

## 9. ADMINISTRATION

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### 9.1. Submissions To Staff

#### A. ZONING PERMIT APPLICATION (ZEO)

1. **Application Required - An application for a Zoning Permit shall be made to the Zoning Enforcement Officer (ZEO) on a form provided for that purpose before:**
  - a. the erection or alteration of any building or structure is commenced in any zone; or
  - b. the commencement of any other activity which requires a Zoning Permit or other permit as required by these Regulations.
  
2. **Application Requirements -** Such application for a Zoning Permit shall be accompanied by:
  - a. a completed Zoning Permit application form;
  - b. the appropriate fee (see Appendix);
  - c. a zoning improvement survey prepared to Class A-2 standards, stamped with an embossed seal and signed by a Connecticut licensed land surveyor, showing the information required in the Appendix of these Regulations, except that, in the case of an addition to a single family dwelling, the ZEO may waive\* the requirement for an updated zoning improvement survey showing the proposed addition, when it is evident from the documents submitted and the zoning records, that the proposed addition and the subject property, upon completion of the addition, will comply with the setback area, floor area, building height, number of stories and coverage requirements of these Regulations;<sup>1</sup>
  - d. a Soil Erosion and Sediment Control Plan in accordance with Section 7.6 of these Regulations; and
  - e. other drawings and documentation showing the information required in the Appendix of these Regulations.
  - f. a Stormwater Management Drainage Requirements plan, and a Stormwater Management Maintenance Agreement in accordance with Sec.7.15 of these Regulations.<sup>2</sup>
  
3. **Proceedings**
  - a. If the premises, proposed activity or use is found from the Application to be in compliance with these Regulations, the ZEO shall issue a Zoning Permit setting forth the date on which the permit was issued.<sup>3</sup>
  - b. The recipient of a Zoning Permit may provide notice of approval of such Zoning Permit by publication in a newspaper having substantial circulation in Ridgefield stating that the certification has been issued and, if published, such notice shall contain:
    - i. a description of the building, use or structure;
    - ii. the location of the building, use or structure;
    - iii. the identity of the applicant; and
    - iv. a statement that an aggrieved person may appeal the granting of the Zoning Permit to the Zoning Board of Appeals (ZBA) in accordance with the provisions of CGS 8-7.
  - c. An application for a Zoning Permit may be withdrawn, in writing, by the applicant at any time prior to final action.

**\* The waiver request form, signed by the property owner, must be submitted as part of the Development Permit Application.**

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<sup>1</sup> 2011-111-A Amended effective 11/24/11 (waiver of certain survey requirements)

<sup>2</sup> 2020-007-A Amended effective 9/4/2020 (add submission requirement)

<sup>3</sup> 2017-084-A Amended effective 01/12/18 (add term premises)

**4. Foundation Survey Required**

- a. Upon completion of the foundation of any new building or structure or addition thereto, no further work shall be done on such building or structure until a zoning improvement survey prepared to Class A-2 standards, prepared by a Connecticut licensed land surveyor, has been filed with the Zoning Enforcement Officer (ZEO) showing the foundation location of the new building, structure, or addition.
- b. The ZEO may waive the requirement for an A-2 foundation location survey when a building, structure, or addition related to a single family dwelling is less than 500 square feet in area.

**5. Zoning Permit Expiration**

Any Zoning Permit issued by the ZEO under the provisions of these Regulations shall become invalid if the authorized work is not commenced within six (6) months after issuance of the Zoning Permit, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.

**B. CERTIFICATE OF ZONING COMPLIANCE (ZEO)**

1. The Zoning Enforcement Officer shall determine that the premises, any use, building, structure or alteration for which a zoning permit has been issued conforms in all respects to the zoning regulations.<sup>4</sup>
2. Except as provided in Sec. 9.1.B.3, below, upon completion of any building, structure or addition for which a Zoning Permit has been issued, the applicant shall submit the following information to the ZEO before a Certificate of Compliance may be issued:
  - a. a zoning improvement survey prepared to Class A-2 standards, prepared, stamped with an embossed seal, and signed by a Connecticut licensed land surveyor showing the information required in the Appendix of these Regulations; and
  - b. a certification by a Connecticut licensed land surveyor as to the location of the completed building, structure or addition, the lot coverage, and building height, where applicable; and
  - c. a signed statement from a Connecticut licensed architect or Connecticut licensed land surveyor certifying the floor area ratio, where applicable.
3. Notwithstanding the requirements in Sec. 9.1.B.2, above, and to correct discrepancies in the Town's zoning compliance records, said section shall not preclude the issuance of a Certificate of Zoning Compliance for the completion of any building, structure or addition for which a Certificate of Occupancy has been issued by the Building Department prior to January 1, 1991, provided that a valid zoning permit was issued prior to construction of that building, structure, or addition.<sup>5</sup>

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<sup>4</sup> 2017-084-A Amended effective 01/12/18 (add term premises)

