

ARTICLE 140, Administration and Enforcement

§ 118-1400. Zoning Commission. [Added effective 12-11-1975; amended effective 5-26-2000; 3-29-2002; 3-24-2017]

- A. The Commission shall continuously review the effectiveness and appropriateness of the Building Zone Regulations and the Building Zone Map and shall make such amendments as it deems necessary, in accordance with Section 8-3 of the Connecticut General Statutes, as amended.
- B. The Commission shall receive and act upon petitions, submitted in writing on a form which it shall prescribe, requesting a change in the regulations or the boundaries of zoning districts, in accordance with Section 8-3 of the Connecticut General Statutes, as amended.
- C. The Commission shall maintain and certify the Building Zone Map and the Building Zone Regulations and shall have copies of each available for purchase by the public, and shall maintain official records of all zoning actions.
- D. The Commission shall receive and hear applications for Special Permits as provided herein.
- E. The Commission shall appoint a Zoning Inspector and such Deputies as it deems necessary. [Amended effective 8-26-1983]
- F. The Commission shall give such advice on zoning matters as requested or which it deems appropriate to the Zoning Inspector, the Zoning Board of Appeals and other city agencies.
- G. The Commission may waive off-street parking requirements subject to § 118-1221 and in accordance with the same procedural requirements set forth in § 118-1450B for the issuance of Special Permits. [Added effective 7-24-1981]
- H. No zoning approval shall be granted until the Commission certifies that the proposal complies with the requirements of P.A. 38-388, An Act Covering Soil Erosion and Sediment Control. [Added effective 6-28-1985]
- I. On any application, the Commission may retain an architect, engineer, landscape architect, professional land use planner, and/or other consultant to review, comment and guide its deliberations. If the Commission determines that such consultant(s) are necessary, the assigned Planning and Zoning staff shall obtain estimates from such consultant(s). The staff shall collect 150% of the estimate from the applicant which shall be held in escrow until the technical reviews are completed. Any excess amount collected over the actual cost shall be refunded to the applicant. This payment shall be considered as an integral part of the application. The failure by the applicant to make this payment shall render the application incomplete. [Added effective 3-24-2017]

§ 118-1410. Board of Appeals. [Amended effective 11-15-1974]

- A. The Board of Appeals may, in specific cases, after public hearing and subject to appropriate conditions and safeguards:
 - (1) Hear and decide appeals where it is alleged there is an error in any order, requirement or decision made by the Zoning Inspector. An appeal from any order, requirement or decision of the Zoning Inspector must be filed at the office of the Zoning Inspector, in writing, on forms prescribed by the Board, within fifteen (15) days of such order, requirement or decision. Such appeal period shall commence for an aggrieved person at the earliest of the following: (1) Upon receipt of the order, requirement or decision from which such person may appeal, (2) upon publication of a legal notice in a newspaper

having substantial circulation in Norwalk, or (3) upon actual or constructive notice of such order, requirement or decision. [Amended effective 7-30-1982, 5-29-2009]

- (2) Hear and decide applications for Special Permits, grants or exceptions in the following situations:
 - (a) Where a zone boundary divides a lot, grant a Special Permit for a use authorized on either portion of such lot to extend to the entire lot, but not more than twenty-five (25) feet beyond the boundary line of the zone in which such use is authorized. The Board shall grant this Special Permit only if it finds the extension will not adversely affect contiguous properties, and it may impose such yard, screening and other requirements deemed necessary for the protection of the other properties mentioned.
 - (b) Grant, without renewal, temporary and conditional zoning approvals for not more than two (2) years for structures and uses in contravention of these regulations. [Amended effective 12-11-1981]
 - (c) Permit the reconstruction of any nonconforming building that may be destroyed either in whole or part by fire or other disaster.
 - (d) Permit a change from a nonconforming use of land or structure to another nonconforming use as per § 118-800C(4). [Added effective 2-24-1989]
 - (e) Grant a Special Exception for the development of a nonconforming lot which is in the same ownership as an adjoining lot as per § 118-800E(2). [Added effective 2-24-1989]
 - (f) Grant a special exception to continue a non-conforming use of land or structure as per section 118-800C(5), where the intent to continue such non-conforming use of land or structure can be demonstrated to the satisfaction of the zoning board of appeals. [Added effective 5-26-2000]
- (3) Vary any requirement of these regulations in harmony with their general purpose and intent, so that substantial justice may be done. This authority shall be exercised in a manner to secure the public health, safety and welfare solely in instances where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these regulations. To grant a variance, the Zoning Board of Appeals shall adopt a resolution which shall stipulate the reason for granting the variance.

