

6.0 APPLICATIONS, PERMITS, ENFORCEMENT + PENALTIES

SECTION 6.0 ENFORCEMENT OF REGULATIONS AND PENALTIES.

6.1 Enforcement of Regulations

6.1.1 These Regulations shall be enforced by the Town Plan and Zoning Commission or their authorized agent who shall be known as the Zoning Enforcement Officer. The Town Plan and Zoning Commission or their agent is authorized to cause any building, structure, 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 of these regulations.

6.2 Penalties

6.2.1 Any violation of these Regulations shall be subject to the procedures for enforcement set forth in Section 8-12 of the Connecticut General Statutes.

6.3 Applications and Permits

6.3.1 Application

Special Exception Standards and Procedures
Authority and Purpose

The Commission, on its motion or on petition, may amend these Regulations, or the Zoning Map, after public notice and hearing, in accordance with the General Statutes of the State of Connecticut.

6.3.1.1 Applications

Applications for a Special Exception shall include the following:

- A. Site Plan application form;
- B. A narrative statement describing the proposed use;
- C. Data must include:
 1. Building Location
 2. Building Use
 3. Parking Location
 4. Landscaping
 5. Signage
 6. Special Requirements
 7. Hazard Mitigation
 8. Natural Drainage and Sedimentation and Erosion Controls

9. Architectural Plans and Elevations

10. Lighting Plans

11. General Performance Standards

D. Any revisions to maps and any additional information, such as a traffic report, that is not submitted at the time of the initial application must be submitted to the Planning Office at least 10 calendar days prior to the public hearing on the proposed application.

6.3.1.2 Conformance with Requirements

Unless otherwise specified, a Special Exception use shall conform to all requirements of the zone in which it is located, as well as with all other applicable provisions of these Regulations.

Where two or more Special Exception uses apply to the same premises, the minimum requirements shall be the minimum requirements for each use as specified in these regulations, or in cases of two or more Special Exception uses in the same building, whichever requirements are more restrictive.

6.3.1.3 Threshold for Granting a Special Exception

In deciding whether to grant a Special Exception, the Commission shall give consideration to, but not be limited by, the following:

- A. The health, safety and welfare of the public in general, and the immediate neighborhood, in particular, compliance with the Plan of Conservation and Development;
- B. The location and size of the proposed use;
The nature and intensity of the proposed use and any operations involved in the use;
- C. The safety and intensity of traffic circulation on the site and on adjacent streets;
- D. The scale of the proposed site and structure(s);
- E. The harmony and appropriateness of the use and site design in relation to the general area and to adjacent properties;
- F. Compliance with the Zoning Regulations and the site plan objectives set forth in Section 6.3.1.10 . Any permit granted under this Section shall be subject to any and all conditions and safeguards imposed pursuant to Section 6.3.1.4 .

6.0 APPLICATIONS, PERMITS, ENFORCEMENT + PENALTIES

6.3.1.4 Conditions and Safeguards

A. The Commission may, if it finds that a Special Exception is appropriate, include reasonable conditions and safeguards related to the factors set forth in Section

B. Any conditions or safeguards attached to the granting of a Special Exception shall remain with the property as long as the Special Exception use is still in operation, and shall continue in force regardless of any change in ownership of the property.

6.3.1.5 Conformance with Approved Plans

Site development shall proceed in accordance with plans approved by the Commission. Any changes proposed by an applicant to an approved Special Exception shall be submitted to the Planning and Zoning Office for review and approval by the staff or by the Commission, as required. Any changes made prior to such review and approval shall constitute a violation of these regulations. All site work shall be completed no later than five years from the date of approval of the original plan.

6.3.1.6 Suspension

Any authorized Special Exception shall be subject to suspension through a Cease and Desist Order if any condition or safeguard imposed by the Commission upon buildings, structures, land or uses for said permit is not strictly adhered to by the applicant, user and/or owner.

6.3.1.7 Amendments or Modifications to Approved Special Exceptions

Applications for amendment(s) or modification(s) to an approved Special Exception that are necessitated by site conditions, or by a change in circumstances, or that are deemed to be in the public interest, shall be made in the same manner as the original application;

A. Amendments to approved Site Plans attendant to Special Exceptions may be approved with a public hearing before the Commission. Amendments are those that may result in additional impact to the appearance and/or intensity of use of a site.

