

## Section 9

### Zoning Permits

(Amended 1/1/2015)

9.1 No building or other structure, or part thereof, shall be constructed, enlarged, extended, moved, used or occupied or structurally altered or demolished until a Zoning Permit has been approved by the ZEO.

(Amended 1/1/2012)

9.2 In the enforcement of these Regulations, a Zoning Permit may be issued in combination with a Building Permit, and Certificate of Zoning Compliance may be issued in conjunction with a Certificate of Occupancy, as required by CGS Section 8-3(f).

9.3 Application: Applications for Zoning Permits for uses designated "P" (Permitted) in the Schedules shall be submitted to the ZEO on a form provided by the Commission prior to construction, reconstruction, extension or moving of any building or other structure. Applications for such Zoning Permits shall be accompanied by an application fee and Plot Plan.

(Amended 1/1/2012)

9.3.1 The Commission may adopt forms and procedures and collect fees relating to the issuance of a Zoning Permit.

9.3.2 The failure of an applicant to provide the statement or to pay any additional fees required under Section 7 shall render the application incomplete and shall provide a basis for the ZEO to deny the application.

(Amended 1/1/2016)

9.4 Additional Requirements: The following additional requirements shall apply to the issuance of all Zoning Permits, whether authorized as part of the approval the Commission, Board or plot plan, or as a part of an application for a Zoning Permit under Section 9.3.

(Amended 1/1/2012)

9.4.1 Staking: No Zoning Permit shall be issued by the ZEO for any new construction until the applicant has accurately placed stakes or markers on the lot indicating the location of proposed construction.

(a) The ZEO may require the applicant to place stakes or markers on the lot indicating the location of lot lines.

(b) The ZEO may required the placement of stakes or markers to be made and certified by either a land surveyor or engineer, licensed to practice in the State of Connecticut.

9.4.2 Measurements: If deemed necessary to determine compliance with these Regulations, the ZEO shall required the applicant to furnish measurements of any construction features subject to the requirements of these Regulations, including setback distances, which shall be prepared and certified by a land surveyor or professional engineer licensed to practice in the State of Connecticut.

9.4.3 Whenever a well or on-site septic system is to be installed in connection with, or as a part of, any project requiring a Zoning Permit, a copy of the approval of the Director of Health or authorized agent must be submitted with the application.

(Amended 1/1/2016)

9.4.4 Other Permits: It shall be the responsibility of the applicant to obtain all permits required by other agencies, if applicable, including other local authorities such as the Town's Engineer, Director of Health, and the Inland Wetlands and Conservation Commission, and any department or agency of the State or federal government.

(a) The applicant shall provide evidence of application to such agency or agencies, and no Zoning Permit shall be issued until evidence of application for all other permits has been submitted.

(b) The ZEO may require evidence of approval from other authorities as a prerequisite to zoning approval, and failure to receive approval from other agencies may be grounds for denial of a Zoning Permit.

(Amended 1/1/2012)

9.5 Certificate of Zoning Compliance: No land, building or other structure or part thereof requiring a Site Plan or Special Exception shall be used or occupied, or changed in use, until a Certificate of Zoning Compliance has been issued by the ZEO certifying conformity with these Regulations and the Commission approval.

(Amended 1/1/2012)

9.5.1 As-Built Plans: The use or occupancy of any land, building or other structure involving site or plot plan approval shall not take place until a Certificate of Zoning Compliance shall have been issued by the ZEO. Upon completion of the project for which a Zoning Permit has been issued, the applicant shall submit to the ZEO "as-built plans" showing that the project has been completed in conformance with the requirements of the approved site or plot plan. Upon approval of such "as-built plans" the ZEO shall issue a Certificate of Zoning Compliance.

9.5.2 The applicant shall provide evidence that all conditions of approval of any other permit obtained shall have been complied with in full prior to the issuance of any Certificate of Zoning Compliance. Failure to comply with the conditions of any Inland Wetlands Permit or any required permit shall be considered a reason to deny the Certificate of Zoning Compliance.

