

ARTICLE 6 - BASIC STANDARDS

SECTION 6.1. LANDSCAPING

A. Applicability

This Section of the Regulations shall apply whenever any proposed building, structure, or development activity requires the submission of a Site Plan application or a Special Permit application. These provisions shall not apply to the construction or development of a single-family dwelling or a two-family dwelling unless part of a multi-family development except that tree removal, grading, and excavation activities incidental to or in preparation for landscaping, demolition, construction, or site development (including single-family dwellings and two-family dwellings) may be regulated under Section 6.4, Section 6.6, and/or Section 6.7 of these Regulations.

B. Overall Landscaping Standards

1. All portions of a property not required for buildings, structures, parking, driveways, or sidewalks shall be landscaped with ground cover, trees, and evergreen shrubs.
2. To the extent possible, existing trees, vegetation, and unique site features, such as stone walls, shall be retained and protected.
3. Existing healthy, mature trees expected to survive shall be fully credited against the requirements of these Regulations.
4. The required landscaped areas may include sidewalks, but there shall be a minimum of sixty (60) percent of the required landscaped area used for planting in any Retail Zone or any Business Zone.
5. In any Retail Zone or any Business Zone, planted areas adjacent to a building shall be a minimum of three (3) feet in width and all others a minimum of five (5) feet in width.
6. In accordance with Town Code Section 54-19, the property owner shall landscape and maintain any area between the front lot line and the edge of the street pavement.
7. In any Retail Zone or any Business Zone, at least one (1) shade tree having a caliper of not less than two (2) inches, measured at four (4) feet above the ground, shall be provided within the front landscaped area for each fifty (50) feet or fraction thereof of lot frontage and along the roads bordering the property lines.
8. Where physical characteristics of the lot or existing structures make it unfeasible to comply with the requirements for a front landscaped area or landscaped parking area in any Retail Zone or any Business Zone, the Commission may approve the substitution of planters, plant boxes or pots containing trees, shrubs and/or flowers to comply with the intent of these Regulations.

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C. Perimeter Landscaping Standards

1. In any Retail Zone or any Business Zone, property lines which are adjacent to residential properties shall be screened by a decorative fence or wall and/or closely-planted evergreen trees and shrubs to provide visual screening.
2. In any Retail Zone or any Business Zone, perimeter landscaping, fencing or wall treatment shall be of such type, height, spacing and arrangement which, in the judgment of the Commission, shall effectively screen the activity on the subject lot from the neighboring residential area and provide protection from noise, headlight glare and visual intrusion to dwellings and residential yards.

D. Parking Area Landscaping Standards

1. In addition to the other provisions of this Section, parking areas which contain twenty (20) or more parking spaces shall have landscaped islands providing shade trees and shrubs.
2. At least ten (10) square feet of interior landscaping within the paved portion of the parking area shall be provided for each parking space.
3. There shall not be more than ten (10) parking spaces in a row without being broken with curbing and a landscaped area to provide relief from the expanse of pavement and to provide plant materials, which have a moderating effect on noise, air pollution and temperature.
4. A landscaped area shall also be provided at the ends of parking rows to separate parking spaces from the circulation aisles.
5. Spaces which cannot be used for parking, such as perimeter corners between parking stalls, shall be incorporated into the landscaped area rather than being paved.
6. At least one (1) shade tree of not less than a two-inch caliper, measured at four (4) feet above the ground, shall be provided within the parking islands and adjacent to the parking area for every ten (10) parking spaces.
7. Each landscaped area shall contain a minimum of 100 square feet, shall have a minimum dimension of at least eight feet and shall be planted with ground cover, grass or shrubs, in addition to any shade tree requirements.
8. All landscaping, trees, and planting material adjacent to parking areas, loading areas or driveways shall be properly protected by barriers, curbs or other means from damage by vehicles.
9. The location and selection of plant materials shall provide for easy identification of traffic barriers and islands without obstructing vision of other vehicles, pedestrians or traffic signage.
10. Landscaping plans shall be designed to accommodate storage areas for piling snow.

E. Maintenance

1. Landscaping, trees and plants required by these Regulations shall be planted and maintained in a healthy, growing condition according to accepted horticultural practices.
2. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of these Regulations shall be replaced by the property owner during the next planting season for the particular plant material.
3. Any screening fence, wall, or curbing required by these Regulations shall be maintained by the property owner in good condition throughout the period of the use of the lot.

F. Landscaping Materials

Landscaping materials selected for use shall be acceptable to the Commission and native, non-invasive species are preferred.

G. Bonding

1. The Commission or the Zoning Inspector may require that a performance bond, in an acceptable form and an amount to be set by the Zoning Inspector, be provided to insure the faithful performance of the landscaping work to be undertaken.
2. Following the completion of landscaping for a project where a bond was required, the Zoning Inspector may require an as-built plan to be filed with the Commission, showing the relationship between the approved plan and the actual landscaping.

H. Modification of Requirements

1. The Commission may, by Special Permit, allow these standards to be reduced in special circumstances where other adequate landscape treatment is provided.
2. During construction, the Zoning Inspector may allow field substitutions of plant material provided the original intent of the landscape is maintained.

SECTION 6.2. PARKING AND LOADING**A. Purpose**

This Section is intended to provide adequate parking and loading facilities to serve all existing and proposed uses.

B. Applicability

1. Off-street motor vehicle parking facilities and off-street loading spaces, together with adequate exits and entrances thereto and interior aisles, shall be installed and permanently maintained as provided in this Section for each building erected, enlarged or altered and for any land or premises hereafter used, except that no off-street motor vehicle parking facilities or off-street loading spaces shall be required within the Retail A Zone.
2. On land owned or leased by the Town and located in any zone, the parking of motor vehicles is a permitted use, and any charge made for parking of motor vehicles thereon shall not constitute a business use in the interpretation of these Regulations.

C. Minimum Amount of Parking and Loading Facilities

1. The minimum amount of parking and loading facilities required for any property shall be determined by applying the standards of this Section to the actual and proposed uses and when the requirements result in a fractional number, the minimum requirement shall be rounded up to the next whole number.
2. Where different uses occur on a single parcel of land, the parking and loading spaces to be provided with respect to such parcel shall be the aggregate of the requirements for each such use.
3. Except as may be provided in Subsection 6.2.E, all required parking spaces shall be maintained for the exclusive use of residents, patrons, employees or tenants of the building(s) on the site and shall not be used to meet the parking requirements of any other use.
4. Any parking rights acquired from another parcel shall be recorded in the land records in the deed of each parcel involved in such agreement.
5. In the Business B Zone, any use (other than warehousing) which has more than twenty-five percent (25%) of its gross floor area in the form of storage facilities may have up to fifty percent (50%) of such storage area deducted from the total building gross floor area for the purpose of computing parking requirements provided:
 - a. such storage area shall be clearly identified on any application for a Zoning Permit,
 - b. such storage area shall be certified by the applicant as not housing any employee rest area, office area, work area or sales area,
 - c. use of such area for purposes other than storage shall constitute a violation of these Regulations, and
 - d. required loading space shall still be based upon the total building gross floor area.

Residential Uses

Use	Minimum Parking Facilities	Minimum Loading Facilities
Single-family dwelling	Two (2) spaces	None
Single-family dwelling with accessory dwelling unit	Two (2) spaces for the dwelling unit plus one space for the accessory dwelling unit	None
Single-family dwelling with home-based business	Two (2) spaces for the dwelling unit plus adequate parking for employees, clients, and visitors screened by landscaping from abutting residentially zoned parcels	None
Two-family dwelling	Two (2) spaces / unit Four (4) spaces total	None
Multi-family dwellings	Two (2) spaces per unit	None

Retail, Business, Bank, or Office Uses

Use	Minimum Parking Spaces	Minimum Loading Spaces
Located on any floor nearest in vertical height to the curb level of any adjacent street.	One space per 200 square feet of gross floor area on that floor	At least one (1) loading space per building ¹
Located on any other floor, (including basement or cellar).	One space per 270 square feet of gross floor area	

Medically-Related Uses

Use	Minimum Parking Spaces	Minimum Loading Spaces
Medical offices or clinics located within a Business or Retail Zone	One space per 150 square feet of gross floor area.	None
Medical offices or clinics outside a Business or Retail Zone	Five (5) spaces per practitioner and screened from abutting residentially zoned parcels	None
Hospitals, sanatoriums or nursing homes	One (1) space per five (5) beds and at least one (1) space per two (2) employees and associated professional personnel	At least one loading space per building ¹

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Other Business Uses

Use	Minimum Parking Spaces	Minimum Loading Spaces
Restaurants, nightclubs, or eating places	One space per 100 square feet of gross floor area.	At least one (1) loading space per building ¹
Hotels	One space per guest room	
Industrial, wholesale, or manufacturing establishments.	One space per 300 square feet of gross floor area	
Car washes	Usable off-street stacking space equal to one-third of the maximum hourly capacity of the facility plus off-street parking facilities as determined by the Commission	None

Other Uses

Use	Minimum Parking Spaces	Minimum Loading Spaces
Clubs	One space per three (3) members.	As determined by the Commission based on the requirements applicable to comparable uses ¹
Auditoriums, stadiums, theaters or other places of assemblage, together with churches	One space per five (5) seats based on maximum seating capacity.	
Railroad stations	One space per 100 square feet of total platform and station area	
Unlisted Uses	As determined by the Commission based on the requirements applicable to comparable uses.	

¹ Additional off-street loading spaces may be required by the Commission if, in its opinion, such additional off-street loading spaces are necessary to adequately meet the needs of the location where they are to be provided.

D. Handicapped Parking Facilities

1. Where the installation of parking spaces is required by these Regulations, parking spaces for the physically handicapped shall be provided as follows:

Total Number of Parking Spaces in Lot	Minimum Number of HC Spaces	Minimum Number of Van-Accessible Spaces (included in total HC spaces)
Up to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1,000	2 percent of total number of spaces	12.5 percent of total number of HC spaces
1,001 plus	20 spaces plus 1 space for every 100 spaces over 1,000 spaces	

2. Such parking spaces shall be located:
 - a. as close as possible to the nearest accessible ramp, walkway, and building entrance on an accessible route;
 - b. so that physically handicapped persons shall not be compelled to wheel or walk behind parked cars to reach the nearest accessible ramp, walkway, and building entrance.
3. A handicapped parking space shall be:
 - a. no less than eight (8) feet wide with a crosshatched, painted access aisle no less than eight (8) feet wide if it is a van-accessible handicapped parking space, or
 - b. no less than ten (10) feet wide with an adjacent crosshatched, painted access aisle no less than five (5) feet wide if a handicapped parking space.
4. Two (2) adjacent handicapped parking spaces may share a common access aisle.
5. All handicapped accessible parking spaces shall be clearly designated with signs situated approximately 5 feet above grade and, wherever possible, with pavement markings. Signs shall display the international symbol of access and shall bear the words "Handicapped Parking Permit Required" and "Violators Will Be Fined." Accessible spaces for vans shall also bear the words "Van-Accessible."
6. Where these standards conflict with any applicable provisions of CGS 14-253a(h), the State Building Code, or the Americans with Disabilities Act (28 CFR Part 36) as they may be amended, the more stringent standard shall prevail.

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E. Reduction of Parking Facilities

1. Permanent Shared Use Reduction - The Commission may, by Special Permit, allow a reduction of the provision of up to 25% of the parking spaces required for the uses on one or more sites due to shared use of parking facilities when:
 - a. the parking facilities provided on the site(s) are interconnected with adjacent parking facilities to create a functional parking arrangement,
 - b. appropriate access and parking easements are executed between the adjacent properties, and
 - c. the Commission is satisfied that the parking needs of the joint users on the sites occur at different hours of the day or that adequate parking will be available for the current and potential future uses.
2. Permanent Site Use Reduction - The Commission may, by Special Permit, allow a reduction of up to 25% of the required parking spaces on an individual site that is not interconnected with one or more adjacent parking facilities when the Commission is satisfied that:
 - a. the parking needs of the uses on the site occur at different hours of the day, or
 - b. adequate parking will be available for the current and potential future uses.
3. Temporary Installation Deferral - The Commission may, by Special Permit, defer the immediate installation of up to 25% of the required parking spaces where:
 - a. sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use,
 - b. the applicant shall show upon the Site Development Plan the complete layout for the full parking requirements,
 - c. the applicant accepts, in writing, a requirement that the owner will file the Site Development Plan in the Office of the Town Clerk, stipulating that the owner, or the successor and assigns of the owner, will install as many of the deferred parking spaces as the Commission deems necessary within 6 months of the Commission's request, when, in the opinion of the Commission, such Installation is needed.

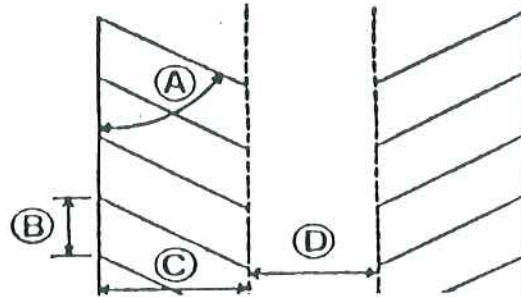
F. Location of Parking and Loading Facilities

1. The off-street motor vehicle parking facilities and off-street loading spaces required by this Section in any Retail Zone and any Business Zone shall be located on the same land as the use or building served thereby except that:
 - a. The Commission may permit two (2) or more abutting properties to be served by a common facility situated on one (1) or more of said properties.
 - b. The Commission may permit parking facilities to be on land within three hundred (300) feet of a building or use if it determines that it is impractical to provide parking facilities on the same land where the building or use is located.
2. In the Retail A Zone and the Retail B Zone, parking shall not be located within any required yard setbacks or between the building and the front street line.
3. In all other Retail Zones or Business Zones, off-street parking facilities shall be located in back of the front yard lines or building lines as now or hereafter established.
4. Parking lots in any Retail Zone or any Business Zone shall be located at least five (5) feet from a building, except as may be required for loading facilities.
5. Parking structures, whether detached or attached, shall not be permitted, except in a Business or Retail Zone where these Regulations allow parking to be provided underground, within the envelope of the building, or in a separate structure on the same site.
6. Where the required parking spaces in any Retail Zone or any Business Zone are provided by garage or other covered space, the location of such garage or other covered space shall be in conformity with the Zoning Regulations relating to the zone and class of building involved.
7. Underground parking:
 - a. shall be permitted as a substitute for surface parking to allow the area normally occupied by surface parking to remain undisturbed or to provide open space, landscaping and similar amenities,
 - b. shall be provided in lieu of required surface facilities, but not in addition thereto,
 - c. may permit a larger above-ground structure or intensification in use of the site to an above-ground floor area exceeding the applicable floor ratio by up to fifteen percent (15%),
 - d. shall be hidden from view from abutting properties, and street-level views of underground parking access shall be minimized, and
 - e. shall be designed such that any first-floor level above such parking shall not exceed the curb level of any adjacent street by more than two (2) feet.
8. No parking facility shall be established without adequate driveway and aisle access except that the Commission may, by Special Permit, allow tandem parking when a full-time parking attendant is provided and such arrangement is approved by the Fire Marshal.

