appropriate fees as established by the Town Council.

The Commission shall hold a public hearing on all applications except Site Development Plans. Proceedings on such applications shall be in accordance with the provisions of the Connecticut General Statutes.

Applications to the Planning and Zoning Commission shall be submitted in conformance with the following requirements:

- a. Site Development Plan - Site Development Plan applications shall be submitted on forms supplied by the Commission for any development of Commercial or Industrial Land Uses, any Special Exception Application, (except signs), and any development on the Educational Land or Recreation/Open Space Zones.

Applications for Site Plan Approval shall be accompanied by six (6) copies of detailed site development plans at no less than forty (40) feet to the inch, showing each phase of development for review by the Commission. These plans shall show the following data unless specifically waived by the Town Planner.

- (1) Title Block, developer, property owner, north point, scale, location map, and seals of the engineer, architect, landscape architect, or surveyor preparing the plan. Each plan shall be prepared by the appropriate design professional as authorized by State licensing authorities.
- (2) Boundaries of property certified to a State of Connecticut A-2 Survey Standard.
- (3) Grading Plans showing existing and proposed contours at not more than two (2) foot vertical intervals, Certification by Registered Land Surveyor that above information is in accordance with National Map Accuracy Standards.

Wetlands and all wetland regulated areas, flood plains, and soil type should be delineated.

- (4) Existing and proposed roads, pedestrian walkways, driveways, loading and parking areas.
- (5) Location and dimension of all existing and proposed buildings, structures, walls, and area fences. Approximate age of existing structures and sites of historical significance should be noted. Building setback lines shall be shown.
- (6) A zoning data schedule clearly showing the following minimum requirements in that zoning district and as proposed on that site development plan: zone designation, lot size, yard areas, building footprint, building gross floor area, percent of building coverage, building height, number of stories, parking spaces, percent of impervious area, percent of landscaped area, percent of landscaped area within parking lots.
- (7) Location, nature, and extent of watercourses and water bodies.
- (8) Utility plans showing location, size and design of existing and proposed storm drainage, sewage disposal, refuse containment, water supply facilities, and electric and telephone lines. Design calculations, soil types, deep test hole data and percolation test data shall be shown for on-site sewage disposal system.
- (9) Landscape plans showing location, size (at time of planting and maturity) species and type of proposed landscaping including all existing trees of twelve (12) or more inches in diameter, measured at a trunk height of three (3) feet above the ground. Heavily wooded areas shall be shown by foliage lines.
- (10) Location, dimensions, areas, type, color, materials, and illumination of all proposed exterior signs.
- (11) Location, design and intensity of all proposed exterior lighting.
- (12) An Erosion and Sedimentation Control Plan as specified in Section III.I.

- (13) Building elevations, building floor plans, statistical data, and other information considered necessary by the Commission for adequate study of the proposal.
- (14) A plan showing the location of buildings, streets, driveways, and other facilities on the subject land and adjoining properties within 500 feet.

Before the Commission approves a Site Development Plan, the Commission shall determine that the data shown on the Plan meets all of the requirements of these Regulations.

The Commission may require that a bond be posted by the applicant, in an amount and form acceptable to the Commission, to ensure that the improvements shown on the plan are implemented.

A Site Development Plan shall be valid for one year from date of approval, unless construction of buildings is in progress, or unless an extension of time has been granted by the Commission. Requests for extensions shall be made well in advance of the date of expiration.

A mylar copy of the approved Site Development Plan shall be signed by the Chairman of the Commission and filed in the Office of the Building Official before any building permits are issued for the activities shown on the approved plan.

Building permits and certificates of occupancy shall be issued only in conformance with the approved plans on file in the Office of the Building Official.

Staff Approval - When minor changes to approved site development plans are requested which do not require additional parking spaces, do not impact on necessary landscaping, or which may be required by field conditions, approval may be granted by the Town Planner, Building Official, and Town Engineer. An application, fee, and plans shall be filed in the Planning Office. Where a judgment is made by the Town Planner that such changes are more significant and do not meet the foregoing standards, a Site Plan application shall be required. One mylar copy of the approved plan must be filed by the applicant unless waived by the Town Planner.

- b. Special Exceptions - Special Exception applications shall be submitted on forms supplied by the Commission for any development of buildings, structures, activities or uses designated in the Regulations as Special Exception.

Applications for Special Exception (except for signs) shall be accompanied by an overall plan of development at no less than 100 scale for the entire parcel. Such plan of development shall show the layout and location of proposed buildings, structures, roads, utilities, parking areas, landscaped areas, landscape buffers, other improvements, existing and proposed contours and any other information. In addition, a plan shall be submitted which shows the location of buildings, streets, driveways, and other facilities on the subject land and adjoining properties within 500 feet.

Applications for Special Exception (except signs) shall also be accompanied by a Site Development Plan application complying with the requirements of this section. Before the Commission approves a Special Exception, the Commission shall determine that the application is in conformance with the general criteria established in Section VIII, and the specified criteria of any sub-section of these Regulations. In approving an application, the Commission may impose conditions deemed necessary to protect the public health, safety, welfare, convenience and property values.