(Amended 1/1/2016)

9.5.3 Temporary Zoning Permit: Upon certification by an authorized person of the Department of Health that the public health and safety will not be impaired and there will be compliance with all other laws pertaining to health and safety, the ZEO may issue a Zoning Permit for a period not to exceed one hundred eighty (180) days, renewable for another period not to exceed one hundred eighty (180) days, for the temporary use of land, buildings, and other structures in the process of improvement and completion in accordance with an approved application for which a zoning permit has been issued.

- 9.6 Demolition: If a building or structure that was built prior to 1945 is to be demolished, no demolition shall occur for ninety (90) days after the legal notice of demolition.

(Entire Section 7.8 revised/amended 1/1/2012)

- 9.6.1 Said notice shall be in the form of a sign conforming to the following:

- (a) Facing the road frontage of the property in a location or locations approved by the Land Use Staff. In the event a property fronts on more than one road, a sign shall be required at each frontage in a location approved by the Land Use Staff.
- (b) Clearly legible from the road.
- (c) Produced of weather resistant material.
- (d) Professionally letter or manufactured lettering with a minimum letter size of two inches (2").
- (e) Maximum size of twenty square feet (20 sq. ft.)
- (f) The notice shall contain the following text, and the applicant shall fill in the date of demolition:

"This structure shall be demolished 90 days after \_\_\_\_\_. For information, call (860) 669-6133."

- (1) Evidence of the notice's posting shall be provided by the applicant, in the form of photographs, to the Land Use office.
- (2) Failure to post the required notice or failure to provide the required evidence shall result in the permit being denied.
- (3) If the required notice is removed from the site, either by natural or human forces beyond the control of the applicant, a new notice shall be posted within twenty-four hours of the removal of the original notice.

- 9.6.2 A waiver of the ninety (90) day period may be issued by the Commission if circumstances demonstrated to the Commission upon written request warrant such a waiver.

- 9.6.3 Nothing herein contained shall prevent the immediate demolition of any structure upon the order of the Town Building Official whenever, in his judgment, there exists a risk to public safety.

- 9.6.4 A resident of the town of Clinton may file a letter of protest of the demolition of a building or structure with the Commission. The protest shall be heard at the next Regular Monthly Meeting of the Commission.
- 9.6.5 A resident of the town of Clinton may file a petition with the Commission containing twenty (20) signatures of property owners within five hundred feet (500') of the subject property, or in the event that there are less than twenty (20) property owners within five hundred feet (500') of the subject property, the signatures of a majority of the property owners within five hundred feet (500') of the subject property. The Commission shall hold a public hearing within thirty days of the receipt of said petition.
- (a) The owner of the structure to be demolished shall grant access to Town representatives to the property and structure to evaluate the structure's condition and significance. Said evaluations may include, but not be limited to:
- (1) Architectural design
  - (2) Construction technique, framing method, framing materials
  - (3) Foundation and chimney materials
  - (4) Nature and era of former alterations
  - (5) Consideration of relationship if adjacent to structures of historical significance
- (b) The owner/applicant for the structure to be demolished shall provide building plans for the proposed replacement structure, if any, at least seven days prior to the public hearing. In addition, the owner/applicant shall state if the structure to be demolished is located within the Historic District or is a contributing structure on the National Registry of Historic Places.
- 9.6.6 After the close of the public hearing or discussion of a letter of protest, the Commission shall determine if the demolition of the building or structure is in the best interest of the town of Clinton. The following criteria shall be considered by the Commission:
- (a) The demolition of the building or structure shall not change the characteristics and harmony of the neighborhood.
  - (b) The building or structure to be demolished shall not be of distinctive architecture or of a significant historical nature.
  - (c) The report of the Town's representative that inspected the subject structure.