B. The request for a Amendment to a Special Exception and/or Site Plan shall not subject the entire application to public hearing, only that portion necessary to rule on the specific issue requiring the relief.

C. The request for a Amendment to a Site Plan shall not subject the entire application to review by the Commission, only that portion necessary to allow the Commission to rule on the specific issue requiring relief.

6.3.1.8 Time Period and Expiration

In approving a Special Exception, the Commission may set time limits on the permit and/or require periodic renewal of the permit without a public hearing. If a legal ruling is made to reverse the Commission's denial of a Special Exception, the time period shall commence on the date of final disposition of such an appeal. Expired Special Exceptions shall be considered invalid.

6.3.1.9 Continuance

Notwithstanding any other provision of these regulations, when an amendment is adopted to these Zoning Regulations or boundaries of zones, a Special Exception that has been approved according to the regulation in effect at the time of filing shall not be required to conform to such amendment provided:

A. Construction of any of the proposed improvements, including but not limited to roads, sewer lines, landscaping, recreational facilities, etc. shall have commenced within 12 months from the effective date of the Special Exception and Site Plan approvals; and
B. Construction of the improvements is diligently pursued and brought to substantial completion within the original time constraints set forth at the time of approval or within 3 years following the effective date of such amendment to the zoning regulations or boundaries of zones.

6.3.1.10 Site Plan Standards and Procedures

6.3.1.10.1 Authority and Purpose

The Commission, on its motion or on petition, may amend these Regulations or the Zoning Map, after

6.0 APPLICATIONS, PERMITS, ENFORCEMENT + PENALTIES

public notice and hearing, in accordance with the General Statutes of the State of Connecticut. No Zoning Permit shall be issued for any activity requiring Site Plan approval until the Commission has reviewed and approved the application. All uses requiring a Special Exception shall require Site Plan review and approval by the Commission.

All non-residential uses approved by the Zoning Board of Appeals shall require Special Exception review and approval by the Commission.

6.3.1.11 Site Plan Procedure

6.3.1.11.1 Application

Each application for Site Plan approval shall be submitted on a form prescribed by the Commission, accompanied by ten sets of a Site Plan, as well as the applicable fee.

6.3.1.12 Referrals

The Commission may refer any Site Plan application to any Town department or other agency that the Commission deems appropriate, and may that request any such department or agency submit a report to the Commission on matters that are of concern to the Commission in connection with its own responsibilities.

6.3.1.13 Site Plan Information

All maps shall include an accurate class A-2/T-2 survey of the property and improvements, prepared by a land surveyor registered in the State of Connecticut unless waived by the Commission.

All plans shall be prepared, signed and sealed by a Connecticut-registered engineer, architect, or landscape architect, whichever is appropriate.

All plans shall be prepared at a scale of one-inch equals not less than 20 feet, and not more than 50 feet.

Site Plans shall include the following:

- a. Title Block with date, name of developer(s),

- b. property owner(s), north arrow, revision date(s), numeric and graphic scale of plans, seals and signatures of all appropriate design professionals;
- b. A key map at the scale of 1-inch equals 1000 feet showing the subject property and adjacent properties within 500 feet;
- c. Boundary survey of the site, including distances with angles or bearings;
- d. Zoning classification of property;
- e. Area of lot;
- f. Name of adjacent owners and zoning classification of each property;
- g. Existing and proposed contours or spot grades at no more than 2-foot intervals;
- h. Locations of existing and proposed buildings, signs, fences, and walls with dimensions, area, elevations and number of stories, and distances between all buildings and property lines;
- i. Location of all existing and proposed uses and facilities not requiring a building, such as swimming pools, tennis courts, tanks, and transformers;
- j. Sizes, arrangement, uses, and dimensions of all open spaces on the site;
- k. Location and design of all existing and proposed sanitary sewers, storm drainage, water-supply facilities, electrical / mechanical pad(s) and other underground and above-ground utilities;
- l. Existing and proposed sidewalks, curbs and curb cuts, and adjacent streets;
- m. Soil erosion and sedimentation control measures as required by Section 5.5 Sediment and Erosion and Control Regulations;
- n. Drainage design for roof area(s), parking lot(s) and driveway(s);
- o. Stormwater Detention Plans;
- p. Locations and descriptions of all existing and proposed easements and rights-of-way;
- q. Location of all existing wooded areas, water-courses, wetlands, rock outcrops, and other significant physical features, and, where appropriate, the mean high-water line, the wetlands boundary, the flood hazard area, the coastal area boundary, the aquifer boundary and the West Rock Ridge

