

## **SECTION 10 ADMINISTRATION AND ENFORCEMENT**

### **10.1 ENFORCEMENT AND PENALTIES**

**10.1.1** These Regulations shall be enforced by the Commission. The Commission shall appoint a Zoning Enforcement Officer, who shall be the Building Official, to be its duly authorized agent. The Building Official shall institute any appropriate action or proceeding to prevent the unlawful erection, construction, alteration, repair or conversion of any building or structure, or the unlawful use of land; to restrain, correct or abate such violations; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about the premises.

**10.1.2** The owner or agent of a building or premises where a violation of any provisions of these Regulations shall have been committed or shall exist, or the 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, building, 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 the remedies and sanctions provided by the Connecticut General Statutes, in addition to any other remedies provided by law.

### **10.2 APPLICATIONS AND PERMITS**

#### **10.2.1 Building Permits**

**10.2.1.1** It shall be unlawful to commence, for any purpose, the construction or alteration of any building or excavation for any building or structure or to commence any use of land or buildings until the application and plans thereof shall have been approved by the Building Official and a written permit shall have been issued by the Building Official in conformance with the State of Connecticut Basic Building Code as amended.

**10.2.1.2** An application for a building permit, which contains all the information necessary to ascertain whether the proposed building and land use complies with the provisions of these Regulations; shall be required by the Building Official. Applications for a building permit shall normally include:

- a.** Two (2) copies of the certified plot plan, drawn to scale and showing lot lines, open spaces, building size and location on the lot.
- b.** Two (2) copies of dimensional plans of floors and elevations of the building and specifications to indicate the kind, size and quality of the proposed construction.
- c.** Approval in writing of the Granby Health Official of the planned water supply and sewage disposal facilities.

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Evidence that the building lot will front either on a Town street or on a proposed road which:

1. Has been approved by the Commission and
2. Has been bonded in an amount acceptable to the Commission.

**10.2.1.3** No building permit shall be issued until the Building Official has determined that the proposed building, structure, alteration, activity, or use complies with all the provisions of these Regulations and any requirements or conditions applied by the Commission or other agency or is a valid non-conforming use under these Regulations.

**10.2.1.4** A building permit shall become void unless construction is commenced within six (6) months from the date of issuance unless such time shall have been, extended in writing by the Building Official.

**10.2.1.5** Application fees for a building permit shall be as established by the Town Manager.

### **10.2.2 CERTIFICATE OF OCCUPANCY**

**10.2.2.1** 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 until a Certificate of Occupancy, shall have been issued by the Building Official, stating that the premises or building complies with all the provisions of these Regulations. Such a certificate is also required for any change, extension or alteration in a use, as required in these Regulations and by the State of Connecticut Basic Building Code.

**10.2.2.2** Within ten (10) days after notification from the permittee that the premises are ready for occupancy, a Certificate of Occupancy shall be issued provided:

- a) That the Building Official has determined that the premises or structure as completed complies with all applicable sections of these Regulations and any stipulation, requirements or conditions applied by the Commission or other authorized agency;
- b) That the owner or his/her agent shall have filed a copy of the plot plan showing the lot lines and location of buildings certified by a licensed land surveyor as complying with the Zoning Regulations of the Town of Granby;
- c) That the public right-of-way to such building is made accessible to vehicular traffic on a year-round basis.

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**10.2.2.3** A record of all certificates shall be kept on file and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the land or building affected for a fee of one dollar (\$1.00) for each original certificate and seventy-five cents (\$.75) for each copy.

**10.2.3 Special Permit Applications**

**10.2.3.1** An application for Special Permit shall be submitted to the Clerk of the Commission on forms prescribed by the Commission and subject to the requirements of Section 8.2 of these Regulations.

**10.2.3.2** The Commission shall hold a public hearing on all applications and proceedings shall be in accordance with the provisions of the Connecticut General Statutes.

**10.2.3.3** A fee of \$200 shall accompany all applications for Special Permit, except that the application fee for a multi-family development shall be an additional \$25 per unit and Special Permits for the construction of garages and barns within residential zones shall be \$100.

