

## SECTION FOURTEEN

### ADMINISTRATION AND ENFORCEMENT

14-00

14-01        Enforcement and Administration

The Southington Planning and Zoning Commission designates its duly authorized Zoning Enforcement Officer(s) as its enforcement authority to enforce the Zoning Regulations.\* The Zoning Enforcement Officer is authorized to institute, in addition to other remedies, actions or proceedings to prevent unlawful erection, construction, alteration, conversion, maintenance, or use or to restrain, correct or abate such violation or to prevent the occupancy of such building structures, or land or to prevent any illegal act, conduct, business, or use in or about such premises. Furthermore, the Zoning Enforcement Officer is authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision in these Zoning Regulations and that said officer is authorized to take the actions authorized in Chapter 124, Section 8-12 of the Connecticut General Statutes, as amended.

14-02        Applications and Permits

14-02.1     Zoning Permits

No land shall be used and no building or other structure shall be constructed, reconstructed, extended, enlarged, substantially altered or used, in whole or in part, for any purpose until a zoning permit for the proposed work or use has been issued by the Zoning Enforcement Officer. A zoning permit is not required for repairs or alterations to existing buildings or structures, providing that such work does not increase the floor area of any building or structure, increase the number of dwelling units on the property, and does not change the actual use thereof. A zoning permit shall not be required for accessory buildings in residential zones which are less than 150 square feet in area, providing they are not placed on a permanent foundation.

Zoning permits are to be used for change in use where no shovel in the ground work is taking place and no additional parking is required.<sup>1</sup>

The zoning permit process can be used to trigger the request for parking waivers from parking authority for sites in the CB zone with existing site plans.<sup>2</sup>

Zoning permits shall be the process for additions to existing site plans which are not for public occupancy and no larger than 100 square feet.<sup>3</sup>

- A. No zoning permit shall be issued by the Zoning Enforcement Officer for a structure or use which requires site plan approval, granting of a special permit or special exception, or other action by the Planning and Zoning Commission, Zoning Board of Appeals, or Inland Wetlands Agency without first receiving approval of the agency or agencies involved.

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<sup>1</sup> new, ZA #566, effective 9.22.12

<sup>2</sup> new, ZA #566, effective 9.22.12

<sup>3</sup> new, ZA #566, effective 9.22.12

\* Per Z.A. #494, effective May 1, 1996, the Planning and Zoning Commission designated the Town Planner as Zoning Enforcement Officer. In the absence of a Town Planner, the Planning and Zoning Commission shall designate by name, an individual to act as the Zoning Enforcement Officer.

B. No zoning permit shall be issued by the Zoning Enforcement Officer without approval in writing from the following officials. The Zoning Enforcement Officer shall have two weeks to approve or reject a zoning permit for a residential use and four weeks to approve or reject a zoning permit for a commercial or industrial use. In the event the Zoning Enforcement Officer fails to approve or reject a zoning permit in the time period prescribed by this regulation, the applicant may petition the Planning and Zoning Commission for approval or rejection of the permit. The Planning and Zoning Commission shall approve or reject the zoning permit within two weeks of its receipt. The day of receipt shall be the next regularly scheduled meeting of the Commission.

1. Inland Wetlands Agent. Certifies compliance with Inland Wetlands and Floodplain Filling regulations.
2. Town Planner. Certifies Planning and Zoning Commission complied with.
3. Water Department Superintendent. Certifies compliance with Water Department regulations, or requires well.
4. Town Engineer. Certifies compliance with Sewer Department standards; certifies lot is on an improved Town road or has had appropriate subdivision bond posted; certifies sight lines for driveways are as safe as possible; checks possible drainage problems; certifies compliance with Planning and Zoning Commission approvals.
5. Town Sanitarian. Certifies lot can support well and septic system, if necessary. Approves design of septic system.

C. An application for a permit shall be filed in duplicate with the Zoning Enforcement Officer on a form to be provided by the Commission. For new buildings or structures or changes increasing the floor area of an existing building or structure, the application shall include six copies of a plot plan of the premises.