<sup>5</sup> 2014-019 Amended effective 4/22/14

**C. SITE PLAN APPLICATION (PLANNING DIRECTOR)**

1. **Application Requirements** - A Site Plan Application shall be submitted for any use or activity designated in the Regulations as requiring approval of a Site Plan.
2. **Approval Authority**
  - a. A Site Plan Application shall be reviewed and acted upon by the Planning Director except that the Planning Director may elect to submit the application to the Commission for action.
  - b. During the review process, the Planning Director may consult with the Commission and with any other town agency or official the director deems necessary.
3. **Proceedings**
  - a. The Site Plan Application shall be submitted in accordance with Subsection 9.3.A.
  - b. The date of receipt for the Site Plan Application shall be determined in accordance with Subsection 9.3.B.
  - c. Supplemental application materials may be required in accordance with Subsection 9.3.C.
  - d. The Site Plan Application may be required to be referred to:
    - i. an adjoining municipality in accordance with Subsection 9.3.D;
    - ii. a water company and the Commissioner of Public Health in accordance with Subsection 9.3.E;
    - iii. the Architectural Advisory Committee in accordance with Subsection 9.3.G; and
    - iv. the Village District consultant in accordance with Subsection 9.3.H.
  - e. The applicant may, at any time prior to action by the Planning Director, withdraw a Site Plan Application.
4. **Timeframe for Action**
  - a. On a Site Plan Application involving an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive:
    - i. the Planning Director shall wait to render his or her decision until the Inland Wetlands Board has submitted a report with its final decision; and
    - ii. the time period for a decision by the Planning Director may be extended to thirty-five (35) days after the decision of the Inland Wetlands Board.
  - b. Whenever approval of a Site Plan Application is the only approval required, a decision on the Site Plan Application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan Application except that the applicant may consent to one or more extensions of such period provided the combined extension(s) of all such periods shall not exceed sixty-five (65) days.
  - c. A Site Plan Application shall be considered approved unless a decision to deny or modify it is rendered within the applicable time period specified above.
5. **Decision Considerations**
  - a. On a Site Plan Application, the Planning Director shall give due consideration to any report or testimony received from:
    - i. an adjoining municipality under Subsection 9.3.D;
    - ii. a water company and the Commissioner of Public Health under Subsection 9.3.E;
    - iii. the Architectural Advisory Committee under Subsection 9.3.G; or
    - iv. the Village District consultant under Subsection 9.3.H.
  - b. Before the Planning Director approves a Site Plan Application, it shall be determined that that the application is in conformance with the applicable provisions of these Regulations.
  - c. In approving a Site Plan Application, the Planning Director may impose conditions deemed necessary to protect the public health, safety, welfare, convenience, and property values.
  - d. Whenever the Planning Director grants, denies, or modifies a Site Plan Application, he or she shall state the reason(s) for his or her decision.

**6. Action Documentation**

- a. The Planning Director shall send, by certified mail, a copy of any decision on a Site Plan Application to the applicant within fifteen (15) days after such decision is rendered.
- b. The Planning Director shall cause notice of the approval or denial of a Site Plan Application to be published in a newspaper having a substantial circulation in Ridgefield within fifteen (15) days after such decision is rendered.
- c. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the applicant may provide for the publication of such notice within ten (10) days thereafter.
- d. On any Site Plan Application for which the time period for approval has expired and on which no action for approval or denial has been taken by the Planning Director, the Planning Director shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period under Subsection 9.1.C.9 expires.

**7. Following Approval**

- a. Following approval of a Site Plan Application, the Planning Director may require the submission of:
  - i. one (1) fixed-line mylar copy of the approved plan(s), and/or
  - ii. four (4) paper copies of the approved plan(s).
- b. Such plan(s), if required, shall:
  - i. reflect any modifications made or required during the approval process,
  - ii. bear the raised seal and signature of the appropriate professionals who prepared the drawing(s);
  - iii. bear a copy of the decision letter of the Planning Director and any other Town regulatory agencies authorizing the activity;
  - iv. contain a signature block where the Planning Director can indicate approval; and
  - v. contain a block where the Planning Director can indicate the date that the five-year period for completion expires.
- c. Such plan(s), if required, shall be filed in the Planning and Zoning Office before any Zoning Permits are issued for the activities shown on the approved plan(s).
- d. Any proposed modification to an approved plan shall be submitted to the Planning Director for review and action.
- e. Within a Village District, no approval shall be effective until a copy thereof, certified by the Commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision, is recorded by the applicant in the land records, indexed in the grantor's index under the name of the then record owner.

**8. Reports to Commission**

As requested by the Commission, the Planning Director shall submit a report summarizing actions taken in connection with this Section of the Regulations.

**9. Expiration and Completion**

All work in connection with a Site Plan shall be completed within five (5) years after the date of approval of the plan and failure to complete all work within such five-year period shall result in automatic expiration of the approval of such Site Plan.

**10. Recourse**

Decisions by the Planning Director on applications for Site Plan Approval may be appealed in accordance with the provisions of CGS 8-7. Decisions by the Commission on applications for Site Plan Approval may be appealed in accordance with the provisions of CGS 8-8.

**D. CERTIFICATE OF LOCATION APPROVAL-DEALERS AND REPAIRERS LICENSE (ZEO)<sup>6</sup>**

11. Application Requirements

- a. In accordance with CGS 14-54, an application for a Certificate of Location Approval shall be submitted to the Zoning Enforcement Officer after Special Permit Approval is issued through the Planning and Zoning Commission by any person who desires to obtain a license for dealing in or repairing motor vehicles in Ridgefield, except that this requirement shall not apply to:
  - i. a transfer of ownership to a spouse, child, brother, sister or parent of a licensee;
  - ii. a transfer of ownership to or from a corporation in which a spouse, child, brother, sister, or parent of a licensee has a controlling interest; or
  - iii. a change in ownership involving the withdrawal of one or more partners from a partnership.

2. Proceedings

- a. In reviewing a Certificate of Location Approval application, the Zoning Enforcement Officer acts as an agent of the State of Connecticut, not in a zoning capacity, and the notice provisions and other provisions of CGS Chapter 124 shall not apply.
- b. As an agent of the State of Connecticut, the Zoning Enforcement Officer shall determine if the proposed location and use(s) of the property conform to the zoning regulations.
- c. In determining whether the proposed location and use(s) of the property conform to the zoning regulations, the Zoning Enforcement Officer may require an inspection of the premises.

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<sup>6</sup> 2023-A-23-4 effective 12-1-2023

## 9.2. Submissions To Commission

### Pre-Application Review (Staff)

Applicants are encouraged to initiate a pre-application review at the early stages of project conception in order to facilitate the preparation and processing of a subsequent application.

The Planning Director may also initiate a pre-application review.

### A. SPECIAL PERMIT APPLICATION (PZC)

#### 1. Application Requirements

A Special Permit Application shall be submitted for any activity designated in the Regulations as requiring a Special Permit.

