

Section 8.0 ADMINISTRATION

8.1 Zoning Board of Appeals

8.1.1 General

- A. As authorized by the Connecticut General Statutes, the Zoning Board of Appeals shall have the following powers and duties.
 - 1. The Board may adopt such rules and procedures as may be necessary to carry out these regulations.
 - 2. The Board shall hear and decide appeals where it is alleged that there is an error in any order, requirement, or decision made by any official responsible for the enforcement of these regulations.
 - 3. The Board shall hear and decide upon all requests for variances from these regulations.
 - 4. The Board shall grant no variance relating to permitted uses in the R-WP zone.
- B. In making its decisions, the Board shall give careful consideration to the City's Plan of Development and the purpose of these regulations as expressed in **Section 1.0**.
- C. Whenever the Board grants or denies any appeal or variance, the Board shall state on the record the reasons for its decision. In the case of a variance, the Board shall describe specifically the exceptional difficulty or unusual hardship on which its decision is based.

8.1.2 Appeals

Any appeal from an order, requirement, or decision made by any official responsible for the enforcement of these regulations shall be made within 30 days of the date of the decision being appealed. Appeals shall be made on forms required by the Board. Failure of the applicant to provide the necessary information shall be grounds for denial of the appeal.

8.1.3 Variance

- A. A variance may be granted by the Board provided all of the following conditions are present.
 - 1. There are special conditions or circumstances affecting the lot but not affecting, in general, the zoning district in which the lot is situated. These conditions or circumstances are related solely to:
 - a. the unusual shape or topography of the land; or
 - b. the condition or location of an existing structure.These special conditions or circumstances shall not be related to the personal conditions or circumstances of the applicant.
 - 2. The exceptional difficulty or unusual hardship claimed by the applicant is not due to the actions of the property owner or the applicant.

3. The strict application of these regulations would deprive the property owner of all reasonable use of the property.
 4. The exceptional difficulty or unusual hardship is not merely financial.
 5. The relief granted is the minimum necessary to provide a reasonable use of the property.
 6. The relief granted will not adversely affect the surrounding properties or be otherwise harmful to the public welfare.
- B. In granting a variance, the Board may impose reasonable conditions to minimize any potential adverse impacts on surrounding properties or on the public welfare. Any violation of a condition is a violation of the regulations and is subject to the same enforcement measures.
 - C. Any variance which is not acted upon within two years of the date of approval shall be void. Upon written request of the applicant, the Board may grant an extension of up to one additional year.
 - D. An applicant for a variance shall submit:
 1. a formal variance application on forms prescribed by the Board;
 2. an up-to-date Zoning Location Survey to Class 'A2' standards of the property and improvements prepared by a Land Surveyor registered in the State of Connecticut; (rev. 4/23/05)
 3. any other information deemed necessary by the Board to make a decision on the application; and
 4. the application fee.
 - E. Failure of the applicant to provide the necessary information shall be grounds for denial of the variance.

8.2 Special Exception (Rev. 12/19/98)

8.2.1. The Planning and Zoning Commission shall decide on all applications for special exception. In granting or denying a special exception the Commission shall state upon the record the reasons for its decision.

8.2.2 Purpose

- A. These Regulations are based upon the division of the City into zoning districts within which the use of land and structures are substantially uniform. The Commission, however, recognizes that certain uses and situations have unique characteristics. Because of their uniqueness, the Commission treats these uses and situations as Special Exceptions which allows the Commission to evaluate them on a case by case basis.
- B. General Standards. (Rev. 8/2/99)
In deciding upon a Special Exception application, the Commission shall consider the following general standards; when applicable:
 1. The Site Plan shall provide for a site design which is in harmony with the neighborhood, accomplishes a transition in character between areas of unlike character, protects property values,