B. Any variance, grant, exception or Special Permit which is granted by the Zoning Board of Appeals shall be placed upon the land records of the town by filing a record of the variance, grant, exception or Special Permit with the Town Clerk within ninety (90) days of the effective date of such variance, grant, exception or Special Permit.

§ 118-1420. Zoning Inspector. [Added effective 12-11-1975; amended effective 3-24-2006]

A. The Zoning Inspector shall:

- (1) Investigate all suspected violations of these regulations and take any action he deems appropriate to abate violation and enforce compliance in accordance with the General Statutes.
- (2) Advise the Commission and the Zoning Board of Appeals regarding applications before them and recommend amendment of the regulations, map or rules of procedure.

- (3) Advise members of the public on the application of Building Zone Regulations.
 - (4) Perform staff functions as required by the Commission.
 - (5) Issue zoning approvals for all proposed building projects and issue a certificate of zoning compliance for all completed projects complying with the provisions of these regulations. [Added effective 12-11-1981]
- B. Deputy Zoning Inspectors shall perform such duties as may be assigned to them by the Commission. [Amended effective 1-27-1984]
 - C. The Zoning Inspector is authorized to cause any building, structure, place, premises or use to be inspected and examined and to order, in writing, the remedying of any condition found to exist therein or thereon in violation of any provision of these regulations. Any construction work in violation of these regulations may be ordered stopped by the Zoning Inspector by posting a copy of such order at the site of such construction work. The Zoning Board of Appeals may require the Zoning Inspector to take action he deems appropriate regarding enforcement of any appeal, zoning approval or variance granted under § 118-1410. [Amended effective 12-11-1981]
 - D. Before the construction or alteration of any building or structure or any part of either, the owner or lessee thereof or his agent shall submit to the Zoning Inspector a detailed statement of the specifications of the proposed work, on appropriate blanks to be furnished to applicants by the Zoning Inspector, and plans and structural detail drawings of the proposed work in accordance with § 118-1430, Plats. Such statement and diagram shall constitute an application for a zoning approval to construct or alter. The Zoning Inspector may require such other drawings or statements, including statements under oath, as he may deem necessary to determine the propriety of the proposed construction or addition. [Amended effective 12-11-1981]
 - E. It shall be unlawful to construct or alter any building or structure, or any part thereof, until the application and plans herein required shall have been approved by the Zoning Inspector and a written zoning approval issued. The Zoning Inspector shall approve or reject any application or plan or amendment thereto filed with him within a reasonable time. **However, no zoning permit shall be issued if a violation exists on the property.** [Amended effective 12-11-1981, Amended effective 1-27-2006; Amended effective 3-15-2019]
 - F. The Zoning Inspector may issue a zoning approval for the construction of part of a building or structure when plans and detailed statements have been presented for the same, before the complete plans and detailed statements of said building or structure have been submitted or approved. [Amended effective 12-11-1981]
 - G. No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever, except for the alteration of or addition to a dwelling, until a certificate of zoning compliance shall have been issued by the Zoning Inspector stating that the premises or building complies with all the provisions of these regulations. Where deemed necessary by the Zoning Inspector, an as-built drawing showing the location of all improvements as constructed in both plan and profile shall be submitted prior to the issuance of a certificate of zoning compliance. Upon the completion of the foundation for any building, unless exempted by the Director of Planning and Zoning, an as-built drawing shall be prepared by a licensed land surveyor certifying that the location of the foundation is in compliance with these regulations. [Amended effective 12-11-1981; 9-24-1982; 2-2-1990; 4-27-1990; 4-24-1992]