6.0 APPLICATIONS, PERMITS, ENFORCEMENT + PENALTIES

- Conservation area;
 - r. Location of existing stone walls;
 - s. Proposed landscaping to include the following:
 - i. Location, general layout, type and size of buffer(s) or landscape area(s), plant material(s), fencing, screening devices, decorative paving, or other materials proposed;
 - ii. Location of existing trees with a trunk caliper of more than 6 inches except in intensely wooded areas where the foliage line shall be indicated;
 - iii. A statement to the effect that such landscaping does not include any species listed on the Connecticut Invasive Plant List.
 - t. Layout of all off-street parking areas showing details of aisles, driveways, each parking space, all loading and unloading areas, pavement markings, location of directional signs;
 - u. Existing and proposed locations, heights and sizes of all outdoor lighting and sign locations. Lighting plan shall include the following:
 - i. Location and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices; any decorative lighting should be indicated;
 - ii. Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cut sheets by manufacturers and drawings (including sections where required);
 - iii. Photometric data, such as that furnished by manufacturers or similar, showing the angle of cut-off or light emissions;
 - iv. Wattage or power of the lights, and method of shielding from any adjoining residential area.
 - v. Fire lanes and traffic control signs as required by Police and Fire authorities;
 - w. Outside storage areas with proposed screening;
 - x. Location of outside recycling and refuse storage area and proposed screening;
 - y. Provisions for water supply;
 - z. Proposed open space areas and any proposed site improvements to such areas;
 - aa. Information on endangered species or species of special concern, as listed on the Natural Diversity Data Base maintained by the Connecticut DEEP; and
 - bb. A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping, open spaces and other elements as they relate to the requirements of the Zoning Regulations.
- ### 6.3.1.14 Site Plan Objectives
- In reviewing a Site Plan Application, the Commission shall take into consideration the health, safety and welfare of the public in general and the immediate neighborhood, in particular, and may prescribe reasonable conditions and safeguards to insure the accomplishment of the following general objectives.
- A. Plan of Conservation and Developments (POCD)
That the proposed site plan shall be in general conformance with the intent of the Town Plan. However, the POCD shall not take precedence over specific provisions of the Zoning Regulations.
 - B. Public Safety:
All buildings, structures, uses, equipment, or material are readily accessible for fire and police protection.
 - C. Traffic and Pedestrian Access:
All proposed traffic and pedestrian access ways do not create traffic hazards and are: adequate, but not excessive in number; adequate in width, grade, alignment, and visibility; adequate in distance from street corners, places of public assembly and other access ways; and adequate in design for other similar safety considerations.
 - D. Circulation and Parking:
Adequate parking and loading spaces are provided to prevent congestion; that all parking spaces and maneuvering areas are suitably identified; that entrances and exits are suitably identified and designed to

6.0 APPLICATIONS, PERMITS, ENFORCEMENT + PENALTIES

specific use radii; that the interior circulation system is adequately designed to provide safe and convenient access to all structures, uses, and/or parking spaces; that parking areas are provided with suitable bumper guards, guard rails, islands, crosswalks, speed bumps and similar safety devices when deemed necessary by the Commission to adequately protect life and property; and that provision is made for safe pedestrian movement within and adjacent to the property by the installation of sidewalks.

E. Landscaping and Screening:

The general landscaping of the site complies with the purpose and intent of Section 5.10 of these regulations; that existing trees are preserved to the maximum extent possible; and that parking, storage, refuse and service areas are suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way.

F. Lighting:

Lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation and that glare from the installation of outdoor lights and illuminated signs is properly shielded from the view of adjacent property and public rights-of-way.

G. Public Health:

That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, and to protect the environment from adverse air, water, and land pollution.

