

ARTICLE VII APPLICATION STANDARDS, PROCEDURES AND ZONING ENFORCEMENT

700 General Application Standards and Procedures

Applications shall be made by the property owner of record, by an individual having substantial interest in the property, or by a duly authorized agent.

Applications may be referred to the Quinnipiac Valley District, the Department of Environmental Protection or any other department or agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.

A public hearing is required for amendments to the Zoning Map and Regulations, Special Permits and any applications submitted to the Zoning Board of Appeals.

Whenever the Commission schedules a public hearing, the applicant shall place a sign or signs on the affected property, clearly visible to passers by, giving notice of the proposed public hearing. Where the property is a corner lot, a sign shall be placed on both frontages of the property. The sign is to be placed at or near the street line or traveled way and shall be clearly visible to the general public. Such sign, to be provided by the Planning Department, shall be installed by the applicant no less than 10 days before the hearing. Sign(s) are subject to a security deposit in an amount set by the Legislative Council.

An affidavit shall be presented at the public hearing by the applicant or his/her agent certifying that this sign was installed and maintained in accordance with the provisions of this section.

In addition to the sign notice required above, for any application requiring a public hearing, the Commission shall give notice by mail of any such hearing 10 days prior to the date of the hearing to the applicant filing the application and to every property owner (of record on the date of filing the application) whose property, according to Town Land Records, is located within, abutting, or directly across the street from all boundaries of the proposed change in the zoning map change.

All applications to a Commission shall include the following:

- a. The required number of copies of the complete application form signed by the applicant(s) and the owner(s) of the property;
- b. A fee in the amount prescribed by ordinance; and
- c. A list of all property owners required to be notified, together with stamped envelopes appropriately addressed.

Exemptions: The provisions of Sections 716.2, 716.7 and 716.10 shall not apply to applications initiated by the Commission.

702 Zoning Amendments & Standards

The following requirements shall pertain to applications for Zoning Map and Zoning Regulation amendments.

702.1 Authority

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

704 Purpose

The purpose of these regulations is to protect the health, safety and welfare of Hamden's population, environment, infrastructure and economic viability by enabling, encouraging and qualifying the implementation of these regulations.

704.1 Application

Applicants requesting an amendment to the Zoning Regulations and/or Zoning Map may submit an application proposing such an amendment to the Commission.

Before the Commission shall consider any such petition, the following requirements shall be met and information submitted by the applicant:

706 Zoning Map Amendments

For all applications to amend the boundaries or classification of a zone, an applicant shall submit fifteen copies of an application, in writing, on forms provided by the Commission. Applications shall:

- a. Signed by the party proposing the amendment or by the agent for such party;
- b. Include a meets-and-bounds description of the land to be included in the amendment;
- c. Provide fifteen copies of a narrative stating the reason(s) for the proposed amendment;
- d. Contain fifteen copies of a map showing north arrow, name of the petitioner(s) and all existing lots, dimensions, property lines, streets, and existing and proposed zoning for the area included in and within 500 feet of the subject property.
- e. Include a map accurately drawn to a maximum scale of 50 feet and a minimum of 200 feet to the inch. The map may show other information considered pertinent by the applicant.
- f. Supply a list of all property owners required to be notified in **Section 716.10**, and corresponding stamped envelopes appropriately addressed.
- g. **Sign posting per Section _____**

706.1 Review Criteria for Change to Zoning Map

In acting upon a zone change, the Commission shall consider, as appropriate, the various factors favorable and unfavorable to such a change, including but not limited to:

- a. The goals, objectives, and recommendations of the Plan of Conservation and Development;
- b. The intent of zoning and of these regulations;
- c. Changes that have taken place in the rate and pattern of development and land use within the Town and adjoining communities;
- d. The supply of land available in the present and proposed zone;
- e. The physical suitability of the land for the proposed zone;
- f. The impact on the capacity of the present and proposed utilities, streets, drainage systems, and other improvements;
- g. The general character and zoning of the neighborhood
- h. Impacts on the surrounding area;
- i. Traffic congestion impacts;
- j. The environmental impacts; and
- k. The health and general welfare of the community.