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G. Size of Parking and Loading Facilities

1. Except as provided below, off-street parking spaces and aisles shall be installed and maintained as follows:



A	Parking angle	30°	45°	60°	90°
B	Curb length	18'-0"	12'-9"	10'-5"	9'-0"
C	Stall depth	16'-6"	19'-10"	21'-0"	20'-0"
D	Vehicular aisle width – Two-way circulation	24'-0"	24'-0"	24'-0"	24'-0"
D	Vehicular aisle width – one-way circulation	11'-0"	13'-0"	18'-0"	24'-0"

2. Each off-street loading space shall be at least ten (10) by twenty-five (25) feet, with a height clearance of at least fourteen (14) feet.
3. All residential parking spaces shall have a minimum twenty (20) foot backup area.

H. Specifications for Parking and Loading Facilities

1. Except for private residences, every parking facility shall be graded, hard-surfaced, drained, and permanently marked to delineate both the individual parking spaces and the uses served thereby.
2. Every parking facility shall be maintained by the owner of the premises.
3. Where required parking areas abut upon public streets or sidewalks, permanent barriers or bumpers shall be provided.
4. Completion of the off-street motor vehicle parking facilities and off-street loading spaces required by this Section shall be a condition precedent to the issuance of the Certificate of Occupancy.

I. Access Drives

1. No exit from or entrance to an off-street motor vehicle parking facility or off-street loading space shall be so laid out as to constitute or create a traffic hazard or nuisance.
2. Driveways to the street in any Retail Zone or any Business Zone shall be a minimum of twelve (12) feet wide for one-way traffic, shall not exceed twenty-four (24) feet in width, and shall not exceed two (2) in number.
3. Lots containing less than one hundred fifty (150) feet of street frontage in any Retail Zone or any Business Zone shall be limited to one (1) driveway to the street, except where the nature of the business requires drive-through service, i.e., drive-in banks and gas stations.
4. Driveway access in any Retail Zone or any Business Zone shall be permitted to a street or parking facility on an adjacent lot and connections to adjacent parking lots shall, at the Commission's discretion, be made wherever practical.
5. Driveways to adjacent lots in any Retail Zone or any Business Zone shall be a minimum of twelve (12) feet wide for one-way traffic, shall not exceed twenty-four (24) feet in width, and shall not exceed two (2) in number.
6. Lots in any Retail Zone or any Business Zone with a side property line of less than two hundred (200) feet in length shall be limited to one (1) driveway connecting with an adjoining lot for each side.

J. Existing Off-Street Parking and Loading Facilities

1. Where, as of the effective date of this Section, off-street motor vehicle parking facilities and off-street loading spaces are provided conforming in whole or in part to the provisions of this Section, such off-street parking facilities and off-street loading spaces shall not be altered or reduced in area below the requirements set forth herein.
2. In the event, however, that there shall be an enlargement or alteration of any building served by such off-street motor vehicle parking facilities or off-street loading spaces or a new or changed use of the property requiring additional off-street parking facilities or off-street loading spaces under the provisions of this Section, such additional off-street parking facilities or off-street loading spaces shall be provided as required herein.

K. Policing of Parking Spaces

Nothing contained in this Section shall be construed to prohibit the owner or owners of the land on which such off-street parking facilities are located from policing the same and from forbidding the parking of motor vehicles thereon when the owner or user of such motor vehicle is not making use of the facilities, uses or buildings for which such parking area is provided.

Section 6.3

SECTION 6.3. SIGNS

A. Purpose

This Section is intended to control the number, size, location, lighting, and type of signs in order to protect the public safety and general welfare.

B. Applicability

No sign, billboard, signpost or structure displaying advertising or other matter shall which is visible and legible from a public street be erected, attached to, or maintained on property subject to these Regulations, except as permitted by the provisions of this Section.

C. Signs Permitted In Residential Zones

1. Permitted By Right

Type of Sign	Maximum Number	Maximum Size / Area
Lawn sign bearing the name of the property and/or the name of the occupant	One sign per lot	Twenty-four by six (24 x 6) inches
Real estate sign as defined in these Regulations	One sign per lot	Three (3) square feet
Sign identifying a minor home-occupation as defined in these Regulations	One sign per lot	One square foot
Detached security sign as defined in these Regulations	Two signs per lot	One square foot per sign
Political signs associated with an official election or referendum provided that such signs are removed within seven (7) days after the election or referendum	Not Applicable	Not Applicable

2. Permitted By Zoning Permit

Type of Sign	Maximum Number	Maximum Size / Area
Sign identifying a major home occupation as defined in these Regulations	One sign per lot	One square foot
Approved multi-family developments, churches, schools, public libraries, and commercial farming operations	One sign per street frontage	Four (4) square feet

3. Permitted By Site Plan Approval

Type of Sign	Maximum Number	Maximum Size / Area
Other approved Special Permit uses	One sign per street frontage	Four (4) square feet
Any sign not meeting the specifications of Section 6.3.C.	As approved by the Commission after considering the size, location, use, or other unique conditions.	

Section 6.3

D. Signs Permitted In Business Zones

1. Permitted By Zoning Permit

Signs complying with the following may be authorized by the Zoning Inspector upon submission of a complete application with all required supporting materials:

Sign Number	One sign per business, except that: <ul style="list-style-type: none"> • a second sign may be allowed on a corner lot • a secondary identification sign (< 1 SF) may be allowed for the back entrance of a first-floor use • a secondary street level identification sign (<1 SF) may be allowed for the front entrance of a second floor use
Sign Type	Wall-mounted signs only. No additional signage is permitted on window glass.
Sign Mounting	On or against the wall of the structure
Sign Location	No portion shall be located more than four (4) feet above the top of the doors or windows on the ground floor on such side of the building No sign shall extend above the eaves line on any building
Maximum Dimensions If Rectangular	20 inches vertical 15 feet horizontal
Maximum Dimension If Circle Or Oval	Four (4) feet
Maximum Letter Height	<ul style="list-style-type: none"> • Single line of lettering 12" letters • Double line of lettering 8" letters, one (1) line; 4" letters, other line
Max. Area of All Signage ¹	25 square feet per lot ²

1. The maximum area limitation per lot is irrespective of the number of separate businesses conducted thereon.
2. For signs with two (2) sides, only one (1) side shall count for measurement purposes.

2. Permitted By Site Plan Approval.

Any proposed sign(s) not meeting the above specifications may be approved by the Commission by Site Plan Approval. The Commission shall review the proposal, giving due regard to its relationship to the size, location, topography, occupancy or other unique conditions pertaining to the lot or building(s) thereon, and may authorize the Zoning Inspector to issue such permit where it is found to be warranted.

E. Sign Illumination

Signs which are visible from a public street or other public space may be illuminated, directly or indirectly, by white lights only.

F. Prohibited Signs

1. No sign illumination shall involve the use of light emitting diodes (LED) or the use of neon, argon or other gases, or any other method resulting in a similar appearance to neon or other gaseous illumination, including, but not limited to, illumination through fiber optics or similar media.
2. No signs or parts thereof, streamers, balloons, or other devices which flash, move or give the impression of movement in any fashion shall be permitted.
3. Construction signs, painter signs, landscape company signs and the like shall not be allowed in any Residence Zone.
4. In any Retail Zone or any Business Zone, no sign shall be located forward of the building or setback line.
5. Except for retractable canvas or cloth awnings, no sign or other device identifying a business or other use shall hereafter be erected or maintained extending over and beyond the street line or beyond the building line as now or hereafter established, and:
 - a. no permit for any such sign or structure shall be issued,
 - b. any such legally existing sign may be maintained but shall not be increased in size of sign, size of lettering, or the extent it projects or is illuminated as the same exists at the effective date of these Regulations, except as ordered by the Zoning Inspector for reasons of public safety, and
 - c. each such sign shall be completely and totally removed at such time as the place of business which such sign advertises shall change in ownership or occupancy, subsequent to the effective date of these Regulations.

G. Fees

The Commission may determine and fix fees to be charged and paid to the Town upon issuance of a permit for a business sign, the schedule of which fees shall be filed for public record in the office of the Town Clerk of the Town within a reasonable time after their adoption by the Commission.

H. Applications

1. No sign shall be erected, lettered or otherwise displayed in any Retail Zone or any Business Zone or on any parcel in a Residence Zone that contains a legally nonconforming business or commercial use unless a written application for a Sign Permit has been made and a permit issued by the Zoning Inspector.
2. Each sign application shall show the method of attaching the sign to the building or other support in detail, and the Zoning Inspector shall determine the adequacy and safety of said method before issuing the permit.

SECTION 6.4. GRADING, DRAINAGE, AND TREE REMOVAL

A. Purposes

This Section is intended to control soil disturbance (including removal of trees and vegetative ground cover), excavation, site grading, and drainage changes associated with building demolition, building construction, and site development in order to:

- protect the public safety and general welfare;
- prevent adverse impacts to other property due to erosion, sedimentation, and increases in storm water runoff;
- prevent sedimentation of public and private streets;
- prevent sedimentation of public storm sewer and drainage systems;
- reduce the risk of flooding caused by increased runoff and sedimentation of drainage channels, wetlands, and watercourses; and
- protect water quality by reducing the risk of sediment pollution of reservoirs.

B. Removal of Trees or Vegetative Ground Cover

The Commission finds that trees and other vegetative ground cover play an important role in controlling erosion by: protecting the soil surface from the impact of falling rain; holding soil particles in place; enhancing the soil's capacity to absorb water; slowing the velocity of runoff; removing subsurface water between rain falls through the process of evapo-transpiration; and improving infiltration rates.

Therefore, for purposes of this Section, clear-cutting or removal of trees and other vegetative ground cover, regardless of whether stumps and root systems are removed, shall be considered an erosion factor equivalent to grading and other forms of soil disturbance, and references in this Section to soil disturbance and/or grading shall include clear-cutting or removal of trees and vegetative ground cover.

C. Applicability

Within the Town of New Canaan, there shall be no excavation, grading, or other soil disturbance (including removal of trees or vegetative ground cover) except as herein provided. The occurrence of any off-site sedimentation, flooding, or erosion caused by excavation, grading and/or soil disturbance is prohibited and shall be grounds for enforcement action.

D. Other Approvals May Be Required

Any approval or exemption under this Section does not relieve any person from having to obtain any other approvals that may be required, such as for:

1. Regulated activities under the New Canaan Inland Wetlands & Watercourses Regulations;
2. Activities within a floodplain area;
3. Activities regulated by other local, state, or federal agencies.

E. Allowed Without Permit

The following activities are allowed without a separate zoning permit, provided the proposed use of the property otherwise complies with these Regulations, and no off-site sedimentation, flooding, or erosion occurs. The Zoning Inspector may require a permit and compliance with Subsections H., I., and J. of this Section in the event that any off-site sedimentation, flooding, or erosion occurs as a result of these activities:

1. Farming.
2. Excavation or grading of less than 100 cubic yards of earth material;
3. Soil disturbance (including removal of trees and vegetative ground cover) of 5,000 square feet in area or less;
4. Excavation, grading and/or soil disturbance associated with specific plans for a subdivision, site plan, or special permit approved by the Commission, where the proposed excavation, grading and/or soil disturbance is specified in such other approval.

F. Permitted by Zoning or Other Permit

The following activities may be permitted by the Zoning Inspector provided: the proposed use of the property otherwise complies with these Regulations; the provisions of Subsections H., I., and J. of this Section are satisfied; and a zoning permit, a demolition permit, a building permit, or a septic permit has been issued for such activity and the proposed excavation, grading, and/or soil disturbance is specified in such permit:

1. Excavation or grading of 100 to 1,000 cubic yards of earth material;
2. Soil disturbance (including removal of trees and vegetative ground cover) of more than 5,000 square feet but less than 10,000 square feet in area;
3. Any excavation, grading or soil disturbance (including removal of trees and vegetative ground cover) in connection with and clearly essential to:
 - a. construction or alteration of a building or structure (including the area of the building or structure plus the surrounding twenty-five feet);
 - b. installation of driveways, utilities or amenities (e.g., septic systems, utility service lines, swimming pools, walls or fencing).

G. Permitted by Special Permit

The following activities may be permitted provided the proposed use of the property otherwise complies with these Regulations, and the Commission issues a Special Permit for the activity:

1. Excavation or grading of more than 1,000 cubic yards of earth material;
2. Soil disturbance (including removal of trees and vegetative ground cover) of 10,000 square feet in area or more.

Section 6.4

H. Bonding and As-Built Plan

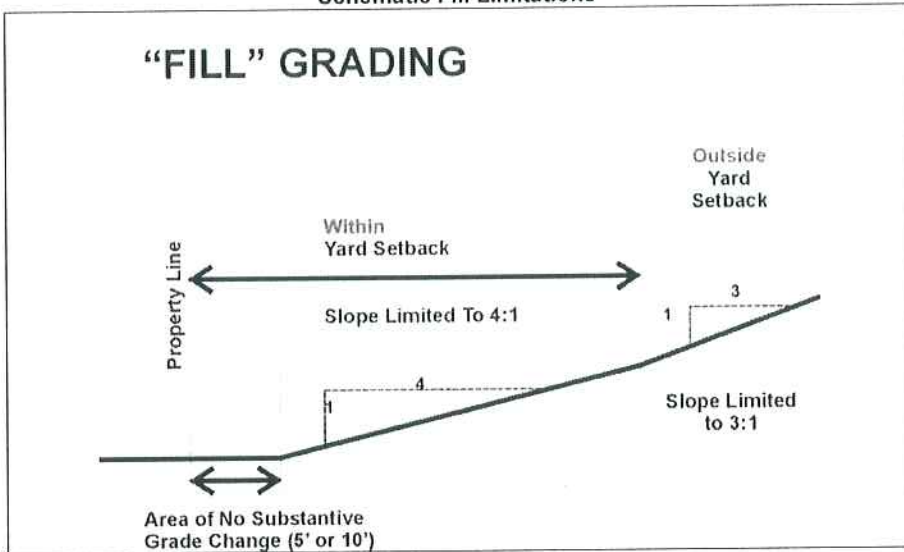
1. Prior to the commencing of any excavation or grading of more than 200 cubic yards of material per acre of lot area, and/or more than 5,000 square feet of soil disturbance (including removal of trees and vegetative ground cover), the Commission or the Zoning Inspector may require that a bond be provided in an acceptable form and in an amount to be set by the Commission or Zoning Inspector to insure the faithful performance of the work to be undertaken pursuant to the conditions of the permit.
2. Following the completion of excavation or grading for a project where a bond was required, the Zoning Inspector may require that the permit holder file a certified as-built plan with the Commission, showing the relationship between the approved plan and the actual grading.