- H. [EN81](#) Certificates of zoning compliance may be issued for a property where improvements are not completed if a financial guarantee approved as to form and financial institution by Corporation Counsel in an amount sufficient to cover the cost of the incomplete improvements has been filed, subject to the approval of the Zoning Inspector. The financial guarantee shall be released only after a written request is received and all improvements are complete and are in satisfactory condition. If not satisfactory, within 65 days of release request, the Zoning Inspector shall provide a written explanation to the applicant detailing the outstanding work that must be completed before such financial guarantee or portion thereof may be released. [Added effective 3-1-1985; amended effective 2-2-1990; 1-27-2012, 10-26-2012]
- I. [EN82](#) No change or extension of use and no alteration shall be made in a nonconforming use or premises without a certificate of zoning compliance having first been issued by the Zoning Inspector that such change, extension or alteration is in conformity with the provisions of these regulations. [Amended effective 12-11-1981]
- J. [EN83](#) An application for a certificate of zoning compliance shall be made at the same time that the zoning approval is applied for and shall be issued within ten (10) days after the erection of the building shall have been completed. A record of all certificates shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected. Fees for a certificate of zoning compliance **shall be in accordance with the Schedule of Fees approved by the Commission, effective as of the date of the application.** [Amended effective 12-11-1981; 5-26-1989; 8-29-2003; 12-24-2004; 3-24-2006; 3-28-2008; 4-28-2017]
- K. [EN84](#) No excavation shall be undertaken without a zoning approval issued therefor by the Zoning Inspector. [Amended effective 12-11-1981]
- L. Any zoning approval issued by the Zoning Inspector under the provisions of this section, but under which a building permit has not been issued within one (1) year from the time of issuance, shall expire by limitation. [Amended effective 12-11-1981]
- M. Requirements for a zoning approval prior to the issuance of an electrical permit to add meters to any existing use:
- (1) Prior to the issuance of an electrical permit to add meters to an existing use, zoning approval shall be required.
 - (2) Such approval shall be contingent upon the placing of an affidavit in the Norwalk land records stating the number of meters to be installed without change of use. Such affidavit shall be furnished by the Zoning Inspector.

§ 118-1430. Plats. [Amended effective 4-8-1950; effective 9-15-1975]

All applications for building permits shall be accompanied by a plat in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the locations of buildings upon the lot, the dimensions of all open spaces, the established building lines within the block and such other information as may be necessary to provide for the enforcement of these regulations.

- A. Said plat shall also contain a reference to either a deed or map recorded in the land records of Norwalk by which the plat dimensions can be verified; and the dimensions shown in said plat must conform to those contained in such recorded instrument.

§ 118-1440. Application for zoning change. [Amended effective 6-11-1956; 12-5-1973; 3-1-1985; 6-14-1985; 5-26-1989; 10-27-1995; 5-26-2000; 08-29-2003; 3-24-2006; 4-28-2017]

Any citizen or group of citizens may file with the staff of the Zoning Commission an application for a change in zone boundaries or zoning regulations or an application regarding other matters as may now or hereafter be delegated by law as the responsibility of the Zoning Commission. Such applications shall be in the form prescribed from time to time by the Commission and, where applicable, shall be accompanied by maps or drawings, drawn to a scale of at least four hundred (400) feet to the inch, describing the change desired. **The Commission may fix a reasonable fee, as indicated on the approved Schedule of Fees, effective as of the date of the application, to be paid by the applicant at time of submission of the application.** Legal notice fees shall be the responsibility of the applicant, who will be billed for the payment of legal notice fees directly by the publisher of such notice. Where the application contains a petition for change in zone, the number of properties which shall become nonconforming shall be shown on such map. Official agencies of the city shall be exempt from the fee requirements.

§ 118-1450. Special Permits. [Added effective 12-11-1975; Amended effective 8-29-2003; 3-24-2006; 4-24-2009; 9-25-2009; 9-4-2015, 5-27-2016; 4-28-2017]

- A. Statement of purpose. The development and execution of a comprehensive zoning ordinance is based upon the division of the city into districts within which the use of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized that certain uses and structures, because of their unique characteristics, cannot be specifically classified or regulated in a particular district without consideration in each case of the impact of such uses and structures upon the neighborhood and surrounding area and upon the public health, safety and welfare. Such uses and structures as specified elsewhere in the regulations may be permitted only by Special Permits. When an existing use or structure which is permitted only by special permit is proposed to be extended or altered in a manner which would in any way change the character or intensity of the use or feature, such proposed extension or alteration shall be treated as a new special permit under this section. [Amended effective 9-4-2015]
- B. General procedure.
 - (1) An application for a Special Permit shall be filed with the staff of the Zoning Commission and shall be accompanied by a filing fee **as indicated on the approved Schedule of Fees, effective as of the date of the application, to be paid by the applicant at time of submission of the application.** Legal notice fees shall be the responsibility of the applicant, who will be billed for the payment of legal notice fees directly by the publisher of such notice. The Application shall conform to the requirements of these regulations, including those relating to supporting documents, if applicable, and with such requirements as the Commission may prescribe from time to time. The Application shall be signed by the applicant and, if the applicant is not the owner, the owner of the property. If the applicant is unable to obtain the signature of the owner, the applicant may submit a letter of authorization signed by the property owner. [Amended effective 6-14-1985; 5-26-1989; 10-27-1995; 5-26-2000; 3-29-2002; 8-29-2003; 3-24-2006, 4-24-2009; 4-28-2017]
 - (a) Notification of Neighbors: All applicants shall notify the owners of land that abut or are directly across the street from the subject parcel no later than ten (10) days after such application is submitted. Mailings shall be evidenced by a certificate of mailing that shall be submitted by the applicant to the Commission on or before the date of the