- preserves and enhances the appearance and beauty of the community, and provides a harmonious relationship between existing and proposed buildings in the vicinity, specifically with regard to the visual relationship in terms of scale, proportions and particularly, the historic significance of the existing buildings.
2. Location. The location of the proposed Special Exception use is such that: the proximity of the proposed Special Exception use will not have a detrimental effect upon any church, school, library, playground, or similar facility found in **Section 2.00 - 2.60** of the Table of Permitted Uses; and the number of similar existing Special Exception uses in the vicinity is such that the granting of the proposed Special Exception will not be detrimental to the public health, safety and welfare.
 3. Traffic. Vehicular and pedestrian traffic projected as a result of the use, vehicular and pedestrian traffic circulation; including traffic to and from and in the vicinity of the use, will not be hazardous or detrimental to the character of the zone or the neighborhood. In making its determination with respect to this criterion, the Commission shall consider the proposed location, the size and layout of the Special Exception use, its nature and the intensity of the operations involved, and its relation to the local streets providing access to the site and the adequacy of proposed traffic flow controls and emergency access. The Commission shall give due consideration to any recommendation by the City Engineer regarding the adequacy of any public road proposed to be used for access.
 4. Parking. The Commission shall consider the impact of parking location, number of spaces and design on adjoining properties.
 5. The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of proposed signs, exterior lighting, landscaping and open space on the site shall be such that these features shall be compatible and in harmony with adjacent properties and the neighborhood, will not hinder or discourage the appropriate development and use of adjacent land and buildings or significantly impair the value thereof.
 6. The proposed use shall not have a significant adverse effect upon property values or appearance in the neighborhood, taking into account the topography of the lot and the character, location and height of proposed buildings, structures and landscaping.
 7. The Commission shall be satisfied that the applicant has shown the adequacy of:
 - a. proposed methods for disposal of wastes and provision for volume and quality of water supply,

- b. proposed measures for prevention of pollution of surface and ground water supplies and watersheds;
 - c. proposed measures for control of storm water run-off,
 - d. proposed methods to foster an energy efficient layout and landscaping plan,
 - e. Existing fire and police protection, transportation, water and sewer facilities, schools or other public facilities to meet the needs of the proposed use.
- 8. Provisions for signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, compatibility and harmony with adjacent properties and the neighborhood.
- 9. Provisions for open space and landscaping and other safeguards to be compatible with the adjacent property and the neighborhood in general.
- 10. The Commission shall be satisfied that the applicant has shown the adequacy of proposed measures for prevention of pollution of surface water supplies and drinking water supplies. The Commission shall consider the effect of the proposed activity on the quality and quantity of groundwater. The Commission may consider potential problems such as but not limited to:
 - a. Hazardous material and storage areas;
 - b. Existence of underground fuel storage facilities;
 - c. Location of floor drains;
- 11. Size, location and quality of run-off from parking lot areas;
- 12. Any other use that may adversely affect the quality or quantity of groundwater. In consideration of the standards listed above, the Commission may attach such conditions in addition to those required elsewhere in these Regulations that it finds necessary. These may include but shall not be limited to, specifications for type of vegetation, specified provisions for sewage and storm water controls, for water supply for groundwater protection, landscaping and planting screens, periods of operation, sureties, deed restrictions, restrictive covenant, type of construction or any other reasonable conditions necessary to fulfill the purpose of this ordinance.

- C. The Commission shall also consider the following factors in evaluating the special exception application:
 - 1. the proposal's impact on land, structures and features having special historical, cultural or architectural features;
 - 2. the architecture, height and size and location of any proposed buildings and the buildings' compatibility with the site and the surrounding neighborhood;

3. the proposal's long term impact on the development of the surrounding neighborhood;
4. the capacity, safety, and condition of the surrounding streets to accommodate the traffic generated by the proposal;
5. the adequacy and condition of all public utilities that would serve the proposed use;
6. the proposal's impact on the natural environment and the topography;
7. the proximity of schools, churches, public buildings, parks, and other places of public gatherings to the proposal; and
8. the impact the proposal's site development including parking lots, storm water management, exterior lighting, landscaping, views, open space, signs would have on the surrounding properties.

The Commission may deny a special exception application based on any of the above factors.