#### 2. Proceedings

- a. The Special Permit Application shall be submitted in accordance with Subsection 9.3.A.
- b. The date of receipt of the Special Permit Application shall be determined in accordance with Subsection 9.3.B.
- c. Supplemental Special Permit Application materials may be required in accordance with Subsection 9.3.C.
- d. The Special Permit Application may be required to be referred to:
  - i. an adjoining municipality in accordance with Subsection 9.3.D;
  - ii. a water company and the Commissioner of Public Health in accordance with Subsection 9.3.E;
  - iii. the Architectural Advisory Committee in accordance with Subsection 9.3.G; and
  - iv. the Village District Consultant in accordance with Subsection 9.3.H.
- e. The Commission shall hold a public hearing on the Special Permit Application and shall:
  - i. publish a legal notice in accordance with the requirements of Subsection 9.3.J of these Regulations; and
  - ii. require that the applicant give notice to nearby property owners in accordance with the requirements of Subsection 9.3.L of these Regulations.
- f. The applicant may withdraw such Special Permit Application at any time prior to action by the Commission.

**3. Timeframe for Action**

- a. The Commission shall process the Special Permit Application within the period of time permitted under CGS 8-7d:
  - i. the public hearing shall commence within sixty-five (65) days after receipt of the application;
  - ii. the public hearing shall be completed within thirty-five (35) days after such hearing commences;
  - iii. all decisions shall be rendered within sixty-five (65) days after completion of such hearing; and
  - iv. the applicant may consent to one or more extensions of any period specified herein provided the combined extension(s) of all such periods shall not exceed sixty-five (65) days.
- b. On a Special Permit Application involving an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive:
  - i. the Commission shall wait to render its decision until the Inland Wetlands Board has submitted a report with its final decision; and
  - ii. the time period for a decision by the Commission may be extended to thirty-five (35) days after the decision of the Inland Wetlands Board.

**4. Decision Considerations**

- a. On a Special Permit Application, the Commission shall give due consideration to any report or testimony received from:
  - i. an adjoining municipality under Subsection 9.3.D;
  - ii. a water company and the Commissioner of Public Health under Subsection 9.3.E;
  - iii. the Architectural Advisory Committee under Subsection 9.3.G; or
  - iv. the Village District consultant under Subsection 9.3.H.
- b. Before granting a Special Permit, the Commission shall determine that:
  - i. the Special Permit Application is in conformance with the applicable provisions of these Regulations;
  - ii. the applicant has demonstrated, in the sole discretion of the Commission, that the application as proposed satisfies the applicable Special Permit criteria in Subsection 9.2.A.5 of these Regulations; and
  - iii. the Special Permit Application is in harmony with the purposes and intent of these Regulations.
- c. In granting a Special Permit, the Commission may stipulate such conditions the Commission believes are reasonable and necessary to protect or promote the public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or compatibility with the surrounding neighborhood.
- d. Whenever it grants or denies a Special Permit, the Commission shall state upon its record the reason(s) for its decision.

5. **Special Permit Criteria**

The Commission, in considering the application and arriving at its decision, shall find, in its sole discretion, that the following conditions have been met or will be met, by the proposal or by conditions attached to an approval thereof.

**a. Suitable Location**

The location, size, nature, hours of operation, and intensity of the proposed use or uses in relation to the size and location of the site shall be:

- i. appropriate for the proposed location and
- ii. in harmony with the appropriate and orderly development of the district in which it is located.

**b. Appropriate Improvements**

The location, nature, size, and the architectural design of buildings and appurtenances shall:

- i. be compatible with neighboring properties and their uses,
- ii. be in harmony with recognized principles of civic design and land use planning, and
- iii. not hinder or discourage the appropriate development or use of land and buildings nor impair the value thereof.

**c. Appropriate Alteration of Landscape and Physical Conditions**

The proposed alteration of the landscape and physical features of the property shall be consistent with the protection of the public's health, safety and welfare, and the appropriate and orderly development of the district. The Commission may consider characteristics of the land such as:

- i. the natural, scenic, historic, and unique resource areas and amenities;
- ii. wetlands, watercourses, rivers, streams, ponds, swamps, vernal pools, floodplains and other designated water bodies;
- iii. aquifers and similar potential sources of potable water;
- iv. significant woodlands;
- v. hillsides and of terrains deemed susceptible to erodability or the creation of turbidity or siltation;
- vi. significant animal, fowl or aquatic habitat;
- vii. sites, buildings or structures of historic or archeological significance;

**d. Appropriate Landscaping**

The nature and extent of landscaping on the site will be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

**e. Suitable Transportation Conditions**

Streets, driveways, parking areas and other transportation improvements shall be appropriately sized and of adequate condition to accommodate the traffic to be generated by the particular proposed use(s).

**f. Adequate Public Services**

The proposed use or activity shall provide easy accessibility for fire apparatus and police protection and is laid out and equipped to further the provision of emergency services.

**g. Adequate Public Utilities**

The provisions for water supply, sewage disposal, and storm water drainage shall:

- i. conform to accepted engineering practices,
- ii. comply with all standards of the appropriate regulatory authority, and
- iii. not unduly burden the capacity of such facilities.

**h. Long Term Viability**

Adequate provisions have been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

**i. Consistent With Purposes**

The proposed use or activity shall not impair the public health, safety or welfare or conflict with the purposes of the Regulations.

**j. Consistent With Plan of Conservation and Development**

The proposed use or activity facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended.

**6. Action Documentation**

- a. The Commission shall send, by certified mail, a copy of any decision on a Special Permit Application to the applicant within fifteen (15) days after such decision is rendered.
- b. Such notice of decision shall:
  - i. state the name of the owner of record;
  - ii. contain a description of the premises to which it relates;
  - iii. identify the Section and/or Subsection of the Regulations under which the Special Permit was granted or denied; and
  - iv. specify the nature of the Special Permit.
- c. The Commission shall cause notice of the approval or denial of the Special Permit Application to be published in a newspaper having a substantial circulation in Ridgefield within fifteen (15) days after such decision is rendered.
- d. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the applicant may provide for the publication of such notice within ten (10) days thereafter.