**10.2.3.4** Where a proposal requires a separate Site Development Plan and a Special Permit application, only the application for Special Permit shall be required provided the application meets the additional requirements of Section 4, Site Development Plan. Only one (1) fee, the higher of the two (2), shall be required.

**10.2.4 SITE DEVELOPMENT PLAN APPLICATIONS**

**10.2.4.1** A Site Development Plan shall be submitted to the Clerk of the Commission on forms prescribed by the Commission and subject to the requirements of Section 4 of these Regulations.

**10.2.4.2** The Commission may hold a public hearing on applications for Site Development Plan in accordance with the provisions of the Connecticut General Statutes.

**10.2.4.3** A fee of \$200 shall accompany all applications for Site Development Plan, except that an application for buildings in excess of 5,000 square feet shall be assessed an additional two (2) cents per square foot in excess of 5,000 square feet.

**10.2.4.4** Where a proposal requires a separate Site Development Plan and a Special Permit application, only the Special Permit application shall be required provided the application meets the additional requirements of Section 4, Site Development Plan. Only one (1) fee, the higher of the two (2), shall be required.

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**10.2.5 APPLICATION FOR ZONE CHANGE**

- 10.2.5.1** A zone change request shall be submitted to the Clerk of the Commission on forms prescribed by the Commission.
- 10.2.5.2** Applications for zone change shall be accompanied by an overall plan at no less than 1 inch = 100 feet for the entire parcel. Such plan shall show the existing and proposed zoning designations, and the location of buildings, streets, driveways and other facilities on the subject land and adjoining properties within 500 feet. Before the Commission approves a zone change request, the Commission shall determine if the proposed zone change will be in conformance with the Plan of Development and the purposes of these Regulations and if the uses permitted in the proposed zone will adversely affect the public health, safety, welfare and property values.
- 10.2.5.3** If the proposed zone change is within 500 feet of an abutting town line, the applicant shall notify the Town Clerk of the abutting town by certified mail, return receipt requested. The applicant shall certify to the Commission that the notifications have been mailed in accordance with this requirement. The zone change map shall clearly indicate the distance to the abutting town line, as necessary to demonstrate compliance with this requirement.
- 10.2.5.4** The Commission shall hold a public hearing on all applications for zone change and proceedings shall be in accordance with the provisions of the Connecticut General Statutes.
- 10.2.5.5** At least 15 days prior to the public hearing, a notice of the proposed zone change shall be mailed to persons who own land that is adjacent to the land that is the subject of the hearing. It is the responsibility of the applicant to mail said notices. The applicant shall provide the Commission with a list of the properties where such notices were mailed and provide a proof of mailing.
- Proof of mailing, shall be evidenced by a certificate of mailing. The persons who own adjacent land shall be the owner(s) indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed.
- 10.2.5.6** At least 15 days prior to the public hearing, the applicant shall post a 3' by 3' sign in a prominent location along the street where the zone change is proposed. The sign shall read " PROPOSED CHANGE OF ZONE, CONTACT GRANBY TOWN HALL." The sign shall include a phone number as directed by the Director of Community Development.

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**10.2.5.7** In accordance with 8-7d (d) of the Connecticut General Statutes, the provisions of Section 10.2.5 shall not apply to any action initiated by the Planning and Zoning Commission.

**10.2.6 APPLICATION FOR ZONING AMENDMENT**

**10.2.6.1** An application to amend the Regulations shall be submitted to the Clerk of the Commission on forms prescribed by the Commission.

**10.2.6.2** The Commission shall hold a public hearing on all applications for zoning amendments and proceedings shall be in accordance with the provisions of the Connecticut General Statutes.

**10.2.6.3** A fee of \$200 shall accompany all applications for zoning amendments.

**10.2.7 APPLICATION FOR EARTH EXCAVATION**

**10.2.7.1** An application for earth excavation shall be submitted to the Clerk of the Commission on forms prescribed by the Commission.

**10.2.7.2** An application for earth excavation includes a Special Permit Application and is subject to the requirements of Sections 4, 8.2 and 9 of these Regulations.