- 8.2.3 In approving a special exception, the Commission may impose reasonable conditions to minimize any potential adverse impacts on surrounding properties, the historical, cultural or architectural features of the property or the surrounding properties, the natural environment, or the public welfare. Any violation of a condition is a violation of the regulations and is subject to the same enforcement measures.
- 8.2.4 In approving a special exception, the Commission shall approve, approve with conditions, or approve with modifications the development plan as submitted.
- 8.2.5 Any special exception which is not acted upon within two years of the date of approval shall be void. Upon written request of the applicant, the Commission may grant an extension of up to one additional year.
- 8.2.6 An applicant shall submit:
 - A. a formal special exception application on forms prescribed by the Commission;
 - B. plans with the same information as described for a site plan application in **Section 8.4.3**.
 - C. an up-to-date Class A-2 survey of the property and improvements prepared by a Land Surveyor registered in the State of Connecticut; and
 - D. the application fee.
- 8.2.7 Failure of the applicant to provide the necessary information shall be grounds for denial of the special exception.

8.3 Procedures for Public Hearing on Appeals, Variances, Special Exceptions and Zone Changes

8.3.1 Public hearings shall be held on all appeals, variance applications, special exception applications, and proposed changes to the zoning map or the text of the regulations.

8.3.2 In addition to the notification requirements in the Connecticut General Statutes, notice of all public hearings, except those in which the Planning and Zoning Commission is the applicant, shall be given in the following manner.

- A. The applicant shall obtain from the Planning and Zoning Department a sign notifying the public of the hearing. A refundable deposit shall be made by the applicant to cover the cost of the sign. The sign shall conform to the following requirements.
 - 1. The applicant shall post the sign in a conspicuous location on the lot affected by the application.
 - 2. The sign shall give information on the reason for the hearing (e.g. appeal, variance, or special exception), the time, date, and location of the public hearing and other information required by the City Planner.
 - 3. The sign shall be clearly legible from a street.
 - 4. The sign shall be posted at least 10 consecutive days before the public hearing. The sign shall not be removed until after the close of the public hearing.
 - 5. Failure to post and maintain the sign as required by this section shall be grounds for the denial of the application.
- B. At least 10 days prior to the public hearing, the applicant shall send a notice of the public hearing to persons who own land that is adjacent to the land that is subject of the hearing. The proof of mailing shall be evidenced by a certificate of mailing and the person who owns land shall be the owner indicated on the property tax map or on the last completed grand list as of the date such notice is mailed. The notice shall indicate the reason for the hearing, hearing date, time and location of the hearing. Evidence of mailing shall be presented to the Planning and Zoning Commission or Zoning Board of Appeals at or before the public hearing.

(Rev. 12/20/06)

8.4 Site Plan Review

8.4.1 General

- A. Site plan approval from the Planning and Zoning Commission shall be obtained prior to obtaining a Zoning Permit for the construction, expansion, outside alteration, or change of use of any building or structure. Site plan approval shall also be obtained prior to obtaining a Zoning Permit for the erection of any sign over 32 square feet in size, the

alteration or expansion of a parking area, or any change of use of a lot. Only one, two and three family residences shall be exempt from site plan approval (revised 4-9-14).

- B. Site plans shall be approved, approved with conditions, approved subject to modification, or denied. A site plan may be modified or denied only:
 - 1. if it fails to comply with the requirements of these Zoning Regulations;
 - 2. if, in the case of a special exception or variance, the plan does not conform to the uses or conditions imposed as part of the special exception or variance; or
 - 3. if the location and design of all proposed sanitary sewer, storm drainage, water, electrical, natural gas and other utilities are not in keeping with good engineering practice.
- C. The City Planner will either approve Site Plan applications for changes of use where no additional parking or landscaping is required and no outside alterations are proposed for permitted uses in the LB, Local Business Zone, or refer such site plan applications to the Planning and Zoning Commission for their considerations. (Effective 3/8/07)
- D. Change of Use, DD, Downtown District Zone. The City Planner may approve Site Plan applications for changes of use where no outside alterations are proposed for permitted uses in the DD, Downtown District Zone. (Effective 4/29/06)