Commission's action on such application. The name of the owners shall be taken from the latest Tax Assessor records. When a condominium is located across the street, or abuts the subject proposal notification may be sent to the condominium association in lieu of the individual unit owners. [Added effective 5-27-2016]

- (2) Where required by these regulations, an application for village district design review shall be filed with the staff and accompanied by a filing fee of one thousand and five hundred dollars (\$1,500). The Commission shall refer such application to its Village District Consultant to review for compliance with applicable design guidelines. The report of such consultant shall be entered into the public hearing record and considered by the Commission in making its decision. Such fee shall be used by the Commission to compensate the village district consultant; any unused balance shall be returned to the applicant. [Added effective 6-27-2003; amended effective 9-25-2009]
- (3) The Commission shall hold a public hearing on the Special Permit application in accordance with the time periods specified in Sections 8-3c and 8-7d of the Connecticut General Statutes, as amended. [Amended effective 5-28-2004]
- (4) The Commission shall approve, approve with conditions or disapprove the application in accordance with the time periods specified in Sections 8-3c and 8-7d of the Connecticut General Statutes, as amended. In approving the application, the Commission shall set an effective date and may attach such conditions to the Special Permit as shall ensure compliance with the requirements of Subsection C of this section and of any other applicable section of these regulations. The Commission shall set forth the grounds for its action in a report which shall be incorporated into the minutes of its meeting. [Amended effective 5-28-2004]
- (5) Any extension or change of an existing structure or use permitted by Special Permit which substantially changes its character or intensity shall be treated as a new Special Permit.
- (6) The Zoning Inspector shall deliver all resolutions granting Special Permits and maps pertaining thereto to the Town Clerk for recording and filing in the land records of the Town of Norwalk.
- (7) Any Special Permit for which a building permit has not been issued within one (1) year from the effective date shall become null and void, unless an extension of time is applied for and granted by the Commission.
- (8) The Commission may require the applicant to post a financial guarantee with good and sufficient surety to guarantee completion of the site plan or any modifications to the plan and all work required as a condition of approval under a Special Permit. A financial guarantee for any site plan or modifications required by the Commission shall be posted by applicant approved as to form and financial institution by the Commission or Corporation Counsel at any time before completing all site plan modifications, public improvements or utilities. The financial guarantee shall be released only after all improvements are complete and are in satisfactory condition. If not satisfactory, within 65 days of release request, a written explanation shall be provided to the applicant detailing the outstanding work that must be completed before such financial guarantee or portion thereof may be released. Upon completion of required improvements, a maintenance bond shall be posted in the amount of fifteen percent (15%) of the total amount of the original financial guarantee or one thousand dollars (\$1,000.), whichever is greater. The maintenance bond shall be retained for a period of one (1) year after the release of the original financial guarantee in order to insure that the

required improvements are in satisfactory condition. Liability shall be limited to defects in material and workmanship. [Amended effective 7-25-1980; 1-27-2012, 10-26-2012]

C. Standards for Special Permits.

(1) In granting a Special permit, the Commission may attach reasonable conditions and safeguards as it deems necessary to protect the general health, safety, welfare and property values of the neighborhood, including but not limited to, requiring additional screening of lights and parking areas, limiting the hours of operation, requiring the redesign of buildings, and similar types of safeguards or conditions. A Special Permit may be granted after determination by the Commission that the proposed use or structure is in harmony with the general purpose and intent of these regulations and after consideration of the following conditions where applicable: [Amended effective 9-4-2015]