**10.2.7.3** A fee of \$200 shall accompany all applications for earth excavation.

**10.2.8 APPLICATION FOR AQUIFER PROTECTION OVERLAY ZONE CHANGE**

**10.2.8.1** The request shall be submitted to the Clerk of the Commission on forms prescribed by the Commission.

**10.2.8.2** Applications for an overlay zone change shall be accompanied by a map, at a scale no less than 1 inch = 1000 feet, encompassing the specific area in question, together with adjacent areas as necessary to demonstrate the adequacy of the request.

The map shall show the underlying zoning designations and the location of buildings, streets and other facilities on the specific area in question and on adjoining properties within 500 feet.

The applicant shall provide the following information, as necessary, to demonstrate the adequacy of the proposed change:

1. Contours of the parcel and surrounding area.
2. Locations and depth of test holes and wells.

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3. Depth of bedrock.
4. Limits of stratified drift.
5. A report prepared by a Geologist or Connecticut licensed Civil Engineer outlining:
  - a. Soil and geologic conditions.
  - b. Surface and subsurface hydrology/hydrogeology.
  - c. Tests and/or other information used to determine the proposed boundaries.

When the area requested for an overlay zone change is within 500 feet of an abutting town line, this information will be clearly indicated on the map and the application.

The Commission shall hold a public hearing on all applications for overlay zone change and proceedings shall be in accordance with the provisions of the Connecticut General Statutes.

**10.2.8.5.1** A fee of \$200 shall accompany all applications for Aquifer Protection Overlay Zone change.

**10.2.9 SPECIAL APPLICATION REVIEW FEES**

**10.2.9.0** The Commission may impose on the applicant additional project review fees where it is determined that, in order to fully and properly review and evaluate an application: special expertise is necessary to assure compliance with the applicable regulations and the Town Plan of Conservation and Development. Before an additional fee is imposed, it shall be determined that the Commission's staff will not be able to complete a technical review of the application in a timely fashion or that the project is of such a nature as to require expertise not available from staff. The Commission shall make a determination of the need for such technical assistance to be provided by non-town personnel following a review of the application with Town staff. The Director of Community Development shall estimate the cost of such services based upon information received from qualified technical experts.

The applicant shall deposit 150% of the estimated cost of services with the Commission or its designated agent before review of the application by the Commission or the public hearing, if such hearing is necessary.

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Upon completion of the technical review and final action by the Commission on the application, the Commission shall determine the costs incurred for the review and refund excess funds to the applicant. The applicant shall not be responsible for costs incurred for technical assistance that exceeds the amount deposited.

**10.3 ZONING BOARD OF APPEALS**

**10.3.1** The Zoning Board of Appeals shall have the following powers and duties, which shall only be exercised in conformity with the terms and intent of these Regulations.

**10.3.1.1** To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer.

**10.3.1.2** To interpret and vary the application of the Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values 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 such Regulations would result in exceptional difficulty or unusual hardship. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with these Regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed in violation of these Regulations.

**10.3.1.3** To hear and decide all matters upon which it is required by the specific terms of the provisions hereunder and the amendments thereto.

**10.3.2** The Board of Appeals shall adhere to the following procedure for all applications coming before it:

**10.3.2.1** All appeals and applications made to the Board of Appeals shall be submitted to the Clerk of the Board on forms prescribed by the Board and with supporting plans, materials and other information required by the Board. Applications shall be accompanied by the appropriate fee; as established by the Town Manager.

**10.3.2.2** The Board of Appeals shall hold a public hearing on all applications and appeals. All proceedings shall be in accordance with the applicable provisions of the Connecticut General Statutes.

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**10.3.2.3** Whenever the Board grants a variance to the Zoning Regulations or reverses wholly or partly an order of the Zoning Enforcement Officer, it shall state on its records the reason why such variance or exception was granted or such reversal made.

**10.3.2.4** Any exception, variance or reversal shall become effective at such time as is fixed by the Board, provided a copy thereof shall be filed by the applicant in the Office of the Town Clerk in accordance with Section 8-7 of the Connecticut General Statutes.