H. Environmental Features:

That the development of the site will preserve sensitive environmental land features, such as steep slopes, wetlands, and large rock outcroppings and will attempt to preserve public scenic views or historically significant features.

I. Neighborhood Character:

The location and size of any proposed use, building or

structure, as well as the nature and intensity of operations involved or conducted in connection therewith, will be in general harmony with the character of the surrounding neighborhood and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, building, or structure as expressed in Section 5: Basic Standards.

J. Drainage:

The design of stormwater drainage systems shall be such as to minimize soil erosion and maximize absorption of pollutants by the soil. Runoff from impervious areas shall be attenuated to reduce peak flow volume and sediment loads to pre-development levels. Practices as outlined in the 2004 Stormwater Quality Manual of the Connecticut DEEP (as updated), shall be followed.

K. Soil Erosion and Sediment Control:

The design of soil erosion and sediment control plans shall be such as to reduce the danger from storm water run-off, minimize non-point sediment pollution from land being developed and conserve and protect the land, water, air and other environmental resources of the Town.

L. Conformance to Requirements

Unless otherwise specified, a Site Plan use shall conform to all requirements of the zone in which it is located as well as to other applicable provisions of these regulations.

Where two or more Site Plan uses apply to the same premises, the minimum requirements shall be the minimum requirements for each use as specified in these regulations or, in cases of two or more Site Plan uses in the same building, whichever requirements are more restrictive.

M. Conditions and Safeguards

The Commission may, if it finds that a Site Plan is appropriate, include reasonable conditions and safe-

6.0 APPLICATIONS, PERMITS, ENFORCEMENT + PENALTIES

guards related to the factors set forth in Section 3.MM.4. Any conditions of approval shall be so noted by stamping on the Site Plan accordingly and noting specific conditions on the plan. Any such conditions or safeguards attached to the granting of a Site Plan shall remain with the property as long as the Site Plan use is still in operation, and shall continue in force regardless of any change in ownership of the property.

N. Performance Bond

The Commission, may, if it deems necessary, require a bond consisting of a corporate surety or other financial guarantee, in a form and amount acceptable to the Commission or its designated agents, to guarantee performance of the site work as shown on the approved site plan. Said bond shall be submitted at a time to be determined by the Commission. Performance Bond requirements shall be consistent with CT General Statutes.

O. Conformance to Approved Plans

Site development shall proceed in accordance with plans approved by the Commission. Any changes proposed by an applicant to an approved Site Plan shall be submitted to the Planning Office for review and approval by the staff or by the Commission, as required. Any changes made prior to such review and approval shall constitute a violation of these regulations. All site work shall be completed no later than five years from the date of approval of the original plan.

P. Suspension

Any authorized Site Plan shall be subject to suspension through a Cease and Desist Order if any condition or safeguard imposed by the Commission upon buildings, structures, land or uses for said permit is not strictly adhered to by the applicant(s), user(s) and/or owner(s).

Q. Amendments

The Planning staff, in conjunction with the chairperson of the TPZ, shall determine whether a proposed deviation from approved Site Plans and/or Special Excep-

tions requires an Amendment.

1. Amendments to approved Site Plans attendant to Special Exceptions may be approved with a public hearing before the Commission. Amendments are those that may result in additional impact to the appearance and/or intensity of use of a site.
2. The request for an Amendment to a Special Exception and/or Site Plan shall not subject the entire application to public hearing, only that portion necessary to rule on the specific issue requiring the relief.

R. Period and Expiration

In approving a Site Plan, the Commission may set time limits on the permit and/or require periodic renewal of the permit. In the event a legal ruling is made to reverse the Commission's approval of a Site Plan, the time period shall commence on the date of final disposition of such litigation. Expired Site Plans shall be considered invalid.

S. Continuance

All conditions and improvements shown on an approved Site Plan shall remain with the property, as long as the use indicated on the approved Site Plan is still in operation. The conditions and improvements shall continue in force, regardless of any change in ownership of the property.