D. A plot plan shall contain the following information:

1. Class A-2 survey statement and embossed seal.
2. All existing buildings.
3. All proposed buildings.

4. Size of proposed and existing buildings.
  5. Words “proposed house, garage or addition” and “existing house, garage or addition” in appropriate places.
  6. Setbacks appropriate to zone.
  7. Distance from building to property lines.
  8. Zone lot is located in.
  9. Size of lot in square feet.
  10. Street number and lot number.
  11. Name and section of subdivision (if applicable), together with lot number.
  12. Designated inland wetland and/or floodplain limits (if applicable).
  13. Erosion and sedimentation plans (if applicable).
  14. Date(s) of special permit, site plan, inland wetlands, subdivision, and Zoning Board of Appeals special exception or variance approval (if applicable).
  15. All utilities, including private well and septic system.
  16. Driveways with a clear notation showing a paved apron as required by the Engineering Department.<sup>1</sup>
- E. The application fee shall be included with all applications for a zoning permit.<sup>2</sup>
- F. No building permit shall be issued without first issuing a zoning permit, except in the case of repairs or alterations to existing structures where such work does not (1) increase the floor area of any building or structure and/or (2) increase the number of dwelling units on the property and/or (3) change the actual use thereof and/or (4) for accessory buildings in residential zones which are less than 150 square feet in area, providing they are not placed on a permanent foundation.
- G. A zoning permit may be revoked if the Zoning Enforcement Officer determines that the terms of the permit are not being met.

#### 14-02.2 Building Permit

No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the Building Inspector. All applications for such permits shall be in accordance with the requirements of these applications.

<sup>1</sup> Revised, ZA #592 effective 5/20/17

<sup>2</sup> revised, effective 5/8/07

- A. All applications for a building permit shall be accompanied by two copies of the building plans and the information required for a zoning permit (if applicable).
- B. No application for a building permit for a commercial or industrial building shall be approved without approval of the plumbing plans by the Water Department Superintendent.
- C. Invalidation

A building permit shall become void unless construction is commenced within 6 months from the date of issuance unless the Building Official shall have extended such time in writing. After commencement of construction any cessation of activities for 6 months or more shall void the permit.

#### 14-02.3 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 provisions of these Regulations and the Connecticut State Building Code. 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.

- A. No Certificate of Occupancy shall be issued without first issuing a Certificate of Zoning Compliance by the Zoning Enforcement Officer stating that all conditions of the Zoning Permit have been complied with.

#### 14-03 PENALTIES

Penalties for violations of these Regulations shall be prescribed in Chapter 124 of the General Statutes, 1958 Revision, as amended.

#### 14-03 ZONE AND REGULATIONS CHANGE PROCEDURE

- 14-03.1 A petition for a change in zone boundary shall be in the form of a map showing all property lines within a 500 foot radius of the proposed change, measured from the perimeter of the site, as shown on the most current Tax Assessor's map, in addition to existing and proposed zone boundaries and a written description of the proposed change. Said map shall include a list of said property owners and their current mailing addresses within a 500 foot radius of the proposed change as exists on the most current Tax Assessor's records.
- 14-03.2 A petition for a change in the Zoning Regulations shall be in written form, stating the language of the proposed amendment or amendments.
- 14-03.3 Each petition for a change in zone or for a change in regulation shall be on a form provided by the Planning and Zoning Commission. The application for a change of zone shall be accompanied by the required fee and the application for a change in regulation shall be accompanied by a fee posted in the Planning and Zoning Department

to cover advertising costs.<sup>1</sup>

14-03.4 Upon receipt of a petition for a change in zone or change in regulations, or for such changes initiated by the Planning and Zoning Commission, the procedure for public hearing and action shall be as specified by State Statutes.

14-03.5 For each petition for a change in zone, the applicant shall send a first-class letter to all property owners within 500 feet of the proposed change, measured from the perimeter of the property. Said property owners shall be compiled from the most current Town Assessor's records, as of the date the completed application is submitted to the Planning Department. Said notification shall include a copy of the application form as prescribed in Section 14-03.3 and the scheduled time, date, and place of the public hearing. Said notification shall be postmarked not more than fifteen days nor less than ten days before such hearing. The primary intent of the provision herein is to reasonably inform those property owners as defined herein.

The applicant shall provide a Certificate of Mailing(s) from the Post Office to the Planning Department not less than one (1) week before such hearing for the commission to verify that the required legal notice of the Public Hearing has been met.<sup>2</sup>

A. Notification Procedure

1. File appropriate maps and applications with Planning Department. As before, list property owners within 500 feet on map.
2. Planning Department will provide cover letter and copy of application to applicant; the applicant will then perform the required legal notice to property owners and submit Certificate of Mailing(s) to the Planning Department at least one (1) week prior to the opening of the Public Hearing.<sup>3</sup>
3. For Zone Changes, applicant to provide 8 1/2" x 11" map.

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<sup>1</sup> Revised, ZA #592, effective 5/20/17

<sup>2</sup> Revised, ZA #592, effective 5/20/17

<sup>3</sup> Revised, ZA #592, effective 5/20/17