706.2 Additional Notice

In addition, for proposed Zoning Map amendments submitted by an applicant, the Commission shall give notice of any such hearing at least (10) days prior to the date of the hearing to the applicant filing the application and to the property owners of record on the date of filing the application whose property, according to Town Land Records, is located within, abutting, or directly across the street from all boundaries of the proposed zoning map

change.

708 Amendments to Regulations

All applications to amend the text or diagrams of these Regulations, including any change in punctuation or wording, a written application is necessary. The applicant shall:

- a. Provide 15 copies of the application to the Commission, setting forth the specific provision(s) to be amended and the proposed language thereof;
- b. Be signed by the party proposing the amendment or by the agent for such party.
- c. Include a narrative stating the reason(s) for the proposed amendment.

708.1 Review Criteria for Change to Zoning Text

In acting upon a change to the Regulation text, the Commission shall consider, as appropriate, the various factors favorable and unfavorable to such a change, including but not limited to:

- a. The goals, objectives, and recommendations of the Plan of Conservation and Development;
- b. The intent of zoning and of these regulations;
- c. Changes that have taken place in the rate and pattern of development and land use within the Town and adjoining communities;
- d. The impact on the capacity of the present and proposed utilities, streets, drainage systems, and other improvements;
- e. Traffic congestion impacts;
- f. The environmental impacts; and
- g. The health and general welfare of the community.

710 Referrals

The Commission may refer any application to amend these Zoning Regulations and/or the Zoning Map to any Town department or other agency the Commission deems appropriate. The Commission may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.

712 Public Hearing and Notice

The Commission shall hold a public hearing on all proposed amendments to the Zoning Regulations and/or Zoning Map and shall publish a notice of said hearing in a newspaper of general circulation in accordance with the General Statutes of the State of Connecticut.

714 Adoption of Amendment

In the case of a zoning map amendment when a protest is filed with the Commission at a public hearing and is signed by the owners of twenty percent (20%) or more of the area of the lots included in such proposed amendment, or of the lots within 500 feet in all directions from the lots included in the proposed amendment. In the case of either an amendment to the Zoning Map or the Zoning Regulations if the Planning Section of the Commission recommends denial, such amendment shall not be adopted except by a vote of two-thirds of the entire membership of the Commission.

716 Effective Date of Amendments

Zoning Regulations and boundaries of zones, shall become effective at a time fixed by the Commission, provided notice has been published prior to the set effective date in a newspaper having a substantial circulation in the Town.

718 Special Permit Standards and Procedures

718.1 Authority and Purpose

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

718.2 Applications

Applications for a Special Permit shall include the following:

- a. Site Plan application as required in **Section 720**;
- b. A narrative statement describing the proposed use;
- c. Data must include:
 - i. Building Location
 - ii. Building Use
 - iii. Parking Location
 - iv. Landscaping
 - v. Signage
 - vi. Special Requirements
 - vii. Hazard Mitigation
 - viii. Natural Drainage and Sedimentation and Erosion Controls
 - ix. Architectural Plans and Elevations
 - x. Lighting Plans
 - xi. General Performance Standards
- d. Any revisions to maps and any additional information, such as a traffic report, that is not submitted at the time of the initial application must be submitted to the Planning Office at least 10 calendar days prior to the public hearing on the proposed application.

718.3 Conformance to Requirements

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

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

718.4 Theshold for Granting a Special Permit

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

- a. The health, safety and welfare of the public in general, and the immediate neighborhood, in particular, compliance with the Plan of Conservation and Development;
- b. The location and size of the proposed use;
- c. The nature and intensity of the proposed use and any operations involved in the use;
- d. The safety and intensity of traffic circulation on the site and in adjacent streets;
- e. The scale of the proposed site and structure(s);
- f. The harmony and appropriateness of the use and site design in relation to the general area and to adjacent properties;
- g. Compliance with the Zoning Regulations and the site plan objectives set forth in **Section 720**. Any permit granted under this Section shall be subject to any and all conditions and safeguards imposed pursuant to **Section 718.6**.