I. Permit Standards and Conditions

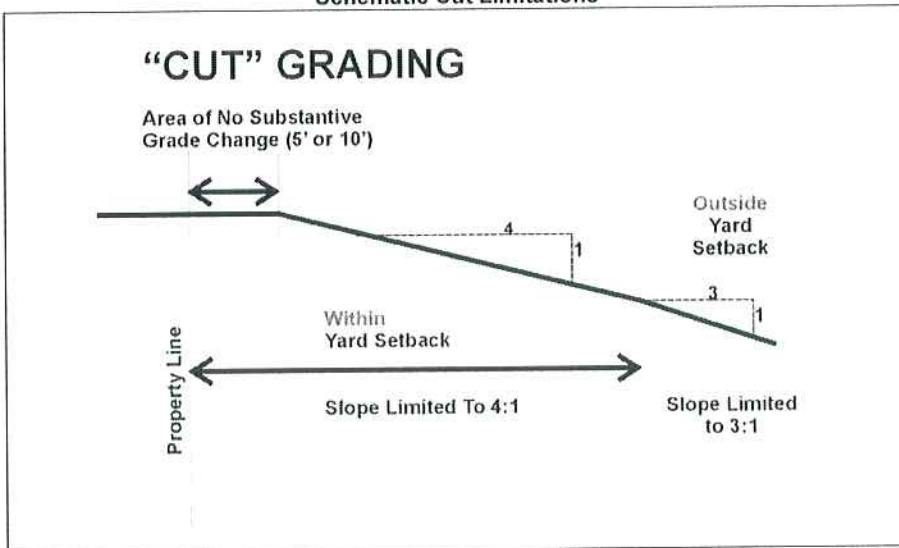
1. The occurrence of any off-site sedimentation, flooding, or erosion caused by excavation, grading and/or soil disturbance is prohibited.
2. All allowed or permitted excavation, grading, and soil disturbance activities shall be conducted with appropriate soil erosion and sediment control measures installed and maintained at all times until the site is fully stabilized. The Commission or the Zoning Inspector may require soil erosion and sediment control measures and project phasing as a condition to the issuance of any permit. Control measures may include (without limitation) silt fencing, hay bales, sediment barriers, mulch, temporary erosion control blankets, turf reinforcement mats, stone slope protection, or other soil stabilization measures set forth in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002) necessary to prevent off-site sedimentation, flooding, and erosion.
3. All earth materials to be stockpiled on site shall be contained within a sediment control barrier.
4. All earth materials to be transported onto or off the site shall be covered to minimize flying dust or rock.
5. Truck access/egress to and from the site shall be conducted as to minimize danger to off-site traffic, and nuisance to surrounding properties. The Commission or the Zoning Inspector may require that tracking pads or dust-less driveway aprons be utilized until the site is stabilized.
6. Grading shall not result in the creation of any stagnant water, sharp pits, depressions, soil erosion, drainage or sewerage problems or other conditions which would impair the use of the property or other property in accordance with the Regulations.
7. Except as provided in Section 6.4.1.9, unless modified by the Commission through granting of a Special Permit, finished grades shall blend with existing grades at the property line and no grade change of one (1.0) foot or more shall occur:
 - a. in the One-Half Acre and smaller lot area zones, within five (5) feet of a side or rear property line, or
 - b. in the One-Acre and larger lot area zones, within six (6) feet of a side or rear property line where a retaining wall is installed and ten (10) feet otherwise.

- 8. Except as provided in Subsection 6.4.1.9, unless modified by the Commission through granting of a Special Permit, no grading activity that increases the finished slope shall result in a finished slope in any filled or excavated area that exceeds:
 - a. a slope of four horizontal to one vertical (4:1) within the yard setback.
 - b. a slope of three horizontal to one vertical (3:1) elsewhere.

Schematic Fill Limitations



Schematic Cut Limitations



Section 6.4

9. The Commission or the Zoning Inspector may allow grading activity in excess of the foregoing standards within the yard setback for one or more of the following reasons:
 - a. For the installation or construction of a berm, swale, level spreader, reverse slope bench or similar measures to better protect down-gradient parcels from storm water runoff, or
 - b. For grading of a slope of up to three horizontal to one vertical (3:1) provided that the total grade change within the yard setback is no greater than would otherwise be permitted.

J. Drainage Standards

1. Any construction or site development activity shall comply with the Drainage Certification Policy of the Town of New Canaan dated July 22, 1999, as amended.
2. Peak flow rates and runoff volumes shall be determined by using the Rational Method, the Time of Concentration Method, the Tabular Method or the Unit Hydrograph Method and a 25-year design storm.

SECTION 6.5. FENCES AND WALLS

A. Purposes

This Section is intended to control the size, location, and type of perimeter fences, freestanding walls, and retaining walls in all zoning districts in order to provide for protection of private property while not infringing on the public safety and general welfare, or on adjoining properties. In addition, this Section is specifically intended to allow such structures to be located within yard setbacks to the extent authorized by this Section.

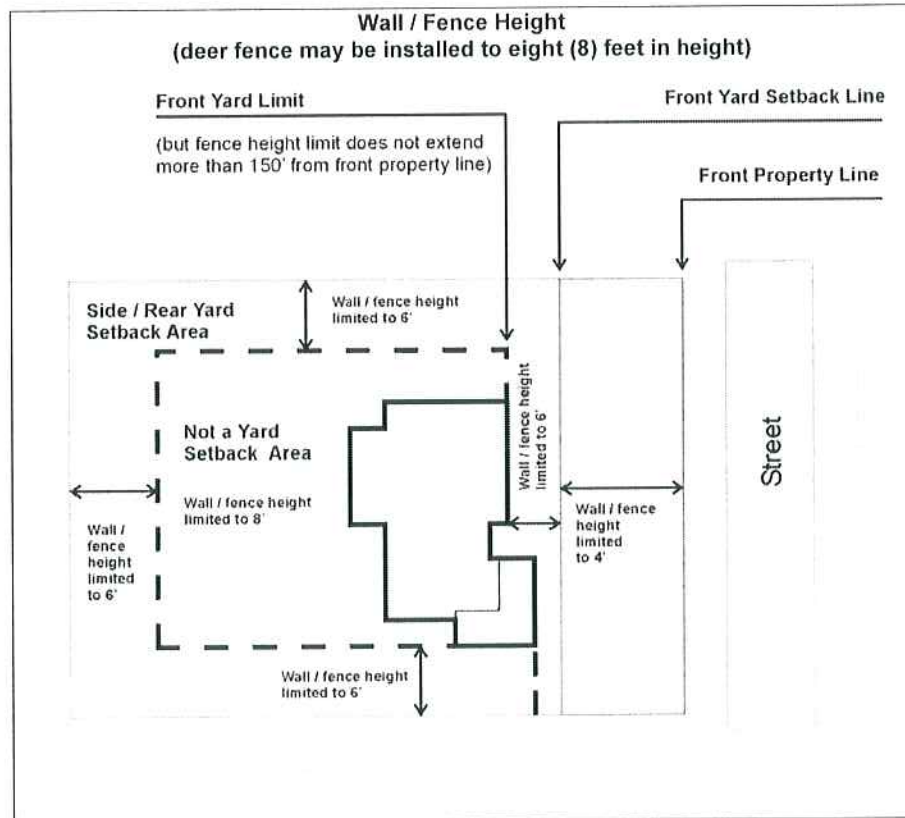
B. Retaining Walls

1. No retaining wall of any kind shall be constructed in a way so as to obstruct corner visibility, as required by Section 6.9 of these Regulations, at intersections of roads, driveways, accessways, or other travel ways.
2. In Residence Zones and Special Zones, no retaining wall shall:
 - a. be located closer than eight (8) feet from any property line in the B Residence Zone,
 - b. ten (10) feet from any property line in any other Residential Zone or a Special Zone, or
 - c. exceed four (4) feet in height.
3. A series of retaining walls shall be separated by a distance at least twice the height of any other generally parallel retaining wall and the area between the retaining walls shall be planted or landscaped to mitigate the appearance of the retaining wall(s).
4. Unless modified by the Commission through granting of a Special Permit, no proposed retaining wall in any Business Zone shall exceed four (4) feet in height.
5. The construction of any proposed retaining wall shall comply with the Drainage Certification Policy of the Town of New Canaan dated July 2, 1999, as amended.
6. A retaining wall four (4) feet or higher above ground level requires the issuance of a Zoning Permit and the plans shall address construction design and drainage within ten (10) feet of the wall.
7. After June 16, 2007, unless modified by the Commission through the granting of a Special Permit, a retaining wall may be combined with an open fence (such as a wrought iron fence or a fence where no more than fifty percent (50%) of the fence is opaque) provided that such fence is not more than forty-two inches (42") high.

Section 6.5

C. Fences and Freestanding Walls

2. No fence, post, column, freestanding wall, or portion thereof shall be constructed in a way so as to obstruct corner visibility, as required by Section 6.9 of these Regulations, at intersections of roads, driveways, accessways, or other travel ways.
3. After June 16, 2007, unless permitted by the Commission through the granting of a Special Permit, no fence and no fence and freestanding wall combination shall exceed the following height limitations:
 - a. Four (4) feet in height above finished grade when in the front yard and located between a front property line and a front yard setback line.
 - b. Six (6) feet in height above finished grade when in a front yard and located between a front yard setback line and a line located 150 feet from a front property line.
 - c. Six (6) feet in height above finished grade between a side or rear property line and a side or rear yard setback line (when not in the front yard setback).
 - d. Eight (8) feet in height above finished grade when located behind the yard setback lines and not in the front yard.



4. Notwithstanding the limitations of Subsection 6.5.C.2, unless permitted by the Commission through the granting of a Special Permit, deer fences may be installed to a height not to exceed eight (8) feet provided that:
 - a. a deer fence installed in a front yard shall be installed in a wooded area and/or shall be screened from the street by landscaping,
 - b. the deer fence and associated appurtenances shall be of a dark or other color to blend with the natural landscape, and
 - c. such fence shall be of open design such that it is not especially visible at a distance of fifty (50) feet.
5. Within the required minimum yard setbacks, the finished or more attractive side of any fence shall face the neighboring property or street.
6. A fence higher than six (6) feet above ground level, except for a deer fence in accordance with Section 6.5.C.3, requires the issuance of a Zoning Permit.
7. Unless modified by the Commission through the granting of a Special Permit, barbed wire shall not be allowed in a Residential zone or within eight (8) feet of ground level in any Retail Zone or any Business Zone, measured above the highest finished grade.
8. Razor wire or its equivalent shall not be permitted in any zone.

Section 6.6

SECTION 6.6. IMPORT / EXPORT OF EARTH MATERIALS**A. Purposes**

This Section is intended to control the importation and exportation of earth materials (such as loam, topsoil, humus, sand, gravel, clay, stone or quarry stone) in order to protect the public safety and general welfare while allowing for normal and customary construction practices.

B. Permitted by Right

1. Importation and exportation of earth material for the purpose of site development in conjunction with construction or alteration of a building or structure is permitted provided such activity is conducted in accordance with:
 - a. the standards of this Section, and
 - b. plans submitted as part of the Zoning Permit and Building Permit issued for the construction or alteration of the building or structure.
2. Importation and exportation of earth material for the purposes of landscaping is permitted provided such activity involves less than 200 cubic yards of material per acre of lot area and the standards of this Section are complied with.

C. Permitted by the Zoning Inspector

Importation and exportation of less than 1,000 cubic yards of earth material per acre of lot area is permitted for other purposes with approval of a Zoning Permit by the Zoning Inspector provided the standards of this Section are complied with.

D. Permitted by the Commission

Unless permitted by Subsection 6.6.B or Subsection 6.6.C, the importation or exportation of earth material shall only occur with the approval of a Special Permit by the Commission.

SECTION 6.7. EROSION AND SEDIMENTATION CONTROL

A. Purpose

This Section is intended to prevent accelerated erosion and sedimentation of land during and after development; reduce the danger from storm water runoff; minimize sediment pollution from land being developed; and prevent detrimental impacts to soil and water resources.

B. Applicability

1. Grading, tree removal, excavation, and similar activities resulting in disturbance of soil or removal of ground cover that is cumulatively more than one-half (1/2) acre in area shall require a soil erosion and sediment control plan certified by the Commission in accordance with the provisions of this Section.
2. Activities resulting in cumulative disturbance of less than one-half (1/2) acre shall not require a certified soil erosion and sediment control plan under this Section, but may be regulated under Section 6.1, Section 6.4, and/or Section 6.6 of these Regulations.

C. Exemptions

1. Farming shall be exempt from the requirement to have a soil erosion and sediment control plan certified by the Commission.
2. The construction of a single family dwelling that is not a part of a subdivision of land shall be exempt from the requirement to have a soil erosion and sediment control plan certified by the Commission. However, development activities accessory to the construction of a single family dwelling, such as but not limited to tennis courts, swimming pools, driveways, septic systems, and cutting of trees, shall not be exempt and may be regulated pursuant to Section 6.1, Section 6.4 and/or Section 6.6 of these Regulations.

D. Minimum Acceptable Standards

1. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
2. Plans for soil erosion and sediment control shall be developed in accordance with this Section, and shall include the information set forth in the plan checklist in the Appendix, using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended.
3. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

Section 6.7

E. Issuance or Denial of Certification

1. The Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this Section or shall deny certification when the development proposal does not comply with the requirements and objectives of this Section.
2. Nothing in this Section shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.
3. Prior to certification, any plan submitted to the Commission may be reviewed by the County Soil and Water Conservation District (established under section 22a-315 of the Connecticut General Statutes and section 22a-315-11 of the Regulations of Connecticut State Agencies) which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan.
4. The Commission may forward a copy of the development proposal to the Environmental Commission or other review agency or consultant for review and comment.

F. Conditions Relating to Soil Erosion and Sediment Control

1. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be required to be covered in a bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 8.1.K of these Regulations.
2. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
4. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.
5. Failure to install or maintain control measures in an appropriate manner shall be grounds for enforcement action.