**7. Following Approval**

- a. A Special Permit granted by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS 8-3d.
- b. Within a Village District, no approval shall be effective until a copy thereof, certified by the Commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision, is recorded by the applicant in the land records, indexed in the grantor's index under the name of the then record owner.
- c. A Special Permit shall only authorize the particular use or uses specified in the Commission's approval.
- d. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations and the Commission shall have the authority to revoke the Special Permit at any time the operation is found to be in noncompliance with the Special Permit.
- e. Following approval of a Special Permit by the Commission, any amendment, change, expansion or modification of the proposed plans or buildings:
  - i. may be approved by the Planning Director only if the revisions involve minor changes to the location or arrangement of parking or landscaping or minor changes to the architecture of a building or structure; or
  - ii. shall require further review and approval of the Commission and may, at the Commission's discretion, be:
    - a) authorized by the Commission without another public hearing only if such proposed amendment, change, expansion or modification is determined by the Commission to be minor in nature; or
    - b) subject to another public hearing if such proposed amendment, change, expansion or modification is found to be substantive in nature.

**8. Recourse**

Decisions by the Commission on applications for a Special Permit may be appealed in accordance with the provisions of CGS 8-8.

## **B. REGULATION AMENDMENT APPLICATION (PZC)**

### **1. Application Requirements**

- a. A Regulation Amendment Application shall be submitted for any proposal to amend, change, or repeal any provision of these Regulations.
- b. Concurrent with a Regulation Amendment Application, the applicant shall submit:
  - i. an application to amend the Plan of Conservation and Development or any section thereof in accordance with the requirements of Article XIII of the Subdivision and Master Plan Regulations entitled "Adoption And Amendments To The Plan Of Development", or
  - ii. a statement describing why the applicant believes such an application is not required.
- c. The Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of twelve (12) months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

### **2. Proceedings**

- a. The Regulation Amendment Application shall be submitted in accordance with Subsection 9.3.A.
- b. The date of receipt of the Regulation Amendment Application shall be determined in accordance with Subsection 9.3.B.
- c. Supplemental Regulation Amendment Application materials may be required in accordance with Subsection 9.3.C.
- d. The Regulation Amendment Application may be required to be referred to:
  - i. an adjoining municipality in accordance with Subsection 9.3.D.
  - ii. a water company and the Commissioner of Public Health in accordance with Subsection 9.3.E.
  - iii. a regional agency in accordance with Subsection 9.3.F.
- e. The Commission shall hold a public hearing on the Regulation Amendment Application and:
  - i. shall cause a legal notice to be published in accordance with the requirements of Subsection 9.3.J of these Regulations; and
  - ii. may publish the full text of such proposed regulation in full in such notice.
- f. A copy of the proposed Regulation Amendment Application shall be filed by the Planning Director in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
- g. The applicant may withdraw such Regulation Amendment Application at any time prior to action by the Commission.

**3. Timeframe for Action**

- a. The Commission shall process the Regulation Amendment Application within the period of time permitted under CGS 8-7d except that these timeframe provisions shall not apply to any action initiated by the Commission regarding adoption or amendment of any Regulation:
  - i. the public hearing shall commence within sixty-five (65) days after receipt of the application;
  - ii. the public hearing shall be completed within thirty-five (35) days after such hearing commences;
  - iii. all decisions shall be rendered within sixty-five (65) days after completion of such hearing; and
  - iv. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.

**4. Decision Considerations**

- a. On a Regulation Amendment Application, the Commission shall incorporate into the record, and give due consideration to, any report or testimony received from:
  - i. an adjoining municipality under Subsection 9.3.D;
  - ii. a water company and the Commissioner of Public Health under Subsection 9.3.E; and
  - iii. a regional planning agency under Subsection 9.3.F.
- b. In making its decision the Commission shall:
  - i. take into consideration the Plan of Conservation and Development, prepared pursuant to CGS 8-23; and
  - ii. state upon the record its findings on consistency of the proposed establishment, change or repeal of such Regulations with the Plan of Conservation and Development, as amended.
- c. Whenever it acts upon a Regulation Amendment, the Commission shall state upon its record the reason(s) for its decision.

**5. Effective Date**

Unless otherwise expressly provided for by the Commission, the effective date of a Regulation Amendment shall be the day following the publication of such proposed change in a newspaper having a substantial circulation in Ridgefield provided a copy of the Regulation Amendment approved by the Commission shall be filed in the office of the Town Clerk prior to the effective date.

**6. Action Documentation**

- a. The Commission shall send, by certified mail, a copy of any decision on a Regulation Amendment Application to the applicant within fifteen (15) days after such decision is rendered.
- b. The Commission shall cause notice of the approval or denial of the Regulation Amendment Application to be published in a newspaper having a substantial circulation in Ridgefield within fifteen (15) days after such decision is rendered and any such notice of approval shall identify the effective date established by the Commission.
- c. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the applicant may provide for the publication of such notice within ten (10) days thereafter.

**C. ZONE CHANGE APPLICATION (PZC)**

**1. Application Requirements**

- a. A Zone Change Application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.
- b. A Zone Change Application shall be:
  - i. signed by the affected property owner(s);
  - ii. initiated by petition provided that the petitioner(s) shall notify by certified mail all property owners who have not cosigned the petition but whose premises are included within the area proposed for the zone change;
  - iii. commenced by the Commission on its own initiative; or
  - iv. by the Commission in response to a petition, duly signed and acknowledged, requesting change or modification of the official Zoning Map.
- c. Concurrent with a Zone Change Application, the applicant shall submit
  - i. an application to amend the Plan of Conservation and Development or any section thereof in accordance with the requirements of Article XIII of the Subdivision and Master Plan Regulations entitled "Adoption And Amendments To The Plan Of Development", or
  - ii. a statement describing why the applicant believes such an application is not required.
- d. The Commission shall not be required to hear a Zone Change Application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

**2. Proceedings**

- a. The Zone Change Application shall be submitted in accordance with Subsection 9.3.A.
- b. The date of receipt of the Zone Change Application shall be determined in accordance with Subsection 9.3.B.
- c. Supplemental Zone Change Application materials may be required in accordance with Subsection 9.3.C.
- d. The Zone Change Application may be required to be referred to:
  - i. an adjoining municipality in accordance with Subsection 9.3.D.
  - ii. a water company and the Commissioner of Public Health in accordance with Subsection 9.3.E.
  - iii. a regional agency in accordance with Subsection 9.3.F.
  - iv. the Village District consultant in accordance with Subsection 9.3.H.
- e. The Commission shall hold a public hearing on the Zone Change Application and shall cause a legal notice to be published in accordance with the requirements of Subsection 9.3.J of these Regulations.
- f. The Commission shall require that the applicant:
  - i. post a sign in accordance with the requirements of Subsection 9.3.K of these Regulations; and
  - ii. give notice to nearby property owners in accordance with the requirements of Subsection 9.3.L of these Regulations.
- g. A copy of the proposed Zone Change Application shall be filed by the Planning Director in the Office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
- h. The applicant may withdraw such Zone Change Application at any time prior to action by the Commission.