**10.3.2.5** The Board of Appeals shall not be required to hear any application for the same variance or substantially the same variance for a period of six (6) months after a decision by the Board or by a court on an earlier such application.

**10.4 VALIDITY OF REGULATIONS**

If any section, paragraph, subdivision, clause, or provision of this Regulation shall be adjudged invalid, such decision shall apply only to the section, paragraph, subdivision, clause, or provision in question and the remainder of this Regulation shall be deemed valid and effective.

**10.5 EFFECTIVE DATE**

The effective date of the comprehensive rewrite is 1/27/00.

<b>SECTION</b>	<b>APPROVED</b>	<b>EFFECTIVE</b>
<b>8.19</b>	<b>02/06/90</b>	<b>03/01/90</b>
<b>8.1.3.1 and 8.1.3.2</b>	<b>03/13/90</b>	<b>03/25/90</b>
<b>1.4 (Open Space)</b>	<b>06/24/90</b>	<b>06/24/90</b>
<b>Add Recreational Corridors</b>	<b>06/24/90</b>	<b>06/24/90</b>
<b>8.20</b>	<b>06/12/90</b>	<b>07/01/90</b>
<b>3.3.2.2</b>	<b>10/23/90</b>	<b>10/23/90</b>
<b>8.1.3 and 8.1.3.4</b>	<b>07/23/91</b>	<b>01/23/91</b>
<b>8.21</b>	<b>03/24/92</b>	<b>04/01/92</b>
<b>8.6.6.5, 8.6.6.6 and 8.6.6.10</b>	<b>03/23/93</b>	<b>04/01/93</b>
<b>5.2.3</b>	<b>10/26/93</b>	<b>11/01/93</b>
<b>5.2.5</b>	<b>12/14/93</b>	<b>01/01/94</b>
<b>6.1</b>	<b>05/24/94</b>	<b>06/01/94</b>
<b>8.11</b>	<b>09/27/94</b>	<b>10/01/94</b>
<b>8.3.1 and 8.4.2.5</b>	<b>01/10/95</b>	<b>01/18/95</b>
<b>3.4.2 and 3.5.2</b>	<b>01/24/95</b>	<b>02/01/95</b>