G. Inspection

1. Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained.
2. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

SECTION 6.8. TRAFFIC MANAGEMENT

A. Purpose

This Section is intended to provide for the maintenance of public safety and avoidance of congestion on public streets by requiring an analysis of the traffic impacts of development activities and requiring mitigation measures, where appropriate.

B. Applicability

A quantitative analysis of traffic to be generated by the proposed development and its probable impact on existing roads and intersections in the area shall be provided by the developer for:

1. any proposed non-residential development containing a gross floor area of ten thousand (10,000) square feet or more, or
2. any development which, in the Commission's judgment, could generate high levels of traffic.

C. Traffic Impact Analysis

The traffic analysis shall be prepared by a qualified traffic engineer and shall include information on:

1. past and present roadway conditions including accidents,
2. existing roadway capacity,
3. existing and proposed sight lines,
4. existing and projected traffic volumes (average daily traffic, peak A.M. and P.M.), and
5. existing and projected volume/capacity ratios based on facts and reasonable generation factors of the site, affected road networks, and intersections.

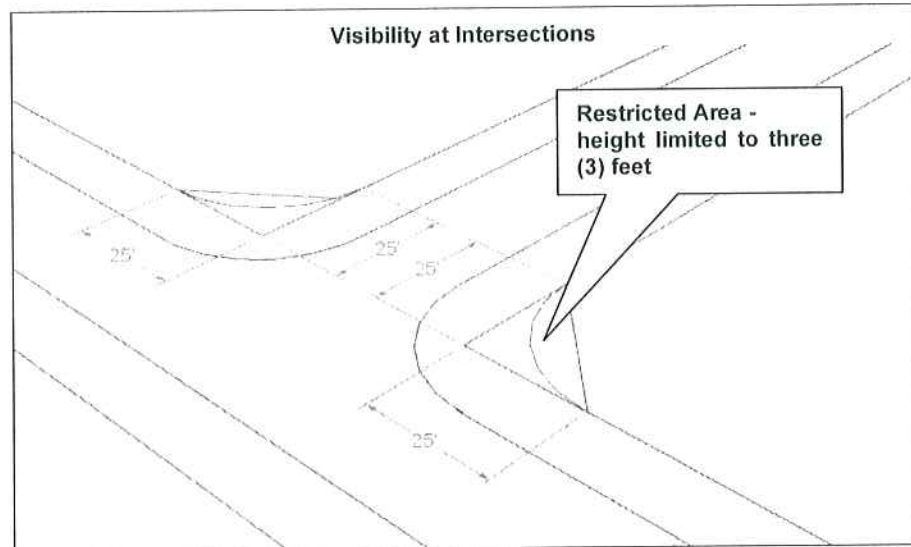
D. Review Considerations

1. In analyzing the traffic impacts of development proposals, the Commission shall consider:
 - a. the effect of the proposed development on traffic conditions on abutting streets,
 - b. the patterns of vehicular circulation in relation to the adjoining street system,
 - c. the adequacy of traffic signalization, traffic channelization, left-turn lanes and roadway widths of adjoining streets,
 - d. the adequacy of vehicular stacking lanes and/or distances,
 - e. the adequacy of pedestrian drop-off areas and,
 - f. the adequacy of other traffic or transportation facilities to accommodate the proposed development.
2. A significant traffic impact shall be presumed where it is projected that the additional traffic resulting from a proposed development shall:
 - a. exceed a volume/capacity ratio of eight-tenths (0.8) on adjacent streets,
 - b. increase the peak hour volume by ten (10) percent or more, or
 - c. reduce the level of service to "D" or lower or further reduce the level of service when it is already at "D or below.
3. The Commission shall not approve a proposed development with a significant traffic impact unless the proposal is revised to mitigate the adverse impacts.

SECTION 6.9. OBSTRUCTIONS AT INTERSECTIONS

A. Visibility at Intersections

On a corner lot or one not on a corner but abutting an accessway at its intersection with a street in any residential zone, no building, structure, fence, wall or obstruction to vision more than three (3) feet in height above the gutter elevation shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which points is twenty-five (25) feet distant from the point of intersection.



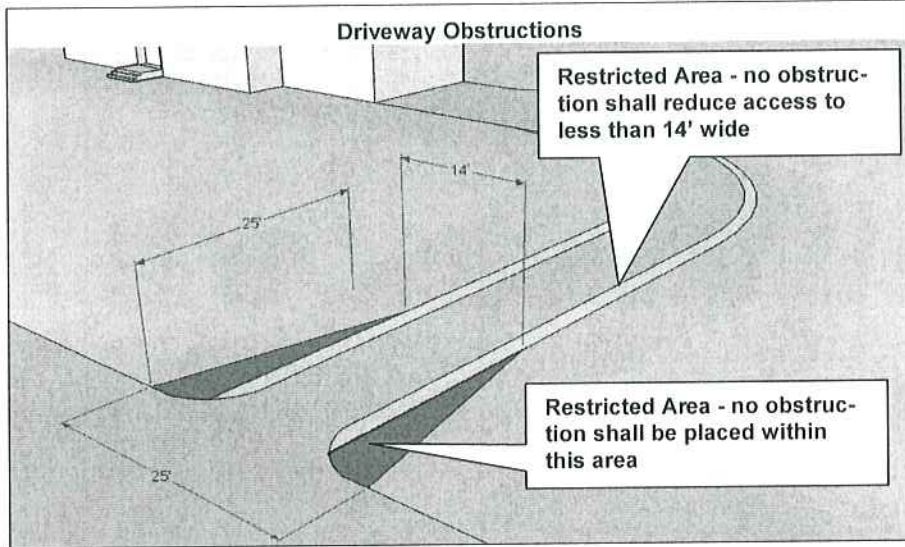
B. Driveway Obstructions

In order to provide adequate room for emergency vehicles to turn into driveways and access all buildings and parcels within the Town of New Canaan, all driveways (including alleys, private roads, and other accessways) shall provide the following minimum clearances for emergency vehicles, regardless of the paved width of the driveways:

1. No building, fence, wall, lamp post, telephone pole, mailbox, or other structure, nor any trees, boulders, or other obstructions shall be erected, placed or installed alongside any driveway so as to reduce the access to less than fourteen (14) feet wide.
2. No building, fence, wall, lamp post, telephone pole, mailbox or other structure, nor any trees, boulders, or other obstructions shall be erected, placed or installed within the triangular areas on either side of the driveway at its intersection with the travel portion of the road, formed by connecting the outer points of a line measured twenty-five (25) feet on the road (centered on the driveway), and a parallel line fourteen (14) feet wide (centered on the driveway) at a distance of twenty-five (25) feet from the travel portion of the road.

3. Where there are automatic gates at driveways, an emergency means of opening the gates shall be provided to the Fire Department.

If all buildings on the parcel are within fifty (50) feet from the traveled portion of the road and can be easily accessed from the road, the Commission or the Zoning Inspector may exempt the parcel from the requirements of this subsection.



SECTION 6.10. SIDEWALKS

Any subdivision or any site plan for commercial or multi-family development located in any zone other than the Four-Acre Residence Zone or the Two-Acre Residence Zone shall include new or reconstructed sidewalks at least four (4) feet in width along the street frontage or frontages of the parcel or parcels, unless the Commission determines that sidewalks are either impractical or unnecessary at that location, considering prospective pedestrian traffic.

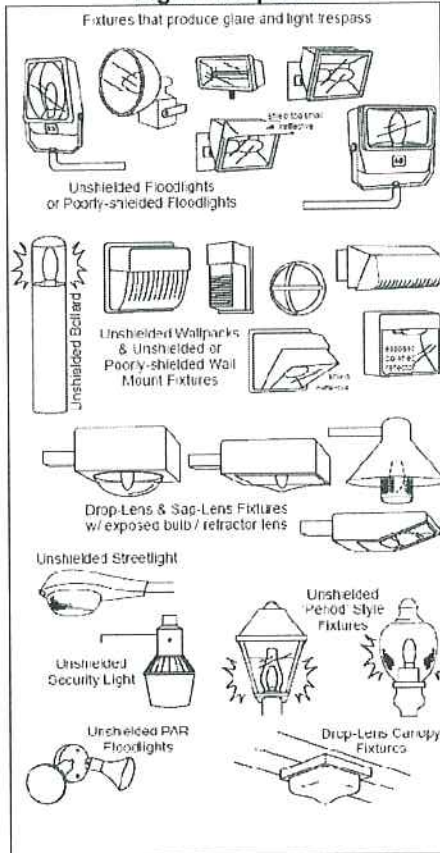
SECTION 6.11. OUTDOOR LIGHTING**A. Purpose**

These Regulations are intended to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare.

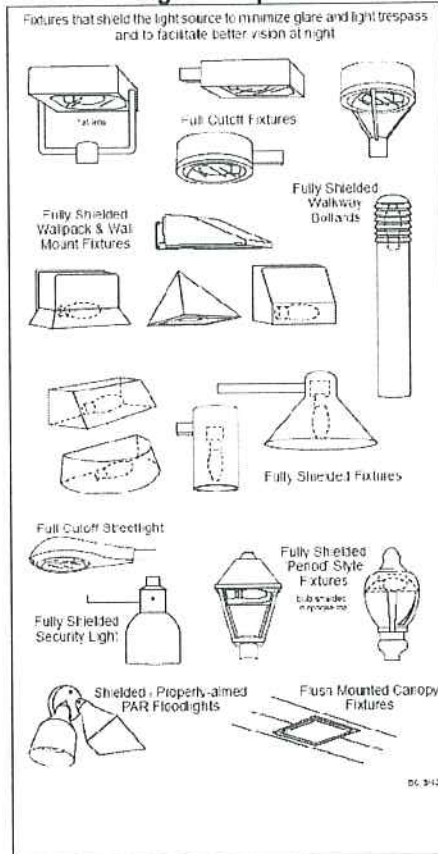
B. Standards

1. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
 - a. prevent direct or objectionable glare or light trespass,
 - b. be shielded to the extent possible,
 - c. employ soft, transitional light levels which are consistent from area to area,
 - d. minimize contrast between light sources, lit areas and dark surroundings, and
 - e. be confined within the target area.
2. In all Residential zones and in all areas adjacent to residential property, no externally-mounted, direct light source directed towards the property line shall be visible at the property line at ground level or above.
3. To reduce off-site glare, lighting fixtures for all parking and pedestrian areas shall be:
 - a. full cut-off type fixtures, or
 - b. fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
4. Lighting fixtures for building security or aesthetics and any display purposes shall, except as may otherwise be approved, be:
 - a. top downward (not upward or sideways), and
 - b. full cut off or fully shielded/recessed.
5. Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that:
 - a. their beams fall within the primary playing area and immediate surroundings, and
 - b. no direct illumination is directed off the site.
6. Lighting designed to highlight flagpoles shall be low level and shall be targeted directly at the flag.
7. All non-essential lighting (such as display, aesthetic, parking and sign lighting) shall be configured for "photocell on - time clock off" operation.
8. Where necessary, lighting for site security may be configured for motion or infrared sensor operation.
9. The height of luminaires, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of thirty (30) feet.

Fixtures Which Might Produce Glare or Light Trespass



Fixtures Which Might Not Produce Glare or Light Trespass



Section 6.11

C. Exemptions and Modifications

1. Traditional seasonal lighting is exempt from these Regulations.
2. Temporary lighting used by the Police Department, Fire Department or Emergency Services is exempt from these Regulations.
3. The Commission may, by Special Permit, allow lighting that does not comply with the requirements of this Section provided the Commission determines, in its sole discretion, that such proposed lighting is consistent with the purpose of these Regulations, in the following cases:
 - a. where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists,
 - b. where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas,
 - c. where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation,
 - d. where special lighting is indicated for historic buildings,
 - e. where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity, or
 - f. where ornamental up-lighting of sculpture, buildings or landscape features shall enhance the character of the area.
4. The Commission may modify the requirements of this Section for a temporary use approved under these Regulations.

SECTION 6.12. DESIGN REVIEW

A. Purpose

This Section is intended to aid applicants in ensuring that their designs are in harmony with the character of the community, encourage high quality building and site design, and result in development which is compatible with the character of the community.

B. Applicability

The following types of applications shall be reviewed as indicated below:

1. Any proposed development, construction, or use in any Retail Zone or any Business Zone shall be reviewed in relation to the design guidelines in Subsection 6.12.D and the design guidelines in Subsection 6.12.E.
2. A principal use or activity permitted by Special Permit in any Residence Zone, except for a two-family house, a rooming house, a bed and breakfast, a group home, or an agricultural use, shall be reviewed in relation to the design guidelines in Subsection 6.12.D.
3. A Special Permit use or activity in a Multi-family Zone, an Apartment Zone, a Waveny Zone, or a Park, Recreation and Open Space Zone shall be reviewed in relation to the design guidelines in Subsection 6.12.D.

C. Procedure

1. The Commission shall review an application in relation to the design guidelines of this Section or may request the assistance of a Design Review Committee or similar organization, if available, in evaluating such plans.
2. Any recommendations or suggestions so received from any Design Review Committee shall not be binding upon the Commission.

D. Design Guidelines

1. Relationship of Buildings to Site and Adjoining Areas

- a. Buildings shall be organized in a coordinated and functional manner that is compatible with site features and the desirable characteristics of adjoining areas.
- b. A unified design theme for building massing, exterior treatments and signage shall be established where harmony in textures, lines, and masses is provided and monotony is avoided.
- c. Parking areas shall be treated appropriately in relation to the building, the neighborhood, and the community.
- d. The height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- e. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
- f. A desirable streetscape and attractive landscape transitions to adjoining properties shall be provided.

Section 6.12

2. Landscape and Site Treatment

- a. Landscape treatment shall be provided to enhance architectural features, shield unsightly areas, provide shade, and relate to the natural environment and topography.
- b. Plant material that is indigenous to the area shall be selected for its ultimate growth and for interest in its shape, texture, and color.
- c. Pedestrian walkways shall provide safe and convenient connections within the site and between adjacent sites and shall be constructed of all-weather materials appropriate for the location (such as brick, concrete, or paving blocks but not earth, gravel, or loose stone).
- d. Existing trees at four (4) inches or greater caliper shall be incorporated into the site plan.

3. Building Design

- a. Architectural features shall be evaluated based on the scale of the building(s), the quality of the design, and the relationship to surroundings.
- b. Facades and rooflines shall be articulated and/or varied to reduce the appearance of bulk and provide architectural interest.
- c. Building materials shall have good architectural character and durable quality and shall be selected for harmony of the building with adjoining buildings.
- d. Building textures, colors, and components shall be selected for harmony of the building with adjoining buildings.
- e. Utility and service equipment areas shall be screened from public view with materials harmonious with the building.