8.4.2 Application Procedure

- A. Prior to submission of a formal site plan application, the Commission recommends that the applicant meet with the Commission's staff to discuss the application requirements and review preliminary plans.
- B. The applicant shall submit:
 - 1. a formal site plan application on forms prescribed by the Commission;
 - 2. plans with the information as described in **Section 8.4.3**; upon approval, a recording quality mylar will be submitted for signature by the Commission's Chairman or Secretary to be filed on the land records by the applicant;
 - 3. an up-to-date Class A-2 survey of the property and improvements prepared by a Land Surveyor registered in the State of Connecticut; and
 - 4. the application fee.
- C. Upon submission of a complete application, the applicant shall meet with the Architectural Review Committee (see **Section 8.5**).
- D. The Commission may refer the application to any City department or other agency that the Commission deems appropriate.
- E. Site plans may be reviewed in conjunction with a special exception application.

- F. All comments from the staff shall be forwarded to the applicant at least two days prior to the Commission meeting. This is to allow the applicant time to respond to the staff's comments and make the necessary changes so that the project can be acted upon in an expeditious manner.

8.4.3 Site Plan

All plans shall be prepared, signed, and sealed by a professional engineer, landscape architect, land surveyor or architect - whichever is appropriate. The professional engineer, landscape architect, land surveyor or architect must be registered in the State of Connecticut. All plans shall be based on an A-2 survey. The scale of the plans shall be a minimum of inch equals forty feet. The plans shall include the following information:

- A. date, north arrow, and scale;
- B. existing and proposed contours at two foot intervals;
- C. existing major landmarks such as inland wetlands, streams, floodplains, rock outcropping, tree lines, etc.; in addition to major landmarks, the local and subregional watershed boundaries shall be included and for sites with more than ½ acre of disturbance, a stormwater management plan shall be submitted. (Rev. 2/1/06)
- D. construction limit line identifying all those areas to remain undisturbed and in their natural state;
- E. the location, size and species of significant trees and all specimen trees as required in **Section 5.16**;
- F. proposed parking and loading areas including stalls, driveways, and aisles; dimensions, curbing, landscaping, turning radii and identification of proposed surface material shall be shown. Where topographic and other conditions permit, provisions shall be made for circulation driveway connections to adjoining lots of similar existing or potential use when such driveway will enable the public to travel between two existing or potential sites, open to the public generally, without need to travel upon a street and/or when such driveway connection will facilitate fire protection services. The interconnection of adjoining parking lots shall be encouraged where said connections would result in improved circulation, increased parking spaces, decreased curb cuts and/or signalized access. (Rev. 5/17/07)
- G. the sight distance for proposed driveways;
- H. proposed lighting plan including the location, size, height, and intensity of all lighting fixtures;
- I. proposed landscaping plan showing the Latin and common name of the species used, quantity of each plant species and the size and height of the plants at the time of planting; the landscaping plan shall be signed by a landscape gardener or landscape architect;
- J. the location and design of all existing and proposed sanitary sewer, storm drainage, water, electrical, natural gas and other utilities; all engineering

- improvements shall be accompanied by appropriate data in accordance with good engineering practice;
- K. proposed location and screening of all trash receptacles;
 - L. the proposed size, colors, location and lighting of all signs;
 - M. architectural plans as described in **Section 8.5.10**;
 - N. an informational table showing:
 - 1. existing use of the property;
 - 2. proposed use of the property;
 - 3. zone in which the property is located;
 - 4. size of the property in square feet or acres;
 - 5. gross floor area of existing structures;
 - 6. gross floor area of proposed structures;
 - 7. total impervious surface;
 - 8. building height in feet and number of stories;
 - 9. number of parking spaces required;
 - 10. number of parking spaces provided;
 - 11. number of loading spaces required;
 - 12. number of loading spaces provided;
 - O. a vicinity map at a scale sufficient to show:
 - 1. parking areas and driveways on all properties within 100 feet of the site;
 - 2. all streets within 100 feet of the site; and
 - 3. all zone boundaries within 100 feet of the site
 - P. (Rev. 8/2/99)

1. Approved by the Planning & Zoning Commission:	
2. Final Approval: _____	
Chairman	
Date: _____	Expiration Date: _____
3. Conditional Approval: _____	
Chairman	
Date: _____	Expiration Date: _____

- Q. The certified letter of approval issued by the Commission. (Rev. 8/2/99)
- R. Any information needed by the Commission to determine compliance of the plan with the zoning regulations. (Rev. 8/2/99)

8.4.4 **Waiver**

The Commission may waive any of the items required for a site plan application if the Commission determines that the information is not needed to determine compliance with these regulations.