**3. Timeframe for Action**

- a. The Commission shall process the Zone Change Application within the period of time permitted under CGS 8-7d except that these timeframe provisions shall not apply to any action initiated by the Commission regarding establishment or change of any zone:
  - i. the public hearing shall commence within sixty-five (65) days after receipt of the application;
  - ii. the public hearing shall be completed within thirty-five (35) days after such hearing commences;
  - iii. all decisions shall be rendered within sixty-five (65) days after completion of such hearing; and
  - iv. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days.

**4. Decision Considerations**

- b. On a Zone Change Application, the Commission shall incorporate into the record, and give due consideration to, any report or testimony received from:
  - i. an adjoining municipality under Subsection 9.3.D;
  - ii. a regional planning agency under Subsection 9.3.F; and
  - iii. a water company and the Commissioner of Public Health under Subsection 9.3.E.
- c. Whenever it grants or denies a Zone Change Application, the Commission shall state upon its record:
  - i. the reason(s) for its decision; and
  - ii. the findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.
- d. Such zone change shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed with the Commission at or before a hearing, signed by all of the owners of record of twenty (20) percent or more of the area of the lots affected by such proposed change or of the lots within five hundred (500) feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission.

**5. Effective Date**

Unless otherwise expressly provided for by the Commission, such Zone Change shall become effective on the day following the publication of such change in a newspaper having a substantial circulation in Ridgefield provided that, prior to the effective date, a copy of the zone change approved by the Commission shall be filed in the office of the Town Clerk.

**6. Action Documentation**

- a. The Commission shall send, by certified mail, a copy of any decision on a Zone Change Application to the applicant within fifteen (15) days after such decision is rendered.
- b. The Commission shall cause notice of the approval or denial of the Zone Change Application to be published in a newspaper having a substantial circulation in Ridgefield within fifteen (15) days after such decision is rendered and any such notice of approval shall identify the effective date established by the Commission.
- c. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

## **D. CERTIFICATE OF LOCATION APPROVAL (PZC)<sup>7</sup>**

### **1. Application Requirements**

- a. In accordance with CGS 14-321, an application for a Certificate of Location Approval shall be submitted to the Commission by any person who desires to obtain a license for the sale of gasoline or any other product, under the provisions of CGS 14-319, including the alteration or changing of adjoining physical properties for such purposes, except that this requirement shall not apply:
  - i. in the case of a renewal of a license by the holder of the license;
  - ii. to the transfer of the last issued license from one person to another provided no more than one (1) year has elapsed since the expiration of such license; or
  - iii. in the case of the addition or discontinuance of pumps.

### **2. Proceedings**

- a. In reviewing a Certificate of Location Approval application, the Commission acts as an agent of the State of Connecticut, not in a zoning capacity, and the notice provisions and other provisions of CGS Chapter 124 shall not apply.
- b. As an agent of the State of Connecticut, the Commission serves solely to determine whether a Certificate of Location Approval should be issued based upon such considerations as:
  - i. whether the use is permitted in the zoning district;
  - ii. the suitability of the location in view of traffic, intersecting streets, width of highway, effect on public travel, and other conditions;
  - iii. the relationship of the proposed use or operation with respect to schools, churches, theaters, playhouses or other places of public gathering;
  - iv. whether the proposed use of the location would imperil the safety and welfare of the public;
  - v. whether the proposed use of the location would have a detrimental effect on the value of nearby properties or development thereof; or
  - vi. whether there has been a material change in conditions which might reverse a decision of granting or denying a previous application.
- c. The Commission may hold a public hearing on the Certificate of Location Approval application and, if such hearing is to be held:
  - i. shall cause a legal notice to be published in accordance with the requirements of Subsection 9.3.J of these Regulations; and
  - ii. may require that the applicant give notice to nearby property owners in accordance with the requirements of Subsection 9.3.L of these Regulations.
- d. The applicant may withdraw such Certificate of Location Approval Application at any time prior to action by the Commission.

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<sup>7</sup> A-23-5 Amended effective 12-1-2023

**7. Proceedings**

- e. In reviewing a Certificate of Location Approval application, the Commission acts as an agent of the State of Connecticut, not in a zoning capacity, and the notice provisions and other provisions of CGS Chapter 124 shall not apply.
- f. As an agent of the State of Connecticut, the Commission serves solely to determine whether a Certificate of Location Approval should be issued based upon such considerations as:
  - i. whether the use is permitted in the zoning district;
  - ii. the suitability of the location in view of traffic, intersecting streets, width of highway, effect on public travel, and other conditions;
  - iii. the relationship of the proposed use or operation with respect to schools, churches, theaters, playhouses or other places of public gathering;
  - iv. whether the proposed use of the location would imperil the safety and welfare of the public;
  - v. whether the proposed use of the location would have a detrimental effect on the value of nearby properties or development thereof; or
  - vi. whether there has been a material change in conditions which might reverse a decision of granting or denying a previous application.
- g. The Commission may hold a public hearing on the Certificate of Location Approval application and, if such hearing is to be held:
  - i. shall cause a legal notice to be published in accordance with the requirements of Subsection 9.3.J of these Regulations; and
  - ii. may require that the applicant give notice to nearby property owners in accordance with the requirements of Subsection 9.3.L of these Regulations.
- h. The applicant may withdraw such Certificate of Location Approval Application at any time prior to action by the Commission.