- (a) The density of use and bulk of buildings.
- (b) "Stable traffic flow" shall mean that site-generated traffic shall not adversely affect pedestrian or vehicular safety, conflict with the pattern of highway circulation or increase traffic congestion to a level of service (LOS) considered unacceptable by the Commission. The Commission shall not approve developments which fail to maintain stable traffic flow unless provision has been made for the improvement of inadequate conditions. [Amended effective 4-27-1990]
- (c) Availability of mass transit facilities and provision of sidewalks, with a minimum clearance of five (5) feet without obstructions. [Amended effective 1-29-2016]
- (d) Availability and compatibility of utilities.
- (e) Adverse impact from noise, odor, fumes, dust and artificial lighting.
- (f) Signs of size and design that are in harmony with the neighborhood.
- (g) Adequacy of yards and open space, screening and buffering.
- (h) Impact on neighborhood properties, as compared to uses and structures permitted as a matter of right.
- (i) Existing land use in the area.
- (j) Proximity of community facilities.
- (k) Compliance with the Zoning Code and Plan of Conservation and Development. [Amended effective 11-27-2015]
- (l) Conservation of wetlands, watercourses and other ecologically valuable lands.
- (m) No zoning violation exists on the property. [Added effective 7-20-1984EN]

D. Special Standards for non residential uses in residence zones. In granting a Special permit for a non residential use in a residence zone, the Commission may attach additional requirements in order to protect the general health, safety, welfare and property values of residential neighborhoods, including the following requirements: [Added effective 9-4-2015]

(1) Minimum lot size: For all properties located in a B, C or D Residence zone, the required minimum lot size needed for a special permit use shall be no less than twice the minimum lot

size as that required for a single family dwelling, as per the Schedule limiting height and bulk of buildings and size of lot: Residential.

- (2) Building Setbacks: All buildings shall be setback from front, side and rear property boundaries by an amount not less than the minimum setback specified in the Residential Schedule plus six (6) inches for each foot of building length in excess of forty (40) feet, such length measured parallel to the property boundary. Building setback from a side property line shall not be required to exceed forty (40) feet and the building setback from a front property line shall not be required to exceed twice the minimum front setback standard as that required for a single family dwelling, as per the Schedule limiting height and bulk of buildings and size of lot: Residential.
- (3) Parking setbacks: All required vehicle parking areas shall be required to provide a minimum setback of ten (10) feet from side and rear property boundaries.
- (4) Any special permit for a non residential use or structure in existence at the time of adoption of this amendment and located in a zoning district which permits such use or structure is hereby declared to be in conformance with the requirements of this subsection provided that, if such structure is destroyed by fire, explosion, act of God or act of public enemy, to an extent exceeding fifty percent (50%) of its assessed value, it may be reconstructed, only if the height, bulk, location and use of structure is substantially as it had previously existed, subject to approval by the Director of Planning & Zoning, except as modified where necessary to conform with the Flood Hazard zone and Coastal Area Management provisions of these regulations. The owner of such structure shall document by A-2 Survey or other means, the height, bulk, location and use of the structure as it had previously existed and shall obtain a permit to rebuild said structure within one hundred and eighty (180) days from the date of its destruction. No changes in the approved use of the structure are permitted under this regulation.
- (5) An existing special permit structure, previously approved by the Commission and in existence at the time of adoption of this amendment, may be expanded by up to twenty five percent (25%) of its existing floor area provided that the proposed expanded structure complies with the zoning regulations in effect prior to the adoption date of this new Section 118-1450(d). (Adopted effective September 4, 2015) Any such expansion, other than a minor change, shall require a new special permit.

§ 118-1451. Site plan review. [Added effective 6-26-1981; amended effective 12-24-1981; 08-29-2003; 3-24-2006, 4-24-2009, 9-25-2009; 1-27-2012, 5-27-2016; 4-28-2017]

- A. Statement of purpose. It is the purpose of site plan review to aid in determining the conformity of a proposed building or use with the specific provisions of these regulations. Only uses and structures as specified elsewhere in the regulations shall be subject to site plan review.
- B. General procedure.