8.4.5 **Performance Bond**

- A. As a condition of approval, the Commission may require the applicant to post a bond. The bond shall cover:

1. the cost of all improvements within a public right of way or easement; and
 2. the cost, as approved by the Commission, of any on-site improvements necessary to ensure that, during construction, the property can be maintained or restored in a safe manner.
- B. The bond shall be either a certified check payable only to the City of Torrington, a savings account passbook payable only to the City of Torrington, an irrevocable letter of credit or a bond from a company licensed by the State of Connecticut.
- C. Upon written request by the applicant and after inspection of the work completed on the site, the City Planner may reduce the amount of the bond. The City Planner shall notify the Commission of all reductions in the amount of the bond.

8.4.6 Approved Site Plans

- A. The Commission shall set a time limit for the delivery by the applicant of the approved site plans to the Planning and Zoning Office. Failure of the applicant to deliver the approved plans within the time period set by the Commission shall render the site plan approval void. Copies of the approved site plan shall be signed by the Chairman of the Planning and Zoning Commission and the City Engineer. The plans shall then be distributed to the appropriate City departments.
- B. Site improvements and development, including architectural design, shall be carried out in strict compliance with the site plan approved by the Commission. If an applicant determines that minor changes to the approved plan are needed because of unanticipated site conditions, the applicant shall request, in writing, approval of those changes. The City Planner may approve, in writing, minor changes. The City Planner shall notify the Commission of any request for changes and the action taken. All other changes to the approved site plan shall be approved by the Commission.

8.4.7 Certificate of Compliance

No certificate of compliance shall be issued until all site work has been completed in conformance with the approved site plan. To aid in determining compliance the City Planner may require the applicant to provide an "as built" Class A-2 survey of the property and improvements. When the site work cannot be completed because of weather or other pertinent reasons, a certificate of compliance may be issued providing a bond is posted in sufficient amount to cover the uncompleted portion of the work. The bond shall be either a certified check payable only to the City of Torrington, a savings account passbook payable only to the City of Torrington, an irrevocable letter of credit or a bond from a company licensed by the State of Connecticut. If a performance bond was posted, a portion of that bond may be used to satisfy these requirements.

8.4.8 Continuance

All conditions and improvements shown on an approved site plan shall remain with the property regardless of any change of ownership.

8.5 Architectural Review Committee

8.5.1 Purpose

The purpose of the Architectural Review Committee is to *advise* the Planning and Zoning Commission on the physical aspects of the City's environment.

8.5.2 Duties

Within thirty-five days after being referred to the Committee, the Committee shall review and make written recommendations on;

- A. all site plans;
- B. all incentive housing development applications (Section 4.15)
- C. all changes to facades of non-residential buildings; and
- D. all signs except:
 - 1. those on one, two and three family residential properties; and
 - 2. those less than 32 square feet in area.

8.5.3 Establishment

- A. The Planning and Zoning Commission shall appoint an Architectural Review Committee. The Committee shall consist of five regular members and two alternate members. The City Planner and the City Engineer shall be regular members of the Committee. One member of the Planning and Zoning Commission may be appointed to the Committee as a regular or alternate member to serve as a liaison between the Committee and the Commission. Initially two members shall be appointed to a term of one year, two members shall be appointed to a term of two years and one member shall be appointed to a term of three years. Thereafter, all members shall be appointed to a term of three years. Initially one alternate member shall be appointed to a term of one year and one member shall be appointed to a term of two years. Thereafter, all alternate members shall be appointed to a term of three years. At least one alternate or regular member should be an architect or landscape architect. At least one alternate or regular member should have a background in historical preservation.
- B. The Committee's recommendations are strictly advisory. The Committee's actions shall not result in a delay in the time allowed for the normal processing of applications.