**E. PRE-SUBMISSION CONCEPT (PZC)**

1. A prospective applicant may prepare and submit a pre-submission concept for informal presentation to the Commission.
2. Such pre-submission concept submission shall, at a minimum, include the following:
  - a. A plan providing sufficient information for the Commission to visualize how the proposed use or development might be configured and to identify the location of significant natural features (wetlands, watercourses, steep slopes, flood plain) and other relevant information; and
  - b. A one-page summary of the issue the Commission is being asked to address.
3. The Commission may allow an informal presentation by the prospective applicant.
4. The Commission may informally review the pre-submission concept for general conformance with these Regulations and may request additional information where deemed necessary.
5. A pre-submission concept shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any pre-application concept.
6. Such review shall not be binding on the applicant or the Commission.
7. In accordance with PA 03-184 (codified as §7-159b in the Connecticut State Statutes), such review and any results or information obtained from it may not be appealed under any provision of the Connecticut General Statutes.
8. A pre-submission concept shall be placed on file in the Planning and Zoning Office.

**Pre-Submission Concept Review (Commission)**

For particularly large or involved concepts, potential applicants are encouraged to consider a pre-submission concept review at the early stages of project conception in order to facilitate the preparation and processing of a subsequent application.

The Planning Director may also recommend a pre-submission concept review.

### **9.3. Application Processing**

#### **A. APPLICATION SUBMITTAL**

1. Applications to the Planning Director or the Commission shall be submitted to the Land Use Office at the Town Hall (Annex).
2. Applications to the Zoning Board of Appeals (ZBA) shall be submitted in accordance with procedures established by the ZBA.
3. An application submittal to the Planning Director or the Commission shall include:
  - a. the appropriate application form(s) for the type of application being submitted which has been completed and bears, as applicable, the original signature of the applicant and the original signature of owner of the property affected, or written permission for an authorized agent to sign for the owner and applicant;
  - b. the appropriate fee(s) as adopted by the Commission (see Appendix), except that Town agencies shall be exempt from any application fee; and
  - c. such supporting plans, materials, and other information as specified in the Appendix for the type of application being submitted (see checklists in the Appendix);
  - d. written permission for staff and the Commission to inspect the property.
4. If an application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Board no later than the day such application is filed with the Commission.
5. In accordance with CGS 8-7c, any person who makes an application to the Commission pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner(s) of such real property or the beneficiary(ies) of the trust.

#### **B. DATE OF RECEIPT**

For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission shall be:

1. the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application; or
2. thirty-five (35) days after submission, whichever is sooner.

**C. POSSIBLE SUPPLEMENTAL MATERIALS**

1. Depending on the nature of the application, the Commission may request that the applicant submit additional information so that the Commission can make a reasonable review of the application.
2. On any application, the Commission may seek the advice and opinion of other officials, boards, or Commissions to assist it in evaluating applications.
3. On any application, the Commission may retain outside consultants to review applications when it finds the size, complexity or potential impact of the proposed use or activity requires specialized assistance and expertise and:
  - a. the fees charged by such outside consultants shall be paid for by the applicant;
  - b. the applicant shall deposit with the Commission an amount equal to one hundred fifty (150) percent of the estimated consultant fees (or lesser amount if authorized by the Planning Director) from written estimates prepared by the consultants on the basis of the anticipated cost of the review and, following review of the application and payment of consultant fees, the applicant shall be reimbursed any unused funds without payment of interest; and
  - c. payment of any outstanding balance in the consultant fees shall be a condition of approval of any application and no final approval shall be documented until such amount is paid in full.
4. Where the Commission determines that, because of the particular size, location or nature of a proposal, the public interest would be best served by a three dimensional physical representation or a computer simulation of the project, the Commission may require that the applicant provide a digital model of the proposal or a physical model of the proposal at such appropriate scale as the Commission may approve. The Commission may also require that the model include three dimensional representation of all or portions of the abutting properties where this would significantly aid the Commission and the public to visualize and understand the proposal.

**D. REFERRAL OF APPLICATION (TO ABUTTING MUNICIPALITIES)**

1. In accordance with CGS 8-7d(f), the Commission shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
  - a. any portion of the property affected by a decision is within five hundred (500) feet of the boundary of the adjoining municipality;
  - b. a significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site;
  - c. a significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
  - d. water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.
2. Such notice shall be made by certified mail return receipt requested and shall be mailed within seven (7) days of the day of the submission of the application, petition, request or plan.
3. No hearing shall be conducted on any application, petition, request or plan unless the adjoining municipality has received the notice required under this Section.
4. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

**E. REFERRAL OF APPLICATION (TO WATER COMPANY)**

1. In accordance with CGS 8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application, petition, request or plan is filed with the Commission concerning any project on any site which is within:
  - a. an aquifer protection area, provided such area has been delineated in accordance with CGS 22a-354c; or
  - b. the watershed of a water company, provided such water company has filed a map with the Commission or on the Ridgefield land records showing the boundaries of the watershed.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the date of the day of the submission of the application, petition, request, or plan.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following or the application shall be considered incomplete:
  - a. a copy of the complete package of information; and
  - b. proof of mailing.
4. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

**F. REFERRAL OF APPLICATION (TO REGIONAL AGENCY)**

1. In accordance with CGS 8-3b, the Commission shall provide written notice to the Housatonic Valley Council of Elected Officials and the regional planning agency of the other affected municipality when:
  - a. any portion of the land affected by a Regulation Amendment Application affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality within the area of operation of a regional planning agency.
  - b. any portion of the land affected by a Zone Change Application is located within five hundred (500) feet of the boundary of another municipality within the area of operation of a regional planning agency.
2. Such notice shall be made by certified mail, return receipt requested, not later than thirty (30) days before the public hearing.
3. The regional planning agency may submit its advisory findings and recommendations to the Commission at or before the hearing but if such report is not submitted, it shall be presumed that such agency does not disapprove of the proposal.