718.5 Conditions and Safeguards

The Commission may, if it finds that a Special Permit is appropriate, include reasonable conditions and safeguards related to the factors set forth in **Section 718.5**. Any such conditions or safeguards attached to the granting of a Special Permit shall remain with the property as long as the Special Permit use is still in operation, and shall continue in force regardless of any change in ownership of the property.

718.6 Conformance to Approved Plans

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

718.7 Suspension

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

718.8 Amendments or Modifications to Approved Special Permits

Applications for amendment(s) or modification(s) to an approved Special Permit that are necessitated by site conditions or by a change in circumstances, or that are deemed to be in the public interest, shall be made in the same manner as the original application; *except that amendments which are found to be of a minor nature or that do not materially alter the Special Permit may be authorized by the Town Planner or the Commission without another public hearing.*

718.9 Time Period and Expiration

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

718.10 Continuance

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

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

720 Site Plan Standards and Procedures

720.1 Authority and Purpose

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

No Zoning Permit shall be issued for any activity requiring Site Plan approval until the Commission has reviewed and approved the application. All uses requiring a Special Permit shall require Site Plan review and approval by the Commission.

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

720.2 Site Plan Procedure

720.2.1 Application

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

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

720.3 Referrals

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

720.4 Site Plan Information

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

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

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

Site Plans shall include the following:

- a. Title Block with date, name of developer(s), property owner(s), north arrow, revision date(s), numeric and graphic scale of plans, seals and signatures of all appropriate design professionals;
- b. A key map at the scale of 1-inch equals 1000 feet showing the subject property and adjacent properties within 500 feet;
- c. Boundary survey of the site, including distances with angles or bearings;
- d. Zoning classification of property;
- e. Area of lot;
- f. Name of adjacent owners and zoning classification of each property;
- g. Existing and proposed contours or spot grades at no more than 2-foot intervals;
- h. Locations of existing and proposed buildings, signs, fences, and walls with dimensions, area, elevations and number of stories, and distances between all buildings and property lines;
- i. Location of all existing and proposed uses and facilities not requiring a building, such as swimming pools, tennis courts, tanks, and transformers;
- j. Sizes, arrangement, uses, and dimensions of all open spaces on the site;
- k. Location and design of all existing and proposed sanitary sewers, storm drainage, water-supply facilities, electrical / mechanical pad(s) and other underground and above-ground utilities;
- l. Existing and proposed sidewalks, curbs and curb cuts, and adjacent streets;
- m. Soil erosion and sedimentation control measures as required by Section 520.9 Sediment and Erosion and Control Regulations;
- n. Drainage design for roof area(s), parking lot(s) and driveway(s);
- o. Stormwater Detention Plans;
- p. Locations and descriptions of all existing and proposed easements and rights-of-way;
- q. Location of all existing wooded areas, watercourses, wetlands, rock outcrops, and other significant physical features, and, where appropriate, the mean high-water line, the wetlands boundary, the flood hazard area, the coastal area boundary, the aquifer boundary and the West Rock Ridge Conservation area;

- r. Location of existing stone walls;
- s. Proposed landscaping to include the following:
 - i. Location, general layout, type and size of buffer(s) or landscape area(s), plant material(s), fencing, screening devices, decorative paving, or other materials proposed;
 - ii. Location of existing trees with a trunk caliper of more than 6 inches except in intensely wooded areas where the foliage line shall be indicated;
 - iii. A statement to the effect that such landscaping does not include any species listed on the Connecticut Invasive Plant List.
- t. Layout of all off-street parking areas showing details of aisles, driveways, each parking space, all loading and unloading areas, pavement markings, location of directional signs;
- u. Existing and proposed locations, heights and sizes of all outdoor lighting and sign locations. Lighting plan shall include the following:
 - i. Location and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices; any decorative lighting should be indicated;
 - ii. Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cut sheets by manufacturers and drawings (including sections where required);
 - iii. Photometric data, such as that furnished by manufacturers or similar, showing the angle of cut-off or light emissions;
 - iv. Wattage or power of the lights, and method of shielding from any adjoining residential area.
- v. Fire lanes and traffic control signs as required by Police and Fire authorities;
- w. Outside storage areas with proposed screening;
- x. Location of outside recycling and refuse storage area and proposed screening;
- y. Provisions for water supply;
- z. Proposed open space areas and any proposed site improvements to such areas;
- aa. Information on endangered species or species of special concern, as listed on the Natural Diversity Data Base maintained by the Connecticut DEP; and
- bb. A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping, open spaces and other elements as they relate to the requirements of the Zoning Regulations.