8.5.4 Criteria

In acting on any application the Committee shall consider those factors affecting the external appearance of the site. These factors include the design of the

building and other structures, landscaping, lighting, signs, utilities, parking, and other objects visible to the public.

The criteria used by the Committee are intended to assist the Planning and Zoning Commission and the applicant in achieving a design that is both functional and visually pleasing. The criteria are not intended to restrict imagination, innovation or variety.

8.5.5 Relationship of Building to Site

- A. The site should be planned to accomplish a desirable transition with the streetscape and to provide for adequate buffers between incompatible land uses, and safe vehicle and pedestrian movement.
- B. The visibility of parking areas from streets should be restricted by means of plantings, berms, decorative walls, buildings, or other means.
- C. Large contiguous expanses of parking should be avoided. Plantings, walls, berms and sidewalks should be placed within parking areas to control traffic and to reduce the parking areas' visual impact.

8.5.6 Relationship of Buildings and Site to Adjoining Area

- A. Adjacent buildings of different architectural styles should be separated by means of buffers and plantings.
- B. A harmonious transition from the site to adjoining properties should be provided by landscaping or other means.
- C. Harmony in texture, lines, and masses is recommended. Monotony should be avoided.

8.5.7 Landscape and Site Treatment

- A. Where existing topographic patterns and vegetation contribute to the beauty of a development, they should be preserved.
- B. Service yards, dumpsters, utility structures, loading areas and other places that tend to be unsightly should be screened from public view by landscaping, berms, fencing or other means. The screening should be effective year round.
- C. In areas where plantings will not thrive, other materials such as fences, berms or walls should be used.
- D. Exterior lighting should enhance building design. Lighting standards and building fixtures should be of a design and size compatible with the building and adjacent areas. Lighting should be restrained and excessive brightness should be avoided.

8.5.8 Building Design

- A. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and its relationship to its surroundings.

- B. Buildings should have a good scale and be in harmony with the neighboring development.
- C. Materials should be selected so that the proposed structure is in harmony with the adjoining structures.
- D. Materials should be of a durable quality.
- E. Building components, such as windows, doors, eaves and parapets, should have good proportions and relationships to one another.
- F. Colors should be harmonious and should use only compatible accents.
- G. Mechanical equipment or other utility hardware on the roof, ground or buildings should be screened from public view with materials harmonious with the building. Alternatively, they should be located so as not to be visible from public areas.
- H. Monotony of design in single or multiple building projects should be avoided. Variation in detail, form, and sitting should be used to provide visual interest.

8.5.9 Signs

- A. Every sign should have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
- B. Every sign should be designed as an integral architectural element of the building and site on which it is located.
- C. The colors, materials, and lighting of every sign should be restrained and harmonious with the building, the site, and the adjoining properties.
- D. The number of graphic elements on a sign should be held to the minimum needed to convey the sign's principal message.
- E. Each sign should be compatible with signs on adjoining buildings and sites and should not compete for attention.

8.5.10 Application

In addition to any requirements for a site plan application or a special exception application, the applicant should submit the following information to the Architectural Review Committee.

- A. A plot plan done by a professional architect, land surveyor or professional engineer. This plan should show landscaping, parking, utilities, sidewalks, lighting, and building location.
- B. Fully dimensioned exterior elevations should be presented of all sides of every building. In the case of an enlargement of a building, the existing building as well as the proposed addition should be shown.
- C. Samples of exterior building materials including color samples.
- D. For signs, the size, colors, location, and lighting should be shown.
- E. Information should be presented on how the proposed building or sign will complement the existing neighboring structures.
- F. The applicant should present any other information that the applicant deems necessary to aid the Committee in evaluating the design.

8.6 Interpretation, Enforcement and Permits

8.6.1 Interpretation

In their interpretation and application these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience and general welfare. Where these requirements are at variance with any other legally adopted rules, regulations, or ordinances, the more restrictive or the one imposing higher standards shall govern.