**G. REFERRAL OF APPLICATION (TO ARCH. ADVISORY COMM.)**

1. When required by these Regulations, an application shall be forwarded to the Architectural Advisory Committee for review and comment.
2. Such forwarding shall be made by the Commission or its agent within seven (7) days of the day of the submission of the application, petition, request or plan.
3. The applicant shall meet with the Architectural Advisory Committee to discuss the design elements of the application including the site layout, site landscaping, and the architectural design of all buildings and other structures so that same are of such character as to harmonize with the neighborhood and surrounding uses, and to preserve and improve the appearance and beauty of the community.
4. The Architectural Advisory Committee shall report its finding(s) to the applicant and the Commission within seven (7) days of the meeting with the applicant or agent thereof.
5. The Architectural Advisory Committee may submit a report to the Commission or may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

**H. REFERRAL OF APPLICATION (TO VILLAGE DISTRICT CON.)**

1. When an application is filed in any zoning district which is identified as a village district, such application shall be forwarded for review and comment to the Village District Consultant selected by the Commission, in accordance with Sec. 8.3 of these regulations.<sup>8</sup>
2. Such Village District Consultant shall be:
  - a. an Architectural Review Board (which may be the Architectural Advisory Committee) provided the members shall include at least one (1) architect, landscape architect or planner who is a member of the American Institute of Certified Planners; or
  - b. a licensed architect or an architectural firm; or
  - c. a licensed landscape architect; or
  - d. a planner who is a member of the American Institute of Certified Planners.
3. The Village District consultant shall review an application and report to the Commission within thirty-five (35) days of receipt of the application.
4. Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision.
5. Failure of the Village District Consultant to report within the specified time shall not alter or delay any other time limit imposed by these Regulations.

**I. REFERRAL OF APPLICATION (IN A VILLAGE DISTRICT)**

1. When an application is filed in any zoning district which is identified as a village district, the Commission may seek the recommendations of any Town or regional agency or outside specialist including, but not limited to:
  - a. the regional planning agency,
  - b. the Ridgefield Historic District Commission,
  - c. the Ridgefield Historical Society,
  - d. the Connecticut Trust for Historic Preservation, and
  - e. the University of Connecticut College of Agriculture and Natural Resources.
2. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

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<sup>8</sup> 2008-024 Amended effective 5/2/08

**J. NOTICE OF HEARING (NEWSPAPER)**

1. When a public hearing is required by these Regulations or scheduled by the Commission, the Commission shall cause notice of the date, time, and place of the public hearing to be published in a newspaper having a substantial circulation in Ridgefield.
2. Such notice shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date of the hearing.

**K. NOTICE OF HEARING (SIGN)**

1. When required by these Regulations, the applicant shall cause one or more signs to be posted on the property that is the subject of the application in location(s) which are visible and legible to passersby on the principal public street(s) or highway(s).
2. Such sign(s) shall:
  - a. be no less than ten (10) square feet in area;
  - b. be constructed of durable material;
  - c. state the nature of the application (such as "PREMISES PROPOSED FOR REZONING");
  - d. state the date, time, and place of the public hearing;
  - e. be in evidence for a continuous period of no less than fourteen (14) days preceding the date of the public hearing.
3. At the public hearing on the application, the applicant shall submit an affidavit certifying:
  - a. that the sign was (signs were) posted for the required time period;
  - b. what the sign(s) stated; and
  - c. where the sign(s) were located.

**L. NOTICE OF HEARING (MAILING TO NEARBY OWNERS)<sup>9</sup>**

1. When a public hearing is scheduled for an application submitted to the Commission, the applicant shall notify owners of property within one hundred (100) feet of the subject property whether inside or outside Ridgefield, of a pending application by mailing a notice at least ten (10) days prior to the scheduled hearing.
2. At a minimum, such notice shall consist of:
  - a. a description of the proposed activity;
  - b. notification of the date, time, and place of the scheduled hearing; and
  - c. a copy of the application form submitted to the Commission.
3. Notices to such property owners shall be sent via regular mail except that where any property owner shall have listed with the Assessor an address outside the United States, the requisite notice shall be sent by International Express Mail or equivalent.
4. For each notice sent, the applicant shall obtain a "Certificate of Mailing" or "Return Receipt" (for certified mail) from the United States Postal Service.
5. The last-completed Grand List of the Town Assessor, as of the date of mailing, shall be utilized to determine the owner of each property and if such information is not readily available the fact shall be made known to the Commission.
  - a. for corporations listed with the office of the Secretary of State, the listed individual owners or the office of the corporation shall be notified;
  - b. for common interest communities, the homeowners' association president and the property manager shall be notified, as well as the owner(s) of any units in buildings located within 100 feet of the property subject to the application.
6. No later than the scheduled hearing regarding the application, the applicant shall submit the following to the Commission or the application shall be considered incomplete:
  - a. a copy of the complete package of information sent to abutters;
  - b. a list of the abutters to whom the notices were sent; and
  - c. proof of mailing such as "Certificates of Mailing" or "Return Receipts" issued by the United States Postal Service for all persons notified.

**M. SEQUENCE OF APPLICATIONS**

1. Where a proposed development or activity requires multiple applications, the Commission may process such applications (including conducting any public hearings) simultaneously or in the order they deem appropriate.

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<sup>9</sup> 2011-115-A Amended effective 11/24/11

## **N. BONDS**

1. Where a bond is required by any Section of these Regulations, it shall be in one (1) of the following forms and the Planning Director shall require evidence of compliance with the following standards before accepting any bond:
  - a. cash deposited with the Town;
  - b. certified check to the order of the Town when the amount of the check is fully insured by the FDIC;
  - c. bank deposit assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC; or
  - d. irrevocable letter of credit naming the Town as sole beneficiary provided that:
    - i. such letter of credit shall be issued by, and drafts thereunder presentable at, a branch of a bank in Connecticut provided that:
      - a) such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, "NAIC") as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
      - b) the long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service;
    - ii. The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town and substantially in the form of the model letter of credit in the Appendix;
    - iii. if and when such letter of credit shall, through the passage of time, have less than thirty (30) days remaining until its expiration or lapse date, and such date shall not have been extended, the Town may draw under said letter of credit the full amount thereof and the proceeds may be retained by the Town as the bond.
2. Any required bond shall not be released by the Commission until:
  - a. the release has been requested, in writing, by the applicant;
  - b. the Town Engineer and/or the Planning Director has submitted a report stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied; and
  - c. the applicant's engineer or surveyor has certified to the Commission, if required, through submission of a set of detailed "Record" plans on mylar, that all improvements and other work are in accordance with the approved plan(s).
3. Any cost of collecting a bond, including attorney, bank and other collection fees and expenditures, may be deducted from amounts released in Subsection 9.3.N.2.