4. Signs and Lighting

- a. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates and shall be coordinated with the building architecture.
- b. Exterior lighting, where used, shall enhance the building design and the adjoining landscape.
- c. Lighting shall be restrained in design and excessive brightness avoided.

E. Additional Village District Considerations

1. Design Guidelines

- a. Special attention shall be paid to protecting the distinctive character, landscape, and historic structures within the Village District.
- b. The removal or disruption of historic, traditional, or significant structures or architectural elements shall be avoided or minimized.
- c. The conversion, conservation, and preservation of existing buildings and sites in a manner that maintains the historic or distinctive character of the Village District is encouraged.
- d. The exterior of structures or sites shall be consistent with:
 - i. the "Connecticut Historical Commission - The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", revised through 1990, as amended; or
 - ii. the distinctive characteristics of the district identified in the New Canaan Plan of Conservation and Development.
- e. Proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, the terrain in the district, and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification.
- f. All spaces, structures, and related site improvements visible from public roadways shall be designed to be compatible with the elements of the area of the Village District in and around the proposed building or modification.
- g. The color, size, height, location, proportion of openings, roof treatments, building materials, and landscaping of commercial or residential property, and any proposed signs and lighting, shall be evaluated for compatibility with the local architectural motif.
- h. Maintenance of views, historic buildings, monuments, and landscaping shall be encouraged.

Section 6.12

2. Procedures

- a. The Commission shall select and contract with one or more Village District consultants.
- b. Such Village District consultant shall be:
 - i. a registered architect or an architectural firm,
 - ii. a licensed landscape architect, or
 - iii. a planner who is a member of the American Institute of Certified Planners.
- c. Alternatively, an architectural design review board may be designated as the Village District consultant 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.
- d. All applications shall be subject to review and recommendation by the Village District consultant designated by the Commission as the Village District consultant for such application.
- e. The Village District consultant shall review an application and report to the Commission within thirty-five (35) days of receipt of the application.
- f. Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision.
- g. 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.
- h. The Commission may seek the recommendations of any Town or regional agency or outside specialist including, but not limited to, the regional planning agency, the New Canaan Historical Society, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources.
- i. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

ARTICLE 7 - SPECIAL PROVISIONS

SECTION 7.1. NONCONFORMING CONDITIONS

A. Nonconforming Uses

1. Any nonconforming use of buildings or land lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming use.
2. No nonconforming use may be changed except to a conforming use or, with the approval of a Special Permit by the Commission, to another nonconforming use of a less objectionable character.
3. No nonconforming use shall, once changed to a more conforming use, be changed to a less conforming use.
4. No nonconforming use which has been discontinued for a period of one (1) year shall thereafter be resumed or replaced by the same or any other nonconforming use unless:
 - a. the owner or owners of the property containing said nonconforming use, prior to the expiration of said one-year period, shall have filed with the Commission a notarized statement of intent not to discontinue such nonconforming use and a copy thereof is filed on the Town Land Records, or
 - b. the building containing the nonconforming use is being restored, in accordance with Subsection 7.1.B.4, following damage by fire, explosion accident, force majeure, act of nature, or act of a public enemy.
5. No nonconforming use, and no portion of a building containing a nonconforming use, shall be extended or expanded unless such extension or expansion receives approval of a Special Permit by the Commission.
6. Alterations to a structure containing a nonconforming use may be made provided:
 - a. the alterations are structural in nature and do not materially alter the characteristics or exterior appearance of the structure, or
 - b. the alterations are solely cosmetic in nature and, in the opinion of the Commission, shall reduce any potential negative impacts of the nonconforming use, or
 - c. the structure has been damaged by fire, explosion, accident, force majeure, act of nature, or act of a public enemy and shall be replaced in accordance with Subsection 7.1.B.4.

Section 7.1

B. Nonconforming Structures

1. Any nonconforming structure lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming structure.
2. A nonconforming structure in a single-family residential zone (A-zone and larger lot size zones) may only be enlarged provided such enlargement:
 - a. complies with applicable parts of these Regulations for the specific use and zone, or
 - b. receives a variance from the Zoning Board of Appeals.
3. A nonconforming structure in any business or commercial district, B Residence Zone, Apartment Zone or Multi-Family Zone may only be enlarged provided such enlargement:
 - a. complies with applicable parts of these Regulations for the specific use and zone, or
 - b. receives approval of a Special Permit by the Commission in accordance with the standards of Subsection 8.2.B.4.
4. Any nonconforming structure which has been damaged by fire, explosion, accident, force majeure, act of nature, or act of a public enemy may be repaired, restored, rebuilt, or replaced to the same extent as it was immediately prior to said destruction provided:
 - a. such repair, restoration, rebuilding, or replacement:
 - i. does not extend nor expand the previously existing nonconforming structure unless approved by the Commission by granting of a Special Permit in accordance with the standards of Subsection 8.2.B.4,
 - ii. shall be initiated within six (6) months of the date of such destruction, and
 - iii. shall be completed within eighteen (18) months of the date of such destruction.
 - b. the Commission may, upon written application made to it, extend the time period for initiation and/or completion for an additional period, not to exceed six (6) months.
 - c. in the event of a failure to begin such repair, restoration, rebuilding, or replacement in accordance with the above time period, said right shall be lost, and such nonconforming structure shall not thereafter be restored or continued.
5. A nonconforming structure may only be otherwise repaired, restored, rebuilt, replaced, or altered if such alterations:
 - a. do not increase the non-conforming aspect of the structure, and
 - b. comply with other applicable parts of these Regulations for the specific use and zone, and do not result in the repair or replacement of more than fifty percent (50%) of the existing structure.

C. Nonconforming Parcels

Any nonconforming parcel lawfully existing at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming parcel provided that such parcel has not, once becoming non-conforming, been in the same ownership as an abutting parcel. If such parcel has been in the same ownership as an abutting parcel, such parcels shall, for zoning purposes, be considered to be merged to create a conforming lot or a more conforming parcel.

SECTION 7.2. TEMPORARY AND CONDITIONAL PERMITS

1. The Commission may authorize the Zoning Inspector to issue a Zoning Permit on a temporary and conditional basis for principal or accessory uses or activities not conforming to these Regulations.
2. Any such temporary and conditional permit shall not be extended beyond what may be authorized by the Commission nor shall any such use or activity be converted or altered to a nonconforming use.

SECTION 7.3. LAND IN TWO MUNICIPALITIES

Where a parcel of land is located partially in New Canaan and partially in an adjoining town, no Zoning Permit shall be issued for the construction of a building on such parcel unless:

1. all of that part of the building used for human habitation is located entirely within one Town, and
2. all accessory buildings used for human habitation in connection therewith are located in the same Town.

SECTION 7.4. TRAILERS

1. Temporary construction trailers shall obtain a Zoning Permit.
2. Trailers shall not be used for human habitation except for an emergency as determined by the Zoning Inspector and then only on a temporary basis.
3. Except as provided above, trailers shall not be used or employed for any use of any kind without approval of a Special Permit by the Commission.

SECTION 7.5. SALE OF ALCOHOLIC LIQUOR

No building, premises or land or any part thereof shall hereafter be used for the sale of alcoholic liquors as defined in the Liquor Control Act, except:

1. In a Wavenny Zone,
2. In any Retail Zone or any Business Zone, or
3. By a club or hotel legally conducted in a Residence Zone.

Section 7.6

SECTION 7.6. AFFORDABLE HOUSING**A. Inclusionary Zoning Fee****1. Authority**

This Subsection is adopted under the authority of Section 8-2i of the Connecticut General Statutes.

2. Applicability

All applications for a zoning permit for any new building construction or addition (excluding interior renovation) in any zone shall be accompanied by an inclusionary zoning fee of \$10.00 per \$1,000 of construction value, to be paid into a housing trust fund to be used for constructing, rehabilitating or repairing housing affordable to persons and families of low and moderate income.

3. Exemptions

The following applications shall be exempt from this fee:

1. Any application submitted on behalf of the United States of America, the State of Connecticut, the Town of New Canaan, the New Canaan Board of Education, the New Canaan Housing Authority, or any of their agencies;
2. Any application for any construction in an affordable housing development approved in accordance with the requirements of CGS 8-30g;
3. Any application for a dwelling unit designated as affordable housing that complies with the affordability criteria and other requirements of CGS 8-30g in effect on the date of approval.

B. Affordable Housing Developments

For any affordable housing development, the following requirements shall apply:

1. After June 18, 2005, any proposed affordable housing development shall submit a Housing Affordability Plan to the Commission and the development shall thereafter conform to the Housing Affordability Plan approved by the Commission.
2. Any affordable housing development approved prior to June 18, 2005 shall comply with the affordability criteria and other requirements of CGS 8-30g which were in effect on the date the application was applied for and subsequently approved.
3. Unless otherwise provided in the Housing Affordability Plan approved by the Commission,
 - a. construction quality of affordable housing units shall be comparable to market-rate units within the development,
 - b. affordable housing units shall be dispersed throughout the development,
 - c. affordable housing units shall be built on a pro rata basis as construction proceeds,
 - d. occupancy of affordable housing units shall be restricted to persons and families eligible under State law, and
 - e. the New Canaan Housing Authority shall be designated as the municipal agent monitoring the enforcement of the standards contained in the definition of an affordable housing development.

SECTION 7.7. PRESERVATION OF HISTORIC STRUCTURES

A. Purpose

In order to encourage the preservation of structures contributing to positive aspects of community character, the Commission may, by Special Permit, allow a minimum area or dimensional requirement (such as minimum yard setback) to be reduced or a maximum area or dimensional requirement (such as maximum building coverage) to be exceeded in accordance with the following standards.

B. Historic Structure Designation Criteria

1. For purposes of this Section, structures may, upon application by the owner, be designated as historic structures by the Commission where said structures are seventy five (75) years old or older, and are found by the Commission to be directly associated with the history of the subject property and:
 - a. exemplify or reflect the broad cultural, political economic or social history of the nation, state or Town; or
 - b. are identified with historic personages or with important events in the national, state or local history; or
 - c. embody the distinguishing characteristics of an architectural type inherently valuable for study of a period, style, method of construction or of indigenous materials or craftsmanship; or
 - d. are representative of a notable work of a master builder, designer or architect who influenced his or her age; or
 - e. have yielded, or may be likely to yield, information important to history.
2. The Commission encourages property owners to seek designation of historic significance from local, state or federal organizations and to display appropriate historic plaques.

C. Application Requirements

1. Application for the Special Permit shall be made in the form prescribed by the Commission, consistent with all applicable provisions of these regulations particularly Subsection 8.2.B.4 and shall contain, at a minimum:
 - a. accurate exterior elevations or photographs of each side, of each historic structure proposed to be preserved,
 - b. a survey map and other documentation sufficient to establish the historic, cultural, or architectural significance of the historic structure and compliance with the standards set forth in Subsection 7.7.B and any other standards contained in these regulations as determined applicable by the Commission.
2. The Commission shall determine, in its sole discretion, from factual evidence or expert opinion that:
 - a. the structure in question contributes to community character or possesses a degree of historic significance (which may be evidenced by its age, architectural uniqueness, or cultural value) which would represent a cultural benefit to the community if preserved, and,
 - b. the structure in question requires some measure of regulatory relief to allow for its preservation.

Section 7.7

D. Considerations

1. When considering an application or any action regarding a use or a structure under this Section the following shall apply:
 - a. the maximum variation allowable by the Commission, of any applicable regulation, shall be 75% of the regulation requirement, and
 - b. the Commission may solicit pertinent information from outside experts such as the Historical Society, architectural consultants, historians or any other person(s) it may find as qualified to comment and provide information on the subject application.
2. When reviewing Special Permits under this Section, the Commission shall, in addition to the Special Permit Criteria of Section 8.2.B.4, consider and determine in each case whether the proposal will:
 - a. have a positive or negative effect on the orderly growth and development of the area,
 - b. promote the general welfare of the residents of the Town,
 - c. adversely affect safety in the streets,
 - d. permit the retention of historic structures that would be in scale and compatible with surrounding structures,
 - e. allow for the preservation of historic structures having special historical, cultural and/or architectural merit, including in the Commission's sole discretion, but not limited to structures retaining historical integrity of those features related to history, architecture and/or construction methods, and
 - f. further the stated goals and policies of the current Plan of Conservation and Development.
3. After the required Public Hearing is held and findings are made, the Commission may, in its sole discretion, allow an area or dimensional requirement to be reduced or exceeded, up to the maximum allowed by Subsection 7.7.D.1.a.

E. Limitations

1. Once a Special Permit has been granted under this Section, the historic structure shall not be relocated or modified in any way unless such modification or relocation is approved by the Commission. If a modification is proposed as minor in nature, the Commission may delegate approval to the Zoning Inspector upon submission of appropriate information.
2. Any Special Permit granted under this Section shall prescribe the specific conditions to be observed and structural appearance to be maintained for the preserved structure. Any unauthorized deviation from these conditions shall constitute a nullification of the Special Permit approval. Upon such nullification, the property may be subject to any and all legal means available to the Commission to correct any unauthorized work at the property owners expense, or may be subject to any other enforcement action the Commission, through the Zoning Inspector, deems necessary. In addition, any permits issued subsequent to the granting of the Special Permit may be voided and the work associated with any such permit may be required to be removed.
3. Any proposed modifications to the structure or the use of the structure shall be made known to the Commission at the time of the Special Permit application. Any subsequent changes to the use or the structure shall only be accomplished as specified herein. Emergency repairs may be made by the owner as a result of fire or other similar type damage and the Zoning Inspector shall be notified not later than 72 hours after the repair or stabilization is initiated.
4. Any significant maintenance requirements to any structure covered by this regulation shall be done promptly by the owner. Failing this, the owner shall be notified that, if the maintenance requirements of the original Special Permit are not complied with, the Special Permit may be determined to be violated and may be nullified by the Commission.
5. Any change in use of any structure which has an approved Special Permit may only be authorized by application to, and approval by, the Commission. Said application shall contain all relevant information pertaining to the previously approved and proposed change of use for the historic structure. The Commission shall determine if the proposed change in use is appropriate and in keeping with the intent of the original Special Permit granted for the subject historic structure according to the standards referenced in this Section.

SECTION 7.8. TELECOMMUNICATION FACILITIES**A. Purpose**

These regulations are intended to establish guidelines and standards for the siting of antenna facilities in Town in order to protect the public safety and general welfare and, through design, siting, and screening, to minimize any adverse visual and operational effects.