8.6.2 Enforcement (Rev. 8/2/99)

- A. These regulations shall be enforced by the Zoning Enforcement Officer acting as the chief zoning enforcement officer in accordance with the Connecticut General Statutes. Penalties for illegal acts shall be as provided in the General Statutes.
- B. To more effectively enforce the zoning regulations, the Zoning Enforcement Officer may be appointed a Special Constable pursuant to Section 7-92 of the Connecticut General Statutes.
- C. The Zoning Enforcement Officer may cause any building, structure, or lot to be inspected or examined to determine:
 - 1. if a violation of these regulations has occurred; or
 - 2. if the activity is in conformance with any permits issued under these regulations.
- D. Where a difference of opinion exists between the Zoning Enforcement Officer and an applicant on the interpretation of a regulation, the Commission shall make the interpretation. However, any appeal from an order, requirement, or decision made by any official responsible for the enforcement of these regulations shall be handled according to the procedure outlined in **Section 8.1.2**.
- E. No zoning permit, certificate of compliance, or certificate of occupancy shall be issued for any activity on a parcel if there is an outstanding zoning violation on the property. The only exception is in cases where the issuance of a permit will result in the property being brought into compliance with these regulations.

8.6.3 Zoning Permits (Rev. 8/2/99)

- A. A Zoning Permit issued by the Zoning Enforcement Officer shall be required before commencing any of the following activities.
 - 1. The erection, reconstruction or structural alteration of any building or structure.
 - 2. The movement of any building or structure upon or to any lot.
 - 3. A change of use of land, building or structure.
 - 4. The rearrangement or alteration of any area used for parking.
 - 5. The erection or alteration of a sign except as specified in **Section 5.15**.

- B. Neither a Zoning Permit nor a Certificate of Compliance shall be required for flag poles, fences, mail boxes, newspaper tubes, basketball poles, children's play sets, and other minor structures which are of a strictly ornamental or recreational nature. Neither a Zoning Permit nor a Certificate of Compliance shall be required for a septic system or a well. (Rev. 12/19/98)
- C. A Zoning Permit shall not be required for the alteration or repair of a building or structure if all the following conditions are met:
1. The alteration or repair affects only the interior of the existing building or structure.
 2. The alteration or repair does not result in the addition of floor area.
 3. The alteration or repair does not result in a change of use.
- D. A Certificate of Compliance shall be issued by the Zoning Enforcement Officer in cases where a Zoning Permit is not required.
- E. A Zoning Permit or Certificate of Compliance shall be issued prior to the issuance of a Building Permit.
- F. A Zoning Permit or Certificate of Compliance shall only be issued if the Zoning Enforcement Officer determines that the proposed activity is in compliance with the zoning regulations. Where the Zoning Permit or Certificate of Compliance is denied, the Zoning Enforcement Officer shall state upon the record the reason(s) for the denial.
- G. Application for a Zoning Permit shall be made in writing by the property owner of record or the owner's authorized agent, to the Zoning Enforcement Officer on forms prescribed by the Zoning Enforcement Officer. (Rev. 5/17/07)
1. A Zoning or Improvement Location Survey, prepared to Class A-2 Survey Standards, shall be required for new residential structures and additions to three family or multifamily dwelling units. The survey shall be prepared in accordance with the *"City of Torrington's Plot Plan Check List for Residential Construction."* This plain shall provide the Zoning Enforcement Officer with sufficient information to determine that all requirements of the Zoning Regulations have been met.
 2. The Engineering Department will review the Zoning or Improvement Location Survey and approve the proposed driveway, insuring proper sight lines, drainage swales, and culvert pipes if required. Driveway permits are issued by the Engineering Department for all new driveways on City streets. The State of Connecticut DOT will issue driveway encroachment permits for all new driveways on State highways. The Engineering Department will also review the plan to insure the discharging of the footing drains, roof laterals and ditches/swales do not discharge directly into the road or onto neighboring properties. Erosion and sediment controls shall be shown on the plan in accordance with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Controls*, as amended.