## **9.4. Enforcement Procedures**

### **A. ENFORCEMENT AUTHORITY**

1. These Regulations shall be administered and enforced by the Commission.
2. The Commission shall appoint one or more administrative agents, with the title of Zoning Enforcement Officer (ZEO), with full power to administer and enforce these Regulations on behalf of the Commission.
3. The Commission may designate one or more persons who shall be authorized to assist the ZEO in the enforcement of these Regulations.

### **B. INSPECTIONS AUTHORIZED**

The Zoning Enforcement Officer(s) and the Commission shall have authority to cause an inspection to be made of any premises and the building and structures thereon and the use of any land and any kind of work upon any building or structure being erected or altered, whether or not such work is being done under authority of a Zoning Permit.

### **C. NOTICE OF VIOLATION**

1. If the Zoning Enforcement Officer (ZEO) shall find a violation of these Regulations, he or she shall serve upon the owner, lessee, tenant, architect, engineer, builder, contractor, manager, or any agent, a violation notice and an order to discontinue such work and violation and to correct or abate the condition complained of within ten (10) days from service of such notice and order, or earlier in the case of earth removal, grading, erosion or sediment control, or other matters requiring more immediate attention.
2. The ZEO shall have the authority to order the removal of any sign erected on, attached to, maintained on or displayed on any property in any zone where no permit has been issued in accordance with these Regulations or where such sign is in violation of any provision of these Regulations.
3. The ZEO shall have the authority to remove signs where no sign permit has been issued and where the sign is located within a public road right-of-way or is located on Town property.

### **D. FURTHER ACTION**

1. Any person violating any of the provisions of these Regulations shall be subject to the fines, injunctive procedures, and any other penalties prescribed by Chapter 124 of the Connecticut General Statutes, as amended, including, when warranted, a separate violation for each day that a violation exists.
2. Where it is alleged that there is an error in any enforcement order, requirement or decision made by the ZEO, an aggrieved party may file an appeal with the Zoning Board of Appeals (ZBA) in accordance with Subsection 9.5.B.

## **9.5. Zoning Board of Appeals (ZBA)**

### **A. GENERAL PROVISIONS**

#### **1. Powers and Duties**

Pursuant to CGS 8-6 and the specific provisions of these Regulations, the Zoning Board of Appeals (ZBA) shall have the following powers and duties.

- a. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer (ZEO) or other person charged with the enforcement of these Regulations, but excluding appeals of decisions by the Commission on Special Permit or Site Plan applications.
- b. To determine and vary the application of the Zoning Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship and only when such determination or variance shall:
  - i. be in harmony with the general purpose and intent of these Regulations;
  - ii. give due consideration for conserving the public health, safety, convenience, welfare and property values; and
  - iii. result in substantial justice being done and the public safety and welfare secured.
- c. To hear and decide all matters upon which it is required to pass by the specific terms of the zoning bylaw, ordinance or regulations.

### **B. APPEAL OF ORDER**

#### **1. Authority**

In accordance with CGS 8-7, an Appeal of Order may be taken to the ZBA by any person aggrieved, where it is alleged that there is an error in any order, requirement or decision made by the ZEO.

#### **2. Proceedings<sup>10</sup>**

An Appeal of Order shall be processed in accordance with the Connecticut General Statutes and bylaws adopted by the ZBA.

- a. The ZBA shall require that notice be mailed to persons who own land that is adjacent to, or within one hundred (100) feet of, the land that is the subject of a hearing.
- b. Persons who own the land shall be the owners indicated on the property tax map or on the last-completed Grand List as of the date such notice is mailed.
- c. Notice shall be by U.S. mail.

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<sup>10</sup> 2008-027 Amended effective 6/1/08

## **C. VARIANCE**

### **1. Authority**

In accordance with CGS 8-6, the ZBA shall have the power and duty to determine and vary the application of the Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship.

### **2. Nature of Variance**

- a. Any variance granted by the ZBA shall run with the land and shall not be personal in nature to the person who applies for and receives the variance.
- b. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.

### **3. Proceedings<sup>11</sup>**

The Variance Application shall be processed in accordance with the Connecticut General Statutes and bylaws adopted by the ZBA.

- a. The ZBA shall require that notice be mailed to persons who own land that is adjacent to, or within one hundred (100) feet of, the land that is the subject of a hearing.
- b. Persons who own the land shall be the owners indicated on the property tax map or on the last-completed Grand List as of the date such notice is mailed.
- c. Notice shall be by U.S. mail.

### **4. Additional Considerations for Use Variances**

- a. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.
- b. Pursuant to the authority under CGS 8-6, these Regulations do not permit the ZBA to grant the use variances specified below:
  - i. the use of any residentially zoned premises for uses other than for residential purposes;
  - ii. the use of premises within CBD, B-1, B-2, B-3, CDD or , ARHD, Aquifer Protection or Floodplain Overlay zone for any purpose not specifically permitted by the Zoning Regulations governing said districts;
  - iii. the use of premises within single-family residential districts for other than single-family residential purposes;
  - iv. any use of premises not otherwise permitted by these Zoning Regulations, regardless of zone;

### **5. Following Approval**

- a. A variance granted by the ZBA shall only become effective upon the filing of a copy, certified by the ZBA, in the land records of the Town, in accordance with the provisions of CGS 8-3d.
- b. A variance shall only authorize the particular activity specified in the ZBA's approval.

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<sup>11</sup> 2008-024 Amended effective 5/2/08