B. No Permit Required

1. **Residential Household Antenna** - An antenna used solely for residential household television and radio reception provided any such antenna meets required setbacks and does not exceed the maximum total building height for the zoning district in which it is located.
2. **Residential Satellite Dish Antenna** - A satellite dish antenna in a residential zone provided it is not visible from the street and:
 - a. the dish antenna measures 1 meter (3.28 feet) or less in diameter.
 - b. a building-mounted installation complies with yard setback and total building height standards for a principal structure.
 - c. a ground-mounted installation is located in the rear yard and complies with yard setback and total building height standards for an accessory structure.

C. Permitted by Zoning or Other Permit

1. **Commercial Satellite Dish Antenna** - A ground-mounted or roof-mounted satellite dish antenna in a Retail or Business zone provided:
 - a. the dish antenna measures 2 meters (6.56 feet) or less in diameter.
 - b. the dish antenna is screened from public view.
2. **Amateur Radio Antenna** - An amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC provided:
 - a. a ground-mounted installation is located in the rear yard.
 - b. a building-mounted installation is affixed to the rear of the residential structure.
 - c. any tower and antenna combination is less than 40 feet in total height and is erected no nearer to any property line than a distance equal to the vertical height of the tower and antenna.
 - d. a suitable safety fence may be required to be erected to preclude unauthorized access.
3. **Existing Tower Repair** - Repair of existing towers and antennas, provided there are no changes in design, height or appearance.

D. Permitted by Site Plan Approval

1. **Other Residential Antenna** - An antenna that does not comply with Subsection 7.8.B. or Subsection 7.8.C. and is;
 - a. used solely for residential household television and radio reception,
 - b. a satellite dish antenna in a residential zone, or
 - c. is an amateur radio antenna owned and operated by an amateur radio operator licensed by the FCC.
2. **Commercial Satellite Dish Antenna** - A ground-mounted or roof-mounted satellite dish antenna in a Retail or Business zone that does not comply with Subsection 7.8.C.

E. Permitted by Special Permit

1. **Other Antennas on Existing Structures.** Any other antenna which is not attached to a tower, provided:
 - a. The antenna complies with all applicable FCC and FAA regulations;
 - b. The antenna complies with all applicable building codes;
 - c. The antenna does not extend more than 10 feet above the highest point of the structure; and
 - d. The antenna is completely screened or designed and installed to be architecturally compatible with the structure in question.
2. **New Public Safety Tower or Antenna** - A new antenna tower intended and used primarily for the purpose of police, fire, ambulance, and/or other emergency services or similar emergency communications.
3. **New Tower or Antenna on Town-Owned Property** - A new antenna located on property owned, leased or otherwise controlled by the Town of New Canaan.
4. **New Tower or Antenna** - Any new tower or antenna not regulated by the Connecticut Siting Council.

F. Requirements for Special Permit Applications**1. Application Requirements**

- a. Each application shall include documentation that a licensed carrier or an authorized emergency services organization is either an applicant or a co-applicant on the application.
- b. Each application shall include documentation that the proposed facility will not cause any interference with any emergency or public safety radio system.
- c. Each application shall include documentation showing how the proposed facility will accommodate emergency service communications for police, fire and ambulance services or a statement from each organization that such accommodation is not desired.
- d. Each application shall include documents indicating that:
 - i. all towers, antennas, and/or equipment to be installed meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.
 - ii. if such standards and regulations are changed, then the owners of the towers and antennas governed by this regulation shall bring such towers and antennas into compliance.
- e. Each application shall include documentation regarding noise emission from equipment and identify appropriate steps to provide soundproofing so that any noise above ambient levels is inaudible at the property line.
- f. Each application shall include a written maintenance plan for the site, including, but not limited to, all facilities including landscaping at the site.

2. Visual Considerations

- a. Towers and antenna and appurtenances shall be painted a neutral color or other such finish as determined by the Commission so as to minimize visual obtrusiveness.
- b. The design of the equipment, buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- c. If an antenna is installed on a structure other than a tower, the antenna and supporting equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.
- d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority and specifically authorized by the Commission.
- e. No signs shall be allowed on any antenna, facility, or tower unless required by an overriding legal authority, except that a 2 square foot sign is required to be posted showing the emergency contact and telephone number.

3. Equipment Considerations

- a. Any equipment cabinets or other appurtenances used in association with the tower or antenna shall be clearly shown as part of the application including how such equipment is designed to blend with the surrounding landscape or be obscured from adjacent properties and streets
- b. Security fencing, no more than six feet in height, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.
- c. Landscaping, including buffering, may be required by the Commission around the antenna, tower, and equipment depending on the nature of the installation.

ARTICLE 8 - PROCEDURES

SECTION 8.1. GENERAL PROCEDURES

A. Application Submittal Requirements

1. Applications to the Commission or Board shall be submitted to the Planning and Zoning Office.
2. Applications shall be submitted on forms obtained from the Planning and Zoning Office for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any application fee.
4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
5. Applications shall be signed by the applicant and, if applicable, the owner of the property affected.

B. Date of Receipt

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

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

C. Incomplete Applications

1. Each application shall be reviewed by the Planning and Zoning Office to determine whether the application is substantially complete.
2. An application requiring approval from the Commission or Board shall not be considered actually complete until all of the information as required by these Regulations, the Commission, or the Board has been received by the Commission or the Board at a regularly scheduled meeting.
3. An incomplete application or an application submitted without the requisite fee may be denied.

D. Sequence of Hearings

Where a proposed development or activity requires multiple applications, the Commission or the Board may conduct any public hearings simultaneously or in the order they deem appropriate.

E. Consultations

1. On any application, the Commission or Board may seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications.
2. On any application, the Commission or Board may retain an architect, landscape architect, professional land use planner, or other consultant to review, comment, and guide its deliberations on any application, and require that the applicant:
 - a. deposit funds with the Commission for the costs of any consulting review fees, or
 - b. reimburse the Commission for the cost of such consulting review.

F. Notice by Newspaper

1. When a public hearing is required by these Regulations or scheduled by the Commission or Board, the Planning and Zoning Office shall cause notice of the hearing to be published in a newspaper having a substantial circulation in New Canaan.
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.

G. Notification of Property Owners

1. When required by these Regulations, the applicant shall notify owners of property within one hundred (100) feet of the subject property (including owners of individual condominium units), whether inside or outside New Canaan, of a pending application by mailing a notice at least ten (10) days prior to the first scheduled hearing. In accordance with CGS 8-7d(d) as amended by PA 06-80, the Commission is exempt from this requirement.
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 first scheduled hearing, and
 - c. a copy of the application form submitted to the Commission or the Board.
3. Notices to such property owners shall be sent via "Certified United States 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. The latest records of the Town Assessor 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 Zoning Inspector and the Commission or Board.
5. Prior to the first scheduled hearing regarding the application, the applicant shall submit the following to the Planning and Zoning Office 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" issued by the United States Postal Service.

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H. Notification of Abutting Municipalities

1. In accordance with CGS 8-7d(f), the Commission or Board 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 to the Planning and Zoning Office 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.

I. Notification of Water Companies

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 or Board concerning any project on any site that 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 or said commissioner has filed a map with the Commission or the Board and on the New Canaan land records showing the boundaries of the watershed.
2. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven days after the date of the day of the submission to the Planning and Zoning Office.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning and Zoning Office 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.

J. Beneficiaries of a Trust

Any person who makes an application to the Commission or Board 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.

K. 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 Zoning Inspector 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.
 - 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.
 - e. Other form of bond (such as a performance bond) acceptable in form and substance to the Town.
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 has submitted a letter 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, through submission of a set of detailed "Record" plans on mylar, that all improvements and other work are in accordance with submitted site plans.
3. Any cost of collecting a bond, including without limitation, attorney, bank and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released in Subsection 8.1.K.2.

SECTION 8.2. COMMISSION PROCEDURES**A. Site Plan Application****1. Application Requirements**

- a. A Site Plan Application shall be submitted:
 - i. for any activity designated in the Regulations as requiring Site Plan Approval,
 - ii. in a Residential zone, for any construction, development, expansion, or major alteration of a multi-family use or non-residential use, or,
 - iii. in any Retail Zone or any Business Zone, for any construction, development, expansion, or major alteration of any use including any alteration in site improvements such as parking, pedestrian or vehicle circulation, public utilities or reduction of landscaping.
- b. A Site Plan Application shall be accompanied by five (5) full-size (24" by 36") and twelve (12) reduced-size (11" by 17") copies of detailed plans, signed and sealed by an appropriate professional, for review by the Commission and its designees that comply with the requirements in the Appendix of these Regulations.
- c. The Commission may, in accordance with the requirements of these Regulations and the Appendix of these Regulations, require the submission of additional information as deemed necessary to make a reasonable review of the application.
- d. If a Site Plan 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 Environmental Commission not later than the day such application is filed with the Commission.
- e. 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.

2. Proceedings

- a. The date of receipt for the Site Plan Application shall be determined in accordance with Subsection 8.1.B.
- b. An incomplete Site Plan Application may be denied in accordance with Subsection 8.1.C.
- c. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission:
 - i. may hold a public hearing on the application, and
 - ii. if such hearing is to be held, shall require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.1.G. of these Regulations.

- d. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.
- e. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.
- f. Whenever a Site Plan Application is required in conjunction with another application requiring a public hearing (such as a Special Permit Application or a Zone Change Application):
 - i. the time period for acting on the Site Plan Application shall coincide with the time period for acting on the related application, and
 - ii. a decision on the application shall be rendered within sixty-five days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five days.
- g. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five 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 total period of any such extension or extensions shall not exceed sixty-five days.
- h. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Environmental Commission, the time period for a decision shall be extended to thirty-five days after the decision of such agency.
- i. Approval of a site plan shall be presumed unless a decision to deny or modify it is rendered within the applicable time period specified above (approval as a result of failure of the Commission to act).
- j. The applicant may, at any time prior to action by the Commission, withdraw such application.

3. Decision Considerations

- a. On a Site Plan Application involving an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the Commission shall:
 - i. wait to render its decision until the Environmental Commission has submitted a report with its final decision, and
 - ii. give due consideration to any report of the Environmental Commission when making its decision.
- b. On a Site Plan Application involving notice to adjoining municipalities under Subsection 8.1.H or notice to water companies under Subsection 8.1.I, the Commission shall give due consideration to any report or testimony received.
- c. Before the Commission approves a Site Plan Application, it shall determine that the application is in conformance with the applicable provisions of these Regulations.

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- d. Before the Commission approves a Site Plan Application, it shall consider the following:
 - i. the nature, location, height, and design of buildings, structures (including walls and fences), and landscaping on the site,
 - ii. the nature, adequacy, and arrangement of driveways and parking facilities,
 - iii. the nature and arrangement of any site lighting and any loudspeakers or noise-making devices,
 - iv. the availability of adequate sewerage, water supply, drainage, and fire and police protection,
 - v. the proposed location and configuration of any signage, including any sign lighting and any signage for traffic control,
 - vi. the proposed location and configuration of any outdoor storage areas including trash receptacles and proposed screening,
 - vii. the preservation or enhancement of the character of the neighborhood,
 - viii. conformity with any other applicable laws, codes or ordinances, and
 - ix. the recommendations, if any, of all solicited departments, boards and commissions.
- e. In approving a Site Plan Application, the Commission may impose conditions deemed necessary to protect the public health, safety, welfare, convenience, and property values.
- f. The Zoning Inspector may require that a bond be posted, in an amount and form acceptable to the Zoning Inspector, to ensure:
 - i. that adequate erosion and sediment control measures are installed and maintained, before any Zoning Permit is issued for activities shown on the approved plan, and
 - ii. that all of the improvements shown on the approved plan are implemented before a Zoning Permit related to issuance of a Certificate of Occupancy is granted.
- g. The Commission shall not approve any Site Plan for any property on which there exists a zoning violation, unless such Site Plan application will remedy such violation.

4. Action Documentation

- a. Whenever it grants or denies a Site Plan Application, the Commission shall state upon its record the reason(s) for its decision.
- b. The Commission shall send, by certified mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
- c. The Commission shall cause notice of the approval or denial of site plans to be published in a newspaper having a substantial circulation in New Canaan within fifteen (15) days after such decision is rendered.
- d. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.
- e. On any application for which the period for approval has expired and on which no action has been taken, the Commission 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 expires.

5. Following Approval

- a. Following approval of a Site Plan Application, two (2) fixed-line mylar copies of the approved plan(s) shall be submitted to the Planning and Zoning Office:
 - i. bearing the raised seal and signature of the appropriate professionals which prepared the drawing(s),
 - ii. bearing a copy of the decision letter of the Commission and any other town regulatory agencies authorizing the activity, and
 - iii. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.
- b. Following signature by the Chairman, such plans shall be filed in the office of the Building Official before any Building Permits are issued for the activities shown on the approved plan.
- c. Proposed modifications to approved site plans shall be submitted to the Zoning Inspector for review and such proposed modifications may be:
 - i. approved by the Zoning Inspector if minor in nature, or
 - ii. submitted to the Commission for additional review if they propose major changes (i.e., additional building floor area, alteration of building location, etc.).
- d. 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.

6. Expiration and Completion

- a. Any Site Plan Application under which no work is commenced within twelve (12) months from the date of approval, shall expire unless the Commission shall provide for a longer time period not to exceed twenty-four (24) months from the date of approval.
- b. 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 unless the Commission shall have granted an extension of the time to complete work in connection with such site plan.
- c. The Commission may grant one (1) or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such site plan.
- d. The Commission may condition the approval of such extension on a determination of the adequacy of any bond or other surety.

Section 8.2

B. Special Permit Application**1. Application Requirements**

- a. A Special Permit Application shall be submitted for any activity designated in the Regulations as requiring a Special Permit.
- b. Each application for a Special Permit shall be accompanied by a Site Plan Application unless the Zoning Inspector finds that there are no physical changes proposed to the site or any building or structure and the submission of a Site Plan Application is not necessary for the Commission to evaluate the proposal.
- c. A Special Permit Application shall be accompanied by twelve (12) copies of the following information:
 - i. a detailed statement describing the existing and proposed use or uses,
 - ii. a detailed statement describing how the Special Permit criteria in Subsection 8.2.B.4 are satisfied, and
 - iii. any approval from any local, regional, state or federal agency or department having jurisdiction over any aspect of the application, if such approval has been obtained at the time of application.
- d. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
- e. If a Special Permit 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 Commission not later than the day such application is filed with the Commission.