- (1) Where site plan review is required by these regulations, no zoning approval shall be issued by the Zoning Inspector except upon approval of the site plan as set forth herein and in conformity with the approved site plan. Applications for site plan review shall be in a form and contain such information and supporting documents as the Commission may prescribe from time to time. The Application shall be signed by the applicant and, if the applicant is not the owner, the owner of the property. If the applicant is unable to

obtain the signature of the owner, the applicant may submit a letter of authorization signed by the property owner. [Amended effective 3-29-2002]

- (2) An application for site plan review shall be submitted to the staff of the Commission and shall be accompanied by a filing fee **as indicated on the approved Schedule of Fees, effective as of the date of the application, to be paid by the applicant at time of submission of the application.** An application for modifications to an approved plan revised without prior Commission approval shall be accompanied by a filing fee of one thousand dollars (\$1,000). Legal notice fees shall be the responsibility of the applicant, who will be billed for the payment of legal notice fees directly by the publisher of such notice. The staff shall review the site plan for compliance with the applicable provisions of these regulations. [Amended effective 11-16-1984; 5-26-1989; 10-27-1995; 8-29-2003; 3-24-2006, 4-24-2009; 4-28-2017]
 - (a) Notification of Neighbors: All applicants shall notify the owners of land that abut or are directly across the street from the subject parcel no later than ten (10) days after such application is submitted. Mailings shall be evidenced by a certificate of mailing that shall be submitted by the applicant to the Commission on or before the date of the Commission's action on such application. The name of the owners shall be taken from the latest Tax Assessor records. When a condominium is located across the street, or abuts the subject proposal notification may be sent to the condominium association in lieu of the individual unit owners. [Added effective 5-27-2016]
- (3) Where required by these regulations, an application for village district design review shall be filed with the staff and accompanied by a filing fee of one thousand and five hundred dollars (\$1,500). The Commission shall refer such application to its Village District Consultant to review for compliance with applicable design guidelines. The report of such consultant shall be entered into the public hearing record and considered by the Commission in making its decision. Such fee shall be used by the Commission to compensate the village district consultant; any unused balance shall be returned to the applicant. [Added effective 6-27-2003, amended effective 9-25-2009]
- (4) Site plan applications which comply. Applications which comply with these regulations shall be approved or modified and approved by the Commission. [Amended effective 11-16-1984]
- (5) Application for site plan review shall be approved, modified and approved or disapproved in accordance with the time periods specified in Section 8-7d of the Connecticut General Statutes, as amended. If the application is not acted upon within the allotted time period, such inaction shall constitute approval. [Amended effective 5-28-2004]
- (6) A site plan may be modified or denied only if it fails to comply with requirements already set forth in these regulations. A decision to deny or modify a site plan shall set forth the reasons for such denial or modification.
- (7) The Commission may, at its discretion, hold a public hearing on site plan when, in its opinion, the size of the building, the location of the property, the area of the lot, the amount of parking provided and the traffic to be generated creates the potential for a significant impact upon the community or region. Notice of the hearing shall be given in accordance with Section 8-7d of the Connecticut General Statutes, as amended.

- (8) Notice of a decision on a site plan review application shall be sent by certified mail to the person who submitted such plan within fifteen (15) days after the decision is rendered.
 - (9) Any approved site plan for which a building permit has not been issued within one (1) year from the effective date shall become null and void, unless an extension of time is applied for and granted by the Commission.
 - (10) No certificate of zoning compliance shall be issued for a use or structure subject to site plan review until all improvements to the lot have been completed or a financial guarantee in an amount to cover the cost of the incomplete improvements has been approved as to form and financial institution by the Commission or Corporation Counsel and filed with the Zoning Inspector and conditioned to complete the items within a time deemed reasonable by the Zoning Inspector. The financial guarantee shall be released only after all improvements are complete and are in satisfactory condition. If not satisfactory, within 65 days of release request, a written explanation shall be provided to the applicant detailing the outstanding work that must be completed before such financial guarantee or portion thereof may be released. [Amended effective 1-27-2012, 10-26-2012]
 - (11) Any extension or change of an existing structure or use subject to site plan review which substantially changes its character or intensity shall be subject to review and approval as set forth herein.
 - (12) Applications for site plan review shall be referred by the Commission staff to other appropriate city agencies and departments for review and recommendation. [Amended effective 11-16-1984]
- C. Standards for site plan review. In reviewing site plans the following standards shall be taken into consideration:
- (1) [Amended effective 4-27-1990] "Stable traffic flow" shall mean that site-generated traffic shall not adversely affect pedestrian or vehicular safety, conflict with the pattern of highway circulation or increase traffic congestion to a level of service (LOS) considered unacceptable by the Commission. The Commission shall not approve developments which fail to maintain stable traffic flow unless provision has been made for the improvement of inadequate conditions.
 - (2) Off-street parking and loading. All off-street parking and loading areas shall be arranged in an orderly manner so as to provide safe and convenient access for vehicles and pedestrians using the area. Adequate emergency vehicle access shall be provided as determined by the Fire Department.
 - (3) Landscaping and screening. All off-street parking and loading areas shall be landscaped in accordance with § 118-1250 of these regulations. The area between the street line and the front setback line, except for vehicle and pedestrian accessways shall be landscaped with lawns, trees, shrubs or other appropriate planting. Properties used for commercial or industrial purposes shall provide buffer strips in accordance with § 118-1000 of these regulations. Major trees and significant landscape features shall be preserved to the maximum extent practicable and sidewalks, with a minimum clearance of five (5) feet without obstructions, shall be provided. [Amended effective 1-29-2016]