Special Exception authorization granted by the Commission shall expire one year from the date it is granted unless construction of structures authorized as Special Exception is begun or use of property for the purpose for which the Special Exception authorization was granted has begun.

- c. Zone Change - Zone Change applications shall be submitted on forms supplied by the Commission for any proposal to alter the zoning designation of any parcel or parcels of land in the Town of Avon.

Applications for Zone Change shall be accompanied by an overall plan at no less than 200 scale for the entire parcel. Such plan shall show the existing and proposed zoning designations, and the location of buildings, streets, driveways, and other facilities on the subject land and adjoining properties within 500 feet. Before the Commission approves a Zone Change request, the Commission shall determine that the proposed zone change will be in conformance with the Plan of Development and the purposes of these Regulations and that the uses permitted in the proposed zone will not adversely affect the public health, safety, welfare, and property value.

When the Commission votes to approve a zone change, the effective date of the change(s) shall be 30 days from the date that the vote was taken unless an alternate effective date is chosen by the Commission.

- d. Amendment to Zoning Regulations - Applications for amendments to the Zoning Regulations shall be submitted on forms supplied by the

Commission for any proposal to amend, change, or repeal these Regulations.

Before the Commission approves any amendment to these Regulations, the Commission shall determine that the proposed amendment will not hinder the attainment of the purposes of these Regulations and that the public health, safety, welfare and property values will not be adversely affected.

When the Commission votes to amend any section of these Regulations, the effective date of the change(s) shall be 30 days from the date that the vote was taken unless an alternate effective date is chosen by the Commission.

2. Building Department

Applications to the Building Department shall be submitted in conformance with the following requirements:

- a. Building Permits - The Building Official shall require that an application for a building permit be accompanied by adequate supporting plans, materials, and other information necessary to determine that the proposed building, structure, alteration, activity, or use complies with all the provisions of these regulations, and any requirements or conditions applied by the Planning and Zoning Commission or other agency, or is a valid non-conforming use under these Regulations. To ensure compliance with building height requirements, an applicant shall calculate the average grade around the proposed structure and the building height as it relates to this average grade and submit this data at the time of application for a permit. The requirement for this calculation may be waived by a majority vote of the Planning and Zoning Commission at a meeting of the Commission or by telephone poll conducted by the Town Planner.

No building permit shall be issued until the Building Official has certified that the proposed building, structure, alteration, activity, or use complies with all the provisions of these regulations and any requirements or conditions applied by the Planning and Zoning Commission or other agency, or is a valid nonconforming use under these Regulations.

- b. Certification of Plan Compliance

During the process of construction, the following certifications shall be submitted to the Building Official by a Registered Land Surveyor:

- (1) Certification as to elevation and location of top of foundation prior to framing of building or construction of wall.
- (2) Certification as to elevation and location of all utilities and sub-grade of all paved areas prior to paving.
- (3) Certification as to as-built conditions of all improvements shown on the site development plan prior to the issuance of the certificate of occupancy or temporary certificate of occupancy.

Certifications for items (1) and (2) may be in the form of a letter or mylar map, as determined by the Town Engineer, and may be waived at the discretion of the Town Engineer or by the Commission.

The as-built conditions map described in (3) is to include the following information. Should special or unique conditions exist, additional information may be required. All sheets should be on photographic mylar. In addition, a computerized map in digital format acceptable to the Town Engineer shall be submitted.

- (1) Title block, developer, property owner, north point, scale, and seal of the surveyor preparing the plan.
- (2) Boundaries of property certified to a State of Connecticut A-2 map survey standard.
- (3) Pedestrian walkways, driveways, loading, parking areas, parking lot striping, and limits of all paved surfaces.
- (4) Location distance to property lines and dimensions of all buildings, structures, walls, fences, exterior lighting and refuse containment areas.
- (5) Utility plans showing location/elevation of storm drainage, sewage disposal, water supply facilities, and electric and telephone lines.
- (6) The zoning data schedule included as part of the approved record plan clearly showing the minimum requirements of the zoning district, those approved on the site development plan

and as-built conditions. This table is to be included on the as-built map.

<u>ZONING DATA</u>	<u>REQUIRED/ ALLOWED</u>	<u>APPROVED</u>	<u>AS-BUILT CONDITIONS</u>
<u>ZONE: CS</u>			
Min. Lot Area	30,000 sf	84,795 sf	84,795 sf
Min. Lot Width	150'	293.85'	293.85'
Max. Lot Coverage	25%	11%	10.97%
Max. Front Yard	40'	96'	96'
Min. Side Yard	20'	25'	25'
Min. Rear Yard	20'	20'	20'
Max. Building Height	2 st/35'	2 st/29'	2 st/29'
Min. Building Footprint	1,500 sf	9,115 sf	9,119 sf
Bldg. Gross Floor Area		17,600 sf	17,672 sf
Min. Landscaped Area	50%	51.45%	52.6%