2. Proceedings

- a. The date of receipt of the Special Permit Application shall be determined in accordance with Subsection 8.1.B.
- b. An incomplete Special Permit Application may be denied in accordance with Subsection 8.1.C.
- c. The Commission shall hold a public hearing on the Special Permit Application and:
 - i. publish a legal notice in accordance with the requirements of Subsection 8.1.F. of these Regulations, and
 - ii. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.1.G of these Regulations.
- d. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.
- e. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.
- f. 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 total extension of all such periods shall not be for longer than sixty-five (65) days.
- g. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
- h. The applicant may, at any time prior to action by the Commission, withdraw such application.
- i. The applicant shall bear the burden of demonstrating that any applicable Special Permit Criteria in these Regulations are satisfied.

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3. Decision Considerations

- a. On a Special Permit Application involving an activity regulated pursuant to CGS 22a-36 to 22a-45, inclusive, the Commission shall:
 - i. wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
 - ii. give due consideration to any report of the Inland Wetlands Commission when making its decision.
- b. On a Special Permit Application involving notice to adjoining municipalities under Subsection 8.1.H or notice to water companies under Subsection 8.1.I, the Commission shall give due consideration to any report or testimony received.
- c. Before the Commission approves a Special Permit Application, it shall determine that the application:
 - i. is in conformance with the applicable provisions of these Regulations,
 - ii. has, in the sole discretion of the Commission, satisfied all applicable Special Permit criteria in these Regulations, and
 - iii. is in harmony with the purposes and intent of these Regulations.
- d. Before granting a Special Permit, the Commission shall determine that any accompanying Site Plan Application is in conformance with the applicable provisions of these Regulations.
- e. In granting a Special Permit, the Commission may:
 - i. stipulate such conditions as 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 better overall neighborhood compatibility, and
 - ii. impose additional requirements, conditions or safeguards as a prerequisite to the issuance of the Zoning Permit by the Zoning Inspector, if it shall be found necessary in order that the spirit of these Regulations may be observed, public safety and welfare secured or substantial justice done.
- f. Any condition or safeguard attached to the granting of a Special Permit:
 - i. shall remain with the property as long as the Special Permit use is still in operation, and
 - ii. shall continue in force and effect regardless of any change in ownership of the property.
- g. The Commission shall not approve any Special Permit for any property on which there exists a zoning violation, unless such Special Permit application will remedy such violation.

4. Special Permit Criteria

In considering any application for a Special Permit, the Commission shall evaluate the merit of the application with respect to the following factors:

a. Suitable Location For Use

The location and size of the site, the nature and intensity of the operations involved in or conducted in connection with the use, and the location of the site with respect to streets giving access to it are such that the use shall be in harmony with the appropriate and orderly development in the district in which it is located and shall promote the welfare of the Town.

b. Appropriate Improvements

- i. The design elements of the proposed development will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the character and desirable development of the area or neighborhood in which the use is proposed to be located.
- ii. The location, nature and height of buildings, walls, and fences, planned activities and 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.
- iii. The proposed use or activity shall have no adverse effect upon the neighboring area resulting from the use of signs, exposed artificial lights, colored lights of any nature, flashing lights, loudspeakers or other noisemaking devices.
- iv. In cases where it is proposed to convert a structure designed and built originally for other uses, the structure is adaptable to the proposed use from the point of view of public health and safety.

c. Suitable Transportation Conditions

- i. The design, location and specific details of the proposed use or activity shall not adversely affect safety in the streets nor unreasonably increase traffic congestion in the area nor interfere with the pattern of vehicular circulation in such a manner as to create or augment unsafe traffic conditions.
- ii. Parking area or areas will be of adequate size for the particular use, shall be suitably screened from adjoining residential uses, and entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.
- iii. Streets and other rights-of-way shall be of such size, condition and capacity (in terms of capacity, width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use.

d. Adequate Public Utilities and Services

- i. The provisions for water supply, sewage disposal, and storm water drainage conform to accepted engineering practices, comply with all standards of the appropriate regulatory authority, and shall not unduly burden the capacity of such facilities.
- ii. 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.

e. Environmental Protection and Conservation

Appropriate consideration shall be given to the protection, preservation, and/or enhancement of natural, scenic, historic, and unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve natural, scenic, historic, or unique features which enhance the character and environment of the area.

f. Long Term Viability

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

g. Plan of Conservation and Development

The proposed use or activity does not conflict with the purposes of the Regulations set forth in Section 1.2, and promotes the goals, objectives, policies, or recommendations of the Plan of Conservation and Development, as amended.

5. Action Documentation

- a. Whenever it grants or denies a Special Permit, the Commission shall state upon its record the reason(s) for its decision. The Commission shall state the merits or demerits of the proposal and why approving or disapproving the application will positively or negatively affect the Town of New Canaan or the area or neighborhood impacted.
- b. The decision to grant a Special Permit 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 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.
- d. 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 New Canaan within fifteen (15) days after such decision is rendered.
- e. 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.

6. 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. A Special Permit shall only authorize the particular use or uses specified in the Commission's approval.
- c. 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 permit at any time the operation is found to be in noncompliance with the original permit.
- d. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit except that amendments which shall be found to be of a minor nature or which do not materially alter the Special Permit, as determined by the Commission, may be authorized with Commission approval only, without another public hearing.

Section 8.2

C. Regulation Amendment Application**1. Application Requirements**

- a. A Regulation Amendment Application shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.
- b. Any such application shall be accompanied by twelve (12) copies of the precise wording of the existing and proposed text and any other supporting information.
- c. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
- d. A Regulation Amendment Application shall only be submitted by:
 - i. an owner of real property in New Canaan,
 - ii. residents or persons having an interest in land in Town, or
 - iii. by the Commission on its own initiative.
- e. 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 date of receipt for the Regulation Amendment Application shall be determined in accordance with Subsection 8.1.B.
- b. An incomplete Regulation Amendment Application may be denied in accordance with Subsection 8.1.C.
- c. 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 8.1.F. of these Regulations.
 - ii. may publish the full text of such proposed regulation in full in such notice.
- d. The Commission shall give written notice to the regional planning agency when any portion of the land affected by a regulation change affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality and:
 - i. such notice shall be made by certified mail, return receipt requested.
 - ii. such notice shall be made not later than thirty (30) days before the public hearing.
 - iii. 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.
- e. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.
- f. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.

- g. A copy of the proposed regulation shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
- h. The Commission shall process the Regulation Amendment 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.
 - 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.
 - v. these provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.
- i. The applicant may, at any time prior to action by the Commission, withdraw such application.

3. Decision Considerations

- a. The Commission shall act upon the changes requested in such Regulation Amendment Application.
- b. Any report from an adjacent municipality or a regional planning agency shall be made a part of the record of such hearing.
- c. On a Regulation Amendment Application involving notice to adjoining municipalities, water companies, or a regional planning agency, the Commission shall give due consideration to any report or testimony received.
- d. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS 8-23.
- e. Before approving any Regulation Amendment Application, the Commission shall determine that the proposed regulation change will aid in:
 - i. protecting the public health, safety, welfare, or property values, and
 - ii. attaining the purposes of these Regulations.
- f. Such Regulation(s) 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 at or before a hearing with the Commission, signed by the owners of twenty (20) percent or more of the area of the lots affected by such proposed change or of the lots within five hundred 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.

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4. Action Documentation

- a. Whenever the Commission acts upon a Regulation Amendment Application, it shall state upon the record the reasons for its decision.
- b. In making its decision, the Commission shall 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. As part of approving a Regulation Amendment Application, the Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in New Canaan before such effective date.
- d. 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.
- e. 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 New Canaan within fifteen (15) days after such decision is rendered.
- f. 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.

5. Following Approval

A regulation amendment approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

D. Zone Change Application

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, or
 - iii. commenced by the Commission on its own initiative.
- c. A Zone Change Application shall be accompanied by twelve (12) copies of a map signed and sealed by a land surveyor licensed in the State of Connecticut for review by the Commission and its designees that complies with the requirements in the Appendix of these Regulations.
- 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 date of receipt of the Zone Change Application shall be determined in accordance with Subsection 8.1.B.
- b. The Commission shall hold a public hearing on the Zone Change Application and:
 - i. shall cause a legal notice to be published in accordance with the requirements of Subsection 8.1.F. of these Regulations.
 - ii. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.1.G. of these Regulations.
- c. The Commission shall give written notice to the regional planning agency when any portion of the land affected by a Zone Change Application is located within five hundred (500) feet of the boundary of another municipality and:
 - i. such notice shall be made by certified mail, return receipt requested.
 - ii. such notice shall be made not later than thirty (30) days before the public hearing.
 - iii. 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.
- d. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.
- e. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.
- f. A copy of the proposed zone change shall be filed by the applicant in the Office of the Town Clerk for public inspection at least ten days before the public hearing.

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- g. An incomplete Zone Change Application may be denied in accordance with Subsection 8.1.C.
- h. The Commission shall process the Zone Change 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.
 - 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.
 - v. these provisions shall not apply to any action initiated by the Commission regarding a Zone Change Application.
- i. The applicant may, at any time prior to action by the Commission, withdraw such application.

3. Decision Considerations

- a. The Commission shall act upon the Zone Change Application.
- b. On a Zone Change Application involving notice to adjoining municipalities under Subsection 8.1.H, notice to water companies under Subsection 8.1.I, or notice to a regional planning agency under Subsection 8.2.D.2.c, the Commission shall give due consideration to any report or testimony received.
- c. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS 8-23.
- d. Before approving any Zone Change Application, the Commission shall determine that the proposed zone change:
 - i. is in accordance with the Plan of Conservation and Development,
 - ii. is suitable for the intended location,
 - iii. will aid in protecting the public health, safety, welfare, or property values, and
 - iv. will aid in attaining the purposes of these Regulations.
- e. 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 the owners 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.

4. Action Documentation

- a. Whenever the Commission acts upon a Zone Change Application, it shall state upon the record:
 - i. the reason for its decision, and
 - ii. its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.
- b. As part of approving a Zone Change Application, the Commission shall establish an effective date for the zone change provided a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in New Canaan before such effective date.
- c. 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.
- d. 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 New Canaan within fifteen (15) days after such decision is rendered.
- e. 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.

5. Following Approval

A Zone Change Application approved by the Commission shall be filed in the office of the Town Clerk before the effective date.

Section 8.2

E. Change in Use Application

1. Unless waived by the Commission, a Change In Use application shall be submitted when a land or building use is proposed to be changed to a use that has different requirements in these Regulations for setbacks, parking, building coverage, or other requirements.
2. A Change In Use Application shall meet the same standards and be treated as a Site Plan Application unless the Regulations clearly indicate that it should be treated as a Zone Change Application, Special Permit Application, or similar application.

F. Concept Plan Submission

1. If an application is of such size or nature that providing a Site Plan Application may produce an unreasonable hardship, the applicant may submit a Concept Plan for informal presentation to the Commission.
2. The Concept Plan shall provide information on the location of significant natural features (wetlands, watercourses, steep slopes, flood plain) and other relevant information and shall provide sufficient information for the Commission to visualize how the finished use or development shall look and how it shall be built.
3. The Commission shall informally review the Concept Plan for general conformance with these Regulations and may request additional information where deemed necessary.
4. A Concept Plan shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any Concept Site Plan.
5. Such review shall not be binding on the applicant or the Commission.
6. In accordance with PA 03-184, such review and any results or information obtained from it may not be appealed under any provision of the Connecticut General Statutes.
7. A Concept Plan shall be placed on file in the Commission's office for continuing reference purposes for any subsequent application.

G. Soil Erosion and Sediment Control Plan

1. A Soil Erosion and Sediment Control Plan shall be submitted with or prior to any application for development requiring a Zoning Permit, Special Permit, Site Plan or Subdivision, when the disturbed area of any such development is more than one-half (1/2) acre.
2. Upon receipt of an application for approval of a Soil Erosion and Sediment Control Plan, the Commission or its agent shall refer the plan to the Environmental Commission for action by delivering a copy of the plan to the Wetlands Enforcement Agent.
3. The Commission shall incorporate any action taken by the Environmental Commission on the Soil Erosion and Sediment Control Plan into its decision.
4. The Zoning Inspector shall issue a Soil Erosion and Sediment Control Permit for a plan conforming to the approval granted by the Environmental Commission.

**SECTION 8.3. ZONING BOARD OF APPEALS
PROCEDURES**

A. General Provisions

1. Appointment

There shall be a Zoning Board of Appeals appointed pursuant to the provisions of any special or public act adopted by the General Assembly and any Charter provisions adopted by the Town of New Canaan.

2. Powers and Duties

The Board 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 Inspector.
- 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 referred to it and upon which it shall be required to pass under any provision of these Regulations.

Section 8.3

3. Meetings

- a. All hearings of said Board shall be held at the call of the Chairman or Secretary at such times as the Board may determine and shall be open to the public.
- b. The Board, in considering and determining matters brought to it, may hold meetings to review and deliberate after the public hearing duly held on such matter.
- c. The Chairman or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.
- d. The Board shall keep Minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, shall indicate such fact, and shall keep records of its examinations and other official acts.
- e. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the Board shall immediately be filed in the office of the Board and shall be a public record.
- f. If a regular member of the Board is absent, the member may designate an alternate from the panel of alternates to act in his or her place but if he or she fails to make such designation or if he or she is disqualified, the Chairman shall designate an alternate from such panel.
- g. In choosing an alternate, the Chairman shall choose alternates in rotation so that they shall act as nearly equal a number of times as possible and, if any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

4. Conflict of Interest

A member of the Board shall disqualify himself to act in a given case by reason of his relationship to any party involved or of financial interest in the matter before the Board.

5. Jurisdiction

No order, requirement or decision made by the Commission or by any administrative officer charged with the enforcement of any of these Regulations and made under the powers of the State of Connecticut by Chapter 126 of the General Statutes of Connecticut shall be subject to a review by the Board.

B. Appeal of Order

1. Authority

In accordance with CGS 8-7, an appeal may be taken to the Board by any person aggrieved, where it is alleged that there is an error in any order, requirement or decision made by the Zoning Inspector.

2. Application Requirements

- a. Any such appeal shall be taken by filing with the Commission or the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof.
- b. An appeal shall be taken within fifteen (15) days of the issuance of the order by the Zoning Inspector.
- c. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- d. The Board may fix a reasonable fee to be paid by the appellant in any appeal brought before the said Board and may include therein the cost of any newspaper advertisement necessary in connection with such appeal.
- e. The Board may require the filing of a survey prepared by a land surveyor if, in their opinion, such survey is relevant to the interpretation of the order, requirement or decision made by the Zoning Inspector.