Notwithstanding any other provision of these regulations, when an amendment to these Zoning Regulations is adopted or boundaries of zones are modified, a Site Plan that has been approved according to the regulations in effect at the time of filing shall not be required to conform to such amendment provided:

1. Construction of any of the proposed improvements, including but not limited to roads, sewer lines, landscaping, and recreational facilities, shall have commenced within 12 months from the effective date of the Site Plan approvals; and
2. Construction of the improvements are diligently pursued and brought to substantial completion

6.0 APPLICATIONS, PERMITS, ENFORCEMENT + PENALTIES

within the original time constraints set forth at the time of approval, or within 3 years after the effective date of such amendment to the zoning regulations, or modification of boundaries of zones.

T. Applications for Approval of Location of Use:

Limited Repairer's License and Car Sales

Applications for automobile repairer's and dealers and related licenses shall be approved by the Commission in accordance with Connecticut General Statutes.

6.3.1.15 No building or structure shall be erected, changed, or enlarged unless and until the owner of the property has obtained a permit from the Zoning Enforcement Officer. Except in the case of gardening or agricultural operations no new land use shall be undertaken, nor any existing land or building use enlarged or changed unless and until the owner of the property has obtained a permit from the Zoning Enforcement Officer. Nothing herein shall be construed to authorize the extension, expansion or enlargement in scope, area, or intensity, of any non-conforming use.

6.3.1.16 The Zoning Enforcement Officer shall require that the application for a permit to use, change of use, erect, or enlarge a building, structure or premises shall be accompanied by a Site Plan of the land where the use, change of use, construction or enlargement is to take place.

Said Site Plan shall be based on a survey done according to A-2 standards of accuracy, prepared by a land surveyor licensed to practice in the State of Connecticut, at a scale of not less than 1"= 40'. The boundaries of the land shall be denoted on the land either by visible permanent natural features, or by visible merestones or other suitable permanent markers.

The map shall contain at least the following information:

1. Soil erosion and sedimentation control devices (approved as necessary by the TPZ);
2. All property corner monuments must be set and

noted;

3. The location of all existing and proposed buildings, accessory structures, swimming pools, tennis courts, etc., and their property line setbacks. In the case of a dwelling, the number of bedrooms must be shown;
4. Location of driveway (s);
5. Location of well or public water supply tie-in;
6. Location of septic system including the reserve area (approved as necessary by the Quinnipiack Valley Health District), or public sewer tie-in;
7. Location and size of oil tank;
8. Location of underground utilities;
9. Amount of fill to be brought to the site or excavation contemplated in cubic yards and square feet for driveway, septic system, regrading, etc., (approved as necessary by the Town Plan and Zoning Commission);
10. Existing water courses, wetlands (approved as necessary by the Town Plan and Zoning Agency), flood zones (approved as necessary by the Town Plan and Zoning Commission), existing and proposed easements;
11. Name and address of current owner in fee including the abutting owners and those across the street; north arrow and scale;
12. The Zoning District classification of a property.
13. Indicate in comparative tabular form the information required by Section 4 of these Zoning Regulations entitled "Table 4.1 Table of General Bulk Regulations" showing: (a) existing dimensions; (b) standards required in Section 4 and (c) standards proposed by the applicant;
14. Variance if granted (show date and type);
15. Show in a Title Block in the lower right hand corner: (a) Name of the current owner, (b) Street address; (c) Name of Architect, Engineer and/or Land Surveyor; (d) Date, revision and scale) The Zoning Enforcement Officer shall have the authority to waive any of the above requirements if in his opinion the nature of the work proposed does not warrant full compliance with the requirements of this section or the requirements can be met in

6.0 APPLICATIONS, PERMITS, ENFORCEMENT + PENALTIES

other ways. Depending on the complexity of the application, additional information such as existing and proposed grades, landscaping, drainage, soil types, signs and lighting may be required; and

16. Before the actual pouring of concrete or placement of other material for the foundation of any building or structure, the owner or contractor shall notify the Zoning Enforcement Officer, and shall give him an opportunity to determine that the location of such foundation, or any part of the building to be erected thereon, will not encroach over the established building lines or in any way violate any of these Regulations, and shall obtain his written approval endorsed upon the permit.

6.3.1.17 Every application for a zoning permit for the erection of a residence or for a permit for any other use, change of use, building or enlargement shall be accompanied by a fee as set forth in Chapter 5, Article VIII of the ordinances of the Town of Woodbridge entitled Schedule of Land Use Fees, as amended from time to time. Such fees shall be collected by the Zoning Enforcement Officer, or his/her designee, and shall be remitted to the Treasurer of the Town.