PARKING

Ratio	5/1000 sf	5/1000 sf	5/1000 sf
Total Parking	88 sp	88 sp	88 sp
Total Reserve Parking Spaces	0 sp	0 sp	0 sp
Percent of Landscape			
Planting Within Parking Lot	20%	34%	33.8%

SAMPLE ZONING DATA SCHEDULE

- (7) A detailed statement on the mylar map which lists all as-built conditions that differ from the record plan approved by the Commission. If an as-built map is being prepared in connection with a request for a temporary certificate of occupancy, a second statement shall be included on the mylar map which details required site improvements not completed to date. A cash bond shall be required for all improvements which have not been completed.
- (8) A written statement prepared by the landscape contractor which provides a detailed comparison between the approved landscape plan and all plants which were installed so as to demonstrate compliance with the approved landscape plan.

- c. Certificate of Occupancy - No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose, until a Certificate of Occupancy shall have been issued by the Building Official, stating that the premises or building complies with all the provisions of these Regulations. Such a certificate is also required for any change, extension or alteration in a use.

A Certificate of Occupancy shall be applied for at the same time that the building permit is applied for and, if approved by the Building Official, shall be issued within ten days after notification from the permittee that the premises are ready for occupancy.

No Certificate of Occupancy shall be issued for any dwelling unit until the public right of way to such building is made accessible to vehicular traffic on a year round basis.

## B. ENFORCEMENT

### 1. Authority

These Regulations shall be administered and enforced by the Planning and Zoning Commission. The Commission shall appoint a Zoning Enforcement Officer and may appoint Assistant Zoning Enforcement Officers who shall be confirmed by the Town Manager. Once appointed and confirmed, the enforcement officers shall be the Commission's duly authorized agents.

The Zoning Enforcement Officer shall administer the zoning enforcement program; and, may delegate responsibilities as appropriate to such Assistant Zoning Enforcement Officers as may exist.

The Zoning Enforcement Officer and Assistants are hereby authorized to inspect and examine any building, structure, place, or premises and to order in writing the remedying of any condition found to exist there in violation of any provision of these Regulations.

### 2. Penalties

The owner or agent of a building or premises where a violation of any provisions of these Regulations shall have been committed or shall exist, or the lessee or tenant of any part of the building or premises in which such violation shall 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 or premises in which any such violation shall exist shall be subject to the remedies and sanctions provided by Connecticut General Statutes, in addition to any other remedies

provided by law.

C. ZONING BOARD OF APPEALS

1. Powers and Duties

The Board of Appeals shall have the following powers and duties which shall only be exercised in harmony with the purpose and intent of these Regulations and in accordance with the public interest and the development of the neighborhood:

To hear and decide appeals where it is alleged that there is an error in any order, requirement, or decision made by the Enforcement Officer; and

To vary the application of the Zoning Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, convenience, welfare and property values.

2. Procedure

All appeals and applications made to the Board of Appeals shall be submitted to the Clerk of the Board on forms prescribed by the Board and with supporting plans, materials, and other information required by the Board. Applications shall be accompanied by the appropriate fee as established by the Town Council.

The Board of Appeals shall hold a public hearing on all applications and appeals. All proceedings shall be in accordance with the applicable provisions of the Connecticut General Statutes.

Any action required by the appellant as a result of decisions or orders made by the Board must be taken within the time affixed by said Board.

Any action required by the appellant as a result of variances granted by the Board must be taken within one year from the effective date or the variance shall become null and void.

The Board of Appeals shall not be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the Board or by a court on an earlier such application.

3. Variances

No variance in the strict application of any provisions of these Regulations

shall be granted by the Board of Appeals unless it finds all of the following:

- a. that there are special circumstances or conditions applying to the land or building for which the variance is sought, which are peculiar to such land or building and do not apply generally to land or buildings in the neighborhood, or in the zoning district at large, and have not resulted from any act subsequent to the adoption of these Regulations whether in violation of the provisions hereof or not,
- b. that the aforesaid circumstances or conditions are such that the literal enforcement or strict application of the provisions of the Regulations would result in exceptional difficulty, unusual hardship, or deprive the applicant of the reasonable use of such land,
- c. that the granting of the variance is necessary for the reasonable use of the land or buildings, and that the variance granted by the Board is the minimum variance that will accomplish this purpose, and
- d. that the granting of the variance will be in harmony with the purposes and intent of these Regulations; will accomplish substantial justice; and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, and welfare.

These findings shall be fully described in the record of the Board.

D. VALIDITY

Should any phrase, clause or section of these Regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any other phrase, clause or section of these Regulations.

E. EFFECTIVE DATE

The effective date of these Regulations shall be October 21, 1957, revised to:

<u>Section</u>	<u>Substance</u>	<u>Effective Date</u>
	Entire Regulations Revised	8/1/83
	Major Revisions and Reprint	9/19/86
	Amendments Added and Reprint	6/1/91
	Amendments Added and Reprint	9/12/95
	Amendments Added and Reprint	6/30/01
	Amendments Added	7/25/06