3. Effect of Appeal

- a. An appeal of an order, requirement or decision made by the Zoning Inspector which prohibits further construction or expansion of a use in violation of the Zoning Regulations shall not be cause for such construction or expansion to continue except to such extent that the Board may allow.
- b. An appeal from any other order, requirement or decision made by the Zoning Inspector shall stop all enforcement and proceedings with regard to such order, requirement or decision unless the Commission or the Zoning Inspector certifies to the Board after the appeal has been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.
- c. If the Commission or the Zoning Inspector certifies to the Board that a stay would cause imminent peril to life or property, enforcement and proceedings shall only be stayed by a Restraining Order granted by a court of record, on notice to the Commission or the Zoning Inspector and on due cause shown.

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4. Proceedings

- a. The date of receipt of the Appeal of Order shall be determined in accordance with Subsection 8.1.B.
- b. The Board shall hold a public hearing on the Appeal of Order and:
 - i. publish a legal notice in accordance with the requirements of Subsection 8.1.F. of these Regulations, and
 - ii. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.1.G. of these Regulations.
- c. At such hearing, any party may appear in person or may be represented by agent or by attorney.
- d. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.
- e. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.
- f. An incomplete Appeal of Order may be denied in accordance with Subsection 8.1.C.
- g. The Board shall process the Appeal of Order 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 appeal.
 - 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.
 - 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.
- h. The applicant may, at any time prior to action by the Board, withdraw such application.

5. Decision Considerations

- a. The Board shall have all the powers of the officer from whom the appeal has been taken but only in accordance with the provisions of this Section.
- b. The application of a regulation affirming a statute shall not be subject to an appeal of order.
- c. The Board shall make such order, requirement, or decision as in its opinion should be made in the premises.
- d. The Board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from.
- e. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, or decision of the official charged with the enforcement of the Regulations.

6. Action Documentation

- a. Whenever it grants or denies an Appeal of Order, the Board shall state the reason(s) for its decision upon the record.
- b. Notice of the decision of the Board shall be sent by certified mail to any person who appeals to the Board within fifteen (15) days after such decision has been rendered.
- c. Notice of the decision of the board shall be published in a newspaper having a substantial circulation in New Canaan within fifteen (15) days after such decision has been rendered.
- d. In any case in which such notice is not published within such fifteen-day period, the person who took such appeal may provide for the publication of such notice within ten (10) days thereafter.

Section 8.3

C. Variance**1. Authority**

In accordance with CGS 8-6, the Board 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. Application Requirements

- a. A Variance Application shall be accompanied by ten (10) copies of sufficiently detailed plans for review by the Board and its designees.
- b. The Board shall require the filing of a survey prepared by a licensed land surveyor when the variance is dimensional in nature or such survey is integral to the understanding of the application.
- c. The Board may fix a reasonable fee to be paid by the applicant and may include therein the cost of any newspaper advertisement necessary in connection with such appeal.
- d. The Board shall not be required to hear any application for the same variance or substantially the same variance for a period of six months after a decision by the Board or by a court on an earlier such application.
- e. If a Variance 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 Environmental Commission not later than the day such application is filed with the Commission.

3. Nature of Variance

- a. Any variance granted by the Board 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.

4. Proceedings

- a. The date of receipt for the Variance Application shall be determined in accordance with Subsection 8.1.B.
- b. The Board shall hold a public hearing on the Variance Application and:
 - i. publish a legal notice in accordance with the requirements of Subsection 8.1.F. of these Regulations, and
 - ii. require that the applicant give notice to property owners in accordance with the requirements of Subsection 8.1.G. of these Regulations.
- c. At such hearing, any party may appear in person or may be represented by agent or by attorney.
- d. Notification to adjoining municipalities may be required in accordance with the requirements of Subsection 8.1.H.
- e. Notification to water companies may be required in accordance with the requirements of Subsection 8.1.I.
- f. An incomplete Variance Application may be denied in accordance with Subsection 8.1.C.
- g. The Board shall process the Variance 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.
 - 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.
- h. The applicant may, at any time prior to action by the Commission, withdraw such application.

Section 8.3

5. Decision Considerations

- a. Whenever a Variance Application is joined with an Appeal of Order Application, the Board shall first decide the issues presented by such Appeal of Order.
- b. The application of a regulation affirming a statute shall not be subject to variance.
- c. The Board shall find that a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship:
 - i. solely with respect to the parcel of land that is the subject of the application,
 - ii. owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated.
- d. The Board shall only grant the minimum variance necessary to alleviate the exceptional difficulty or unusual hardship:
 - i. in harmony with the general purpose and intent of the Regulations.
 - ii. with due consideration for conserving the public health, safety, convenience, welfare and property values, and
 - iii. so that substantial justice shall be done and the public safety and welfare secured.
- e. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.

6. 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. No use variance for a business use or an industrial use shall be granted in a Residence Zone.
- c. No use variance shall be granted for an industrial use in any Retail Zone or any Business Zone.
- d. A use variance shall only be granted where, without the use variance, the private property would be rendered valueless.

7. Action Documentation

- a. Whenever it grants or denies a Variance Application, the Commission shall state upon its records:
 - i. the reason for its decision,
 - ii. the Regulation which is varied in its application, and
 - iii. a specific description of the exceptional difficulty or unusual hardship on which its decision is based.
- b. Notice of the decision of the Board shall be sent by certified mail to any person who appeals to the Board within fifteen (15) days after such decision has been rendered.
- c. Such notice shall:
 - i. state the name of the owner of record,
 - ii. contain a description of the premises to which it relates,
 - iii. state the nature of the hardship claimed, and
 - iv. specify the nature of such variance including the Regulation which is varied in its application.
- d. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in New Canaan within fifteen (15) days after such decision has been rendered.
- e. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

8. Following Approval

- a. A variance granted by the Board shall only become effective upon the filing of a copy, certified by the Board, 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 Commission's approval.

SECTION 8.4. STAFF PROCEDURES**A. Zoning Permit****1. Application Requirements**

- a. An application for a Zoning Permit shall be made to the Zoning Inspector on a form provided for that purpose before:
 - i. any land, building, or structure is devoted to any new or changed use of premises within the category of business or residential uses,
 - ii. the erection or alteration of any building or structure is commenced in any zone,
 - iii. any other activity which requires a Zoning or other permit as required by these Regulations, or
 - iv. any Building Permit or Certificate of Occupancy is issued by the Building Official relating to any of the foregoing.
- b. Such application for a Zoning Permit shall be accompanied by:
 - i. a plot plan and other drawings and documentation showing the information required in the Appendix of these Regulations, and
 - ii. the appropriate fee as determined by the Commission.
- c. Any application for a Zoning Permit may be summarily rejected and may be considered void and of no effect if:
 - i. another application for a Zoning Permit as to the same land, building, structure, or use of all parts or portions thereof is still pending before the Zoning Inspector or the Commission,
 - ii. an appeal is pending before the Board or any legal proceeding is pending before any court of competent jurisdiction or pending in any other form of dispute resolution relating to a Zoning Permit or on an application for a Zoning Permit on the same land, building, structure or use thereof as to which such application is being made,
 - iii. a Zoning Permit is outstanding on the same land, building, structure or use, but neither Certificates of Compliance nor Occupancy, nor both, have been approved in conjunction therewith, or
 - iv. two (2) or more applications are filed simultaneously with the Zoning Inspector, whether similar or dissimilar, each application applying to the same land, building, structure or use thereof.

2. Proceedings

- a. A decision on a Zoning Permit Application shall be made as soon as feasible but in no event shall such decision take longer than thirty (30) days from the date of acceptance of a complete submittal.
- b. If the proposed new or changed use or if the proposed erection or alteration of any building or structure is found from the application to be in compliance with these Regulations, the Zoning Inspector shall issue a Zoning Permit setting forth the date on which the permit was issued and shall forward a copy thereof to the office of the Town Assessor.
- c. No Zoning Permit shall be issued for the erection, the interior or exterior enlargement of gross floor area or the external alteration of any building or structure in a Retail Zone or a Business Zone, unless a Site Plan Application therefore has been approved by the Commission in accordance with the provisions of these Regulations.
- d. Any application for a Zoning Permit shall be rejected if the Zoning Inspector finds that:
 - i. the application is incomplete and has notified the applicant in writing of the reason(s) why the application is incomplete, or
 - ii. the application is not in compliance with the Zoning Regulations and has notified the applicant in writing of the reason(s) why the application does not comply with the Zoning Regulations.
- e. An application for a Zoning Permit may be withdrawn by the applicant at any time prior to final action by filing a formal written request to that effect with the Zoning Inspector, except that there shall be no rebate of any portion of the fees which may have been paid by the applicant for a Zoning Permit application that is subsequently withdrawn.
- f. The Zoning Inspector is not authorized to approve, and shall not approve, any zoning permit for any property on which there exists a zoning violation, unless such zoning permit application will remedy such violation.

3. Notice Provisions

- a. In accordance with CGS Section 8-3(f), the Zoning Inspector shall inform the recipient of a Zoning Permit that notice of issuance of a zoning permit may be published by the recipient in a newspaper having substantial circulation in New Canaan in order to establish the appeal period per CGS 8-7.
- b. Any such notice to be published by the recipient 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 to the Board of Appeals in accordance with the provisions of CGS 8-7.

Section 8.4

4. As-Built Plan Required

- a. Unless waived by the Zoning Inspector due to clear compliance with the Zoning Regulations, an as-built plan shall be:
 - i. prepared by a licensed Land Surveyor demonstrating that the location of the foundation of any building or addition to an existing building or structure for which a Zoning Permit has been issued is in compliance with the Zoning Regulations and the approved site plan,
 - ii. filed with the Zoning Inspector by the holder of the Zoning Permit upon completion of the foundation of any building or addition to an existing building or structure for which a Zoning Permit has been issued.
- b. For a tennis court, swimming pool or other construction or use not requiring a Certificate of Occupancy, no further work shall be permitted until a certified interim location survey shall have been submitted to the Zoning Inspector showing full compliance with the applicable Zoning Regulations for:
 - i. the location of forms or other construction devices prior to the pouring of concrete or placing of footings or non-concrete walls into the excavation; or
 - ii. the actual areas prepared to be surfaced for courts or other uses prior to the laying of surface material.

5. Bond Required

- a. Before a Zoning Permit is issued under these Regulations for a tennis court, swimming pool or other construction or use not requiring a Certificate of Occupancy, including, without limitation, any and all appurtenances thereto, a bond in the amount of five thousand dollars (\$5,000) shall be posted by the owner, which shall be released upon the receipt of an as-built survey showing that all requirements of the Zoning Regulations have been met.
- b. In the event that said as-built survey showing full compliance is not received within one hundred eighty (180) days of the completion of the project for which the bond was posted, the bond may be drawn, collected or cashed by and forfeited to the Town of New Canaan.
- c. Such forfeiture shall not release the obligation to provide such an as-built survey nor the requirement of compliance with the Regulations.
- d. Should the permit be returned and canceled, with no work having been done, the bond shall be released.

6. Zoning Permit Expiration

Any Zoning Permit issued by the Zoning Inspector under the provisions of these Regulations, but under which no work is commenced within twelve (12) months from the date of issuance, shall expire by limitation.

SECTION 8.5. ENFORCEMENT

A. Enforcement Authority

1. These Regulations shall be administered and enforced by the Commission.
2. The Commission shall appoint an administrative agent, with the title of Zoning Inspector, with full power to administer and enforce these Regulations on behalf of the Commission.
3. The Commission may designate one or more Assistant Zoning Inspectors to aid in the enforcement of these Regulations.
4. The Commission or an Inspector may file information with the prosecuting authority upon violation of any of these Regulations.

B. Inspections

The Zoning Inspector and members of 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. Violations

1. If the Zoning Inspector shall find a violation of these Regulations, he 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 Zoning Inspector shall have the authority to remove or to cause the removal of any sign erected on, attached to, maintained on or displayed on any property or public right-of-way 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. 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.

APPENDIX

The following forms, checklists, and other materials are considered part of the Appendix of these Regulations. Such materials may be obtained from the Planning and Zoning Office at Town Hall.

Schedules

Type	Description
Schedules	Comprehensive schedule of residential zoning Comprehensive schedule of commercial zoning

Application / Permit Forms

Type	Description
Application Forms (often with instructions)	Site Plan application form Special Permit application form Zone Change application form Regulation Change application form Zoning Board of Appeals application form Subdivision application form
Permit Forms (often with instructions)	Zoning permit application form Sign permit application form Fill and excavation permit application form Lot line revision application form First cut application form Erosion / sedimentation control permit application form

Checklists / Worksheets

Type	Description
Checklists	Site Plan checklist with instructions Subdivision application checklist
Worksheets	Building height worksheet with instructions Building coverage worksheet with instructions

Technical Requirements

Type	Description
Plan / Survey Requirements	A-2 survey requirements As-built survey requirements Digital submission standards (future).
Engineering Requirements	Drainage calculation requirements
Bonding Requirements	Bonding requirements, with instructions Model letter of credit

Other Materials

Type	Description
Property Owner Notification	Property owner notification instructions Property owner notification letter model
Telecommunication Policy Preferences	Telecommunication Policy Preferences
Affordable Housing	Housing affordability Plan Requirements
Other materials	Model application extension letter Public hearing request / extension forms Exempt structure certification letter model with instructions

APPENDIX

AMENDMENT DATES

AMENDMENT

Section	Title	Hearing Date	Effective Date	Page Numbers
	Adoption of Zoning		06/14/32	
	Major Modification of Zoning Districts		12/15/56	
	Comprehensive Reorganization / Redrafting	04/05/05 04/19/05	06/18/05	
	Review and Update	03/06/07 04/10/07 05/01/07	06/16/07	
4.5.C.10	New Car Sales	09/25/07	10/04/07	77
4.2.C 4.3.C 4.4.C	Six-month Moratorium on Banks in Retail A and B Zones	06/24/08	07/03/08	71-78
4.2.C 4.3.C 4.4.C 4.6.D	Determination on Where Banks can be Located Within Business Zones	09/30/08	10/09/08	71-78
3.4	Square Footage Limitations on Accessory Structures	09/30/08 10/28/08	12/01/08	51-54; 71-78
4.6.C 4.6.D	To Correct Sections Regarding Banks	12/16/08	12/24/08	78
4.2 - 4.6	Outdoor Dining on Municipal Sidewalks and Private Properties and Restaurants in Business B Zone	07/28/09	08/21/09	iii 71-78
8.2.B	Special Permit Application	09/29/09	11/01/09	152-157

Technical assistance in the comprehensive revision
of these Regulations provided by