- (4) Illumination. All outdoor lighting and illuminated signs shall be of a reasonable intensity of illumination and shall be shielded so that such lighting will not adversely affect any abutting property, street or navigable waterway.
- (5) Utilities. All sanitary and storm sewers shall be designed and certified by a civil engineer and shall be approved by the Department of Public Works. Proper provision for erosion and sedimentation control shall be made, subject to approval by the Site Planner.
- (6) Impact upon adjacent property. The traffic access, off-street parking and loading, landscaping and screening, illumination and utilities provided for a site shall not be detrimental to the safe and orderly development of any adjacent property.
- (7) No zoning violation exists on the property. [Added effective 1-27-2006]

§ 118-1460. Violations and penalties.

- A. The owner or agent of a building or premises where a violation of any provision of these regulations shall have been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation shall have been committed or shall exist, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any such violation shall exist, shall be subject to **permit revocation and/or** penalties in accordance with the provisions of the Connecticut General Statutes, as now or hereafter amended. The Superior Court of the State of Connecticut shall have jurisdiction of all such offenses subject to appeal as in other cases. [Amended effective 5-26-2000; Amended effective 3-15-2019].
- B. Any such person who, having been served with an order to remove any such violation, shall fail to comply with said order within ten (10) days after such service or shall continue to violate any provision of the regulations in the respect named in such order shall also be subject to a civil penalty in accordance with the provisions of the Connecticut General Statutes, as now or hereafter amended. [Amended effective 2-2-1990; 5-26-2000]
- C. Failure to strictly adhere to any permit issued by this department or the documents, plans, terms, conditions, safeguards, approvals and/or permits approved by the Commission as part of any application, shall be a violation of these Regulations and the Commission shall have the authority to revoke the permit associated with that violation, at any time the operation is found to be in noncompliance with the original permit; provided, the Commission finds that: [Added effective 3-15-2019]
 - 1. the violation(s) is a gross violation of the permit; and
 - 2. staff has demonstrated that the violator is non-responsive to staff requests to remedy the violation; or
 - 3. the violation(s) is repeated after bringing the property into compliance after an initial violation.

Should the Commission conclude that the violation is a gross violation and the violator is not responding to repeated requests from staff to correct the violation or the violation is a repeat offense, the Commission shall hold a public hearing to consider revocation of the permit. The Commission shall notify the violator, the property owner if other than the violator and all owners of land that abut or are directly across the street from the subject parcel no later than ten (10)

days prior to the scheduled hearing date. Mailings shall be evidenced by a certificate of mailing. The name of the owners shall be taken from the latest Tax Assessor records. When a condominium is located across the street, or abuts the subject proposal notification may be sent to the condominium association in lieu of the individual unit owners.

If the Commission determines the permit shall be revoked, they shall direct city staff to pursue all legal remedies to gain compliance.

Regardless of whether the Commission determines that the violation warrants revocation of the permit or not, their finding does not prohibit the pursuit of any other enforcement means available.

§ 118-1470. Validity of ordinance.

If any section, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these regulations shall be deemed valid and effective.

§ 118-1480. When effective. [Amended effective 12-11-1975]

These regulations shall take effect October 16, 1929, at 12:00 noon. Amendments are effective on dates indicated within these regulations.

Editor's Note 81: Former Subsection H was redesignated as Subsection I effective 3-1-1985.

Editor's Note 82: Former Subsection I was redesignated as Subsection J effective 3-1-1985.

Editor's Note 83: Former Subsection J was redesignated as Subsection K effective 3-1-1985.

Editor's Note 84: Former Subsection K was redesignated as Subsection L effective 3-1-1985.