3. An as-built, Class A-2 Location Survey shall be submitted to the Zoning Enforcement Officer and Building Official for approval after foundation, footings or piers are poured and before any further construction, in order to prevent costly errors requiring the movement of the structure after completion.
 4. For residential additions and proposed accessory buildings for existing single family or two family additions, a plot plan shall be submitted which clearly indicates the setbacks of the proposed addition or accessory building from property lines. At the discretion of the Zoning Officer, a Zoning or Improvement location Survey prepared to Class A-2 Survey Standards may be required to determine that all requirements of the Zoning Regulations have been met. Non-residential uses require Site Plans prepared in accordance with **Section 8.4** of the Zoning Regulations.
 5. The City Planner, at his discretion, may waive the Zoning or Improvement Location Survey and as-built, Class A-2 Location Survey. (Rev. 5/17/07)
- H. The plot plan submitted as part of the Zoning Permit shall be sufficient in scale for the Zoning Enforcement Officer to determine that all requirements for the zoning regulations have been met. The Zoning Enforcement Officer shall have the authority to require the applicant to submit a survey prepared by a registered land surveyor if, in the judgment of the Zoning Enforcement Officer, the survey is needed to determine compliance. Where a site plan has been approved, the plot plan shall be the approved site plan.
 - I. Zoning Permits shall expire and become void if the activity authorized by the permit is not commenced within one year from the date of issuance.
 - J. The Zoning Permit shall become void if, on the permit, the applicant provides any false or misleading information or omits any information needed for determining compliance.
 - K. If requested by a property owner, the Zoning Enforcement Officer may issue a Certificate of Compliance if the Zoning Enforcement Officer determines that the buildings, structures and uses on the lot are in conformance with the zoning regulations.

8.6.5 **Zoning Certificates of Compliance** (Rev. 8/2/99)

Certificates of Compliance shall be issued by the Zoning Enforcement Officer for the following:

- A. If a Zoning Permit has been issued for an activity, no building, structure, or land associated with that activity shall be used or occupied until a Certificate of Compliance is issued by the Zoning Enforcement Officer. The Certificate of Compliance shall only be issued if the activity conforms in all respects to the Zoning Permit. The Zoning Enforcement Officer shall have the authority to require the applicant to submit a survey prepared by a registered land surveyor if, in the judgment of the Zoning Enforcement

Officer, the survey is needed to determine compliance. The Zoning Enforcement Officer's signature on a Certificate of Occupancy issued by the Building Department is equivalent to a Certificate of Compliance.

- B. In cases where a Zoning Permit is not needed, a certificate of compliance shall be issued by the Zoning Enforcement Officer as described in **Section 8.6.3.C.**

8.6.6 Certificates of Occupancy (Rev. 8/2/99)

If a Zoning Permit has been issued, no certificate of occupancy shall be issued by the Building Official until a Certificate of Compliance has been issued by the Zoning Enforcement Officer.

8.7 Amendments

These regulations, including the Zoning Map, may be amended by the Commission on its own initiative or at the request of an applicant. In addition to the requirements of the Connecticut General Statutes, the following requirements must be met.

8.7.1 Change of Zoning District Boundary

- A. For a proposed change to the zoning map, applicants, other than the Commission, shall provide the following:
1. an A-2 survey of the property;
 2. a map drawn to scale showing:
 - a. the area covered by the proposed zone change and all area within 500 feet of the area of the proposed change;
 - b. the existing and proposed zoning boundaries; and
 - c. the property boundaries;
 3. a completed application on forms provided by the Commission.
- B. In addition to the notification requirements of the Connecticut General Statutes, notice of all proposed changes to the zoning map shall be given in accordance with **Section 8.3.**

8.7.2 Change of Zoning Regulations

Copies of the existing regulation and the proposed changes shall be submitted as part of any application for a proposed change in these regulations. Applications for a change in these regulations shall be on forms provided by the Commission.

8.8 Validity

If any part of these regulations is declared by a court of competent jurisdiction to be invalid, such declaration shall not affect the validity of the rest of these regulations.

END OF SECTION 8