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<b>8.6</b>	<b>06/13/95</b>	<b>07/01/95</b>
<b>8.16</b>	<b>10/10/95</b>	<b>11/01/95</b>
<b>6</b>	<b>04/9/96</b>	<b>04/29/96</b>
<b>8.1.3.3</b>	<b>06/25/96</b>	<b>07/10/96</b>
<b>8.20.15</b>	<b>06/25/96</b>	<b>07/10/96</b>
<b>8.14.1.3</b>	<b>06/25/96</b>	<b>07/10/96</b>
<b>5.2.7</b>	<b>06/25/96</b>	<b>07/10/96</b>
<b>8.2.11</b>	<b>06/25/96</b>	<b>07/10/96</b>
<b>10.2.3.3</b>	<b>06/25/96</b>	<b>07/10/96</b>
<b>8.6.12.1.2</b>	<b>06/25/96</b>	<b>07/10/96</b>
<b>8.6.12.1.3</b>	<b>06/25/96</b>	<b>07/10/96</b>
<b>8.6.12.1.4</b>	<b>06/25/96</b>	<b>07/10/96</b>
<b>8.6.12.2.1</b>	<b>06/25/96</b>	<b>07/10/96</b>
<b>8.8</b>	<b>06/25/96</b>	<b>07/10/96</b>
<b>3.5.2.12</b>	<b>08/13/96</b>	<b>08/14/96</b>
<b>3.8.2.13</b>	<b>08/13/96</b>	<b>08/14/96</b>
<b>8.22</b>	<b>12/10/96</b>	<b>01/01/97</b>
<b>8.18</b>	<b>07/22/97</b>	<b>08/01/97</b>
<b>8.23</b>	<b>09/09/97</b>	<b>10/01/97</b>
<b>1.4</b>	<b>04/28/98</b>	<b>05/01/98</b>
<b>5.2.2</b>	<b>04/28/98</b>	<b>05/01/98</b>
<b>4.2.5</b>	<b>03/23/99</b>	<b>03/31/99</b>
<b>8.20.7.1</b>	<b>05/11/99</b>	<b>05/18/99</b>
<b>8.20.7.5</b>	<b>05/11/99</b>	<b>05/18/99</b>
<b>1.4</b>	<b>05/11/99</b>	<b>05/18/99</b>
<b>5.2.12</b>	<b>05/11/99</b>	<b>05/18/99</b>
<b>8.24</b>	<b>09/14/99</b>	<b>09/20/99</b>
<b>3.8.2.15</b>	<b>09/14/99</b>	<b>09/20/99</b>
<b>3.9.2.10</b>	<b>09/14/99</b>	<b>09/20/99</b>
<b>Street</b>	<b>09/14/99</b>	<b>09/20/99</b>
<b>8.25</b>	<b>11/09/99</b>	<b>12/01/99</b>
<b>8.15.14</b>	<b>11/09/99</b>	<b>12/01/99</b>
<b>4.2.5</b>	<b>03/14/00</b>	<b>03/20/00</b>
<b>8.26</b>	<b>06/27/00</b>	<b>07/17/00</b>
<b>3.9</b>	<b>10/10/00</b>	<b>11/01/00</b>
<b>8.15.17.6</b>	<b>05/14/02</b>	<b>06/07/02</b>
<b>8.27</b>	<b>05/28/02</b>	<b>06/23/02</b>
<b>8.3.1</b>	<b>09/23/03</b>	<b>09/23/03</b>
<b>3.6.2.4</b>	<b>09/23/03</b>	<b>09/23/03</b>
<b>8.3</b>	<b>09/23/03</b>	<b>09/23/03</b>
<b>4.2.1</b>	<b>11/25/03</b>	<b>12/17/03</b>
<b>10.2.5.2</b>	<b>01/27/04</b>	<b>02/16/04</b>

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<b>5.2.13</b>	<b>01/23/01</b>	<b>02/01/01</b>
<b>8.27.3.13</b>	<b>06/10/03</b>	<b>07/01/03</b>
<b>8.27.3.17.6</b>	<b>06/10/03</b>	<b>07/01/03</b>
<b>3.1.2.20</b>	<b>06/17/04</b>	<b>06/25/04</b>
<b>8.10 B &amp; B</b>	<b>11/23/04</b>	<b>11/23/04</b>
<b>8.28</b>	<b>06/17/04</b>	<b>06/25/04</b>
<b>5.2.12</b>	<b>06/28/05</b>	<b>07/18/05</b>
<b>8.20</b>	<b>06/28/05</b>	<b>07/18/05</b>
<b>8.14</b>	<b>06/28/05</b>	<b>07/18/05</b>
<b>3.10</b>	<b>02/28/06</b>	<b>03/03/06</b>
<b>3.10 (amended)]</b>	<b>04/11/06</b>	<b>04/24/06</b>
<b>10.2.5 Notice</b>	<b>09/12/06</b>	<b>09/15/06</b>
<b>8.7 (amended)</b>	<b>10/24/06</b>	<b>10/27/06</b>
<b>2.13 Wood burning Furnaces (outdoor)</b>	<b>11/28/06</b>	<b>12/01/06</b>
<b>3.11 Rural Conservation R4A</b>	<b>07/10/07</b>	<b>07/13/07</b>
<b>4.2.4 Drainage Requirements &amp; Stormwater Managment</b>	<b>09/25/07</b>	<b>10/01/07</b>
<b>4.2.4 Drainage Requirement</b>	<b>09/25/07</b>	<b>10/01/07</b>
<b>8.6</b>	<b>11/13/07</b>	<b>11/16/07</b>
<b>8.6.14 Illumination</b>	<b>11/27/07</b>	<b>11/30/07</b>
<b>8.16 Restaurants</b>	<b>11/27/07</b>	<b>11/30/07</b>
<b>4.2.4 Drainage Requirement</b>	<b>4/22/08</b>	<b>5/4/08</b>