6.3.1.18 Any permit by the Zoning Enforcement Officer issued under this Section shall be valid for one year from the date of issue.

6.3.1.19 Nothing herein contained shall require any change in the plans, construction, site or designated use of a building (a) for which a zoning permit has been granted, or (b) for which an acceptable application was on file with the Selectmen or his/her duly authorized agent before the effective date of these Regulations, and the construction of which shall be started within six (6) months after such date.

6.3.1.20 Certificate of Compliance

It shall be unlawful to use or permit the use of any building, structure or premises or part thereof hereafter changed or converted, altered or enlarged, wholly or partly, in its use or structure, until a Certificate of Compliance has been issued showing that such building, structure or premises, or part thereof, and the

proposed use(s) thereof, are in conformity with the provisions of these Regulations.

A Certificate of Compliance shall be issued by the Zoning Enforcement Officer immediately upon the satisfactory completion of the building or establishment of a land use *with the exception of gardening or agricultural operations*.

6.4. Reserved for future use

6.0 APPLICATIONS, PERMITS, ENFORCEMENT + PENALTIES

6.5 General Provisions

6.5.1 Lands to Which These Regulations Apply.

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the Town of Woodbridge.

6.5.2 Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard within the Town of Woodbridge are identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated May 16, 2017, accompanying Flood Insurance Rate Maps (FIRM), dated May 16, 2017 (Panels – 09009C0407J, 09009C0408J, 09009C0409J, 09009C0417J) and December 17, 2010 (Panels 09009C0268H, 09009C0269H, 09009C0290H, 09009C0406H, 09009C0426H, 09009C0428H), and other supporting data applicable to the Town of Woodbridge, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. Since mapping is legally adopted by reference into this ordinance it must take precedence when more restrictive until a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

6.5.3 Establishment of the Floodplain Management.

A zoning permit or subdivision plan approval shall be required in compliance with the provisions of the Zoning Regulations and/or Subdivision Regulations (including these Flood Hazard Area Regulations) prior to commencement of any development activities.

6.5.4 Compliance.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of these regulations and other applicable regulations.

6.5.5 Abrogation and Greater Restrictions.

These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restriction. However, where these regulations and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6.5.6 Interpretation.

In the interpretation and application of these regulations all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body and;
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

6.5.7 Warning and Disclaimer of Liability.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the Town or by any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

6.0 APPLICATIONS, PERMITS, ENFORCEMENT + PENALTIES

6.6 Administration.

6.6.1 Designation of the Flood Plain Prevention Administrator.

The Town Plan and Zoning Commission shall administer and implement the Flood Hazard Area Regulations.

6.6.2 Permit Procedures.

Application for a flood hazard permit shall be made to the Town Plan and Zoning Commission on forms furnished by it prior to any development activity, and may include, but not be limited to, the following plans (in a number specified by the Commission) drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

6.6.2.1 Application Stage.

- (a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures as required by Section 6.7.3.1 (a);
- (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed as required by Section 6.7.3.1 (b) (2).
- (c) Description of the extent to which any water-course will be altered or relocated as a result of proposed development;
- (d) A statement as to whether proposed alterations to any existing structure meets the criteria of the substantial improvement definition defined in Section 13.1.30.
- (e) A statement as to whether there will be dry access to the structure during the 100-year storm event. Where applicable the following certifications by a registered engineer or architect are required and must be provided to the Commission; "The design and methods of construction are in accordance with accepted standards of Practice, and with the provisions of Section 6.7.3 of the Flood Damage Prevention Regulations."
- (f) Non-residential Flood Proofing – must meet the provision of Section 6.7.3.1 (b)
- (g) Enclosed Areas Below the Base Flood Eleva-

tion – if the minimum design criteria in Sections 6.7.3.2 (a) – 6.7.3.2 (c) are not used then the design and construction methods must be certified as explained in Section 6.7.3.2;

- (h) No increase in Floodway Heights may be allowed. Any development in a floodway must meet the provisions of Section 6.7.3.3;

6.6.2.2 Construction Stage. Upon completion of the applicable portion of construction, the applicant shall provide verification to the Commission of the following, as applicable, and pertaining to the lowest floor elevation. The applicant must provide elevation verification that:

- (a) the top of the lowest floor (including basement) in a building or structure located in an A Zone meets the elevation requirements of Section 6.7.3.1 (a);
- (b) a building or structure which has been flood-proofed is the elevation to which the flood-proofing is effective as required by Section 6.7.3.1 (b)

6.6.2.3 Deficiencies detected by the review of the above listed shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

6.6.3 Duties and Responsibilities of the Commission.

6.6.3.1 Duties of the Commission, or its appointed agent, shall include but not be limited to:

- (a) Review all permit applications to determine whether proposed building sites will be reasonable safe from flooding;
- (b) Review all development permits to assure that the permit requirements of these regulations have been satisfied;
- (c) Advise applicant that additional Federal or State Permits may be required, and if specific Federal or State Permit requirements are known, require

6.0 APPLICATIONS, PERMITS, ENFORCEMENT + PENALTIES

that copies of such permits be provided and maintained on file with the development permit. Possible permits include, but are not limited to: Water Diversion, Dam Safety, Corps of Engineers 404;

- (d) Notify the Regional Planning Commission and the affected municipality at least 35 days prior to the public hearing if any change of the regulations or use of a floodplain zone will affect an area within 500 feet of another municipality;
- (e) Notify adjacent communities and the Department of Energy and Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
- (f) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (g) Record the elevation (in relation to mean sea level) of the lowest floor (including basement of all new or substantially improved structures, in accordance with Section 6.7.3.1 (a);
- (h) Record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Section 6.7.3.1 (b);
- (i) When Flood-proofing is utilized for a structure the Commission shall obtain certification from a registered professional engineer or architect, in accordance with Section 6.7.3.1 (b);
- (j) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Commission shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided herein;
- (k) When base flood elevation data or floodway data have not been provided in accordance with Section 6.5..2 hereof, then the Commission shall

obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source to administer the provisions of Section 6.

- (l) All records pertaining to the provisions of these regulations shall be maintained in the Office of the Zoning Enforcement Officer.

6.7 Standards for Subdivision Proposals

6.7.1.1 Standards for Subdivision Proposals. In all special flood hazard areas, the following requirements shall apply:

6.7.1.2 All subdivision proposals shall be consistent with the need to minimize flood damage;

6.7.1.3 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

6.7.1.4 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

6.7.1.5 In Zone A, the Base Flood Elevation (BFE) data shall be provided for subdivision proposals.

6.8 Variance Procedures

6.8.1 The Zoning Board of Appeals as established by the Town shall hear and decide appeals and requests for variances from the requirements of these regulations.

6.8.2 The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Commission in the enforcement or administration of these regulations.

6.8.3 Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within one hundred feet (100') of the land in question may appeal within fifteen (15) days after such decision to the Superior Court as provided in Section 8-8 of the General Statutes.

6.8.4 Specific Situation Variances.

6.0 APPLICATIONS, PERMITS, ENFORCEMENT + PENALTIES

6.8.4.1 Buildings on An Historic Register. Variance may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth or in the remainder of this section, except for Section 6.5.3 (a) – 6.5.3 (d), and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical character.

6.8.4.2 Existing, Small Lot Location. Variance may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with Section 6.5.3 (a) – 6.5.3 (d).

6.8.4.3 Floodway Prohibition. Variances shall not be issued within any designated floodway, if any increase in flood levels during the base flood discharge would result.

6.8.5 Considerations for Granting of Variances.

6.8.5.1 In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other Sections of these regulations, and:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
- (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters; and
- (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

6.8.5.2 Upon consideration of the factors listed above and the purposes of these regulations the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

6.8.5.3 Conditions of Variances.

- (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and in the instance of a historical building, the determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (b) Variances shall only be issued upon (i) a showing of good and sufficient cause (ii) a determination that failure to grant the variance would result in exceptional hardship, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100

6.0 APPLICATIONS, PERMITS, ENFORCEMENT + PENALTIES

of insurance coverage.

6.9 Penalties for violations

Violation of the provisions for these regulations or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates these regulations shall be subject to a fine as provided for by the General Statutes of the State of Connecticut and shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.