720.5 Site Plan Objectives

In reviewing a Site Plan Application, the Commission shall take into consideration the health, safety and welfare of the public in general and the immediate neighborhood, in particular, and may prescribe reasonable conditions and safeguards to insure the accomplishment of the following general objectives.

720.5.1 Town Plan: That the proposed site plan shall be in general conformance with the intent of the Town Plan. However, the Town Plan shall not take precedence over specific provisions of the Zoning Regulations.

720.5.2 Public Safety: All buildings, structures, uses, equipment, or material are readily accessible for fire and police protection.

720.5.3 Traffic and Pedestrian Access: All proposed traffic and pedestrian access ways do not create traffic hazards and are: adequate, but not excessive in number; adequate in width, grade, alignment, and visibility; adequate in distance from street corners, places of public assembly and other access ways; and adequate in design for other similar safety considerations.

720.5.4 Circulation and Parking: Adequate parking and loading spaces are provided to prevent conges-

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

720.5.5 Landscaping and Screening: The general landscaping of the site complies with the purpose and intent of **Section 540.2** of these regulations; that existing trees are preserved to the maximum extent possible; and that parking, storage, refuse and service areas are suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way.

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

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

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

720.5.9 Neighborhood Character: The location and size of any proposed use, building or structure, as well as the nature and intensity of operations involved or conducted in connection therewith, will be in general harmony with the character of the surrounding neighborhood and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, building, or structure as expressed in **Article V** Performance Standards.

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

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

720.6 Conformance to Requirements

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

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

720.7 Conditions and Safeguards

The Commission may, if it finds that a Site Plan is appropriate, include reasonable conditions and safeguards related to the factors set forth in **Section 720.6**. Any conditions of approval shall be so noted by stamping on the Site Plan accordingly and noting specific conditions on the plan. Any such conditions or safeguards attached

to the granting of a Site Plan shall remain with the property as long as the Site Plan use is still in operation, and shall continue in force regardless of any change in ownership of the property.

720.7.1 Performance Bond

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

720.8 Conformance to Approved Plans

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

720.9 Suspension

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

720.10 Amendments

Minor amendments to approved Site Plans may be approved by the Town Planner or the Commission, subject to compliance with all of the appropriate zoning standards.

720.11 Time Period and Expiration

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

720.12 Continuance

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

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

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

722 Applications for Approval of Location of Use: Limited Repairer's License and Car Sales

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

724 Temporary Permits

Nothing in these Regulations shall prevent a church, school, civic association, social club, volunteer fire department, municipal agency, or other non-profit organization from holding a fair, carnival, circus, horse show, athletic meet or similar event on its own premises for a period not exceeding seven days in any calendar year, the profits of which are for the sole benefit of such organization or for civic, religious or philanthropic purposes. Seasonal operations, such as a farmer's market, shall not be limited to 7 days. A Zoning Permit may be issued to any member of the above group of organizations located within the Town of Hamden, for an event, as described and limited above, at permissible premises other than those of such organizations.

726 Zoning Board of Appeals

726.1 Powers and Duties

The Zoning Board of Appeals shall have the following powers and duties.

726.2 Decide Appeals

To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with Zoning Enforcement. A person, firm, corporation or entity to whom said decision has been directed shall make such appeals within fifteen days of the decision of the Zoning Enforcement Officer.

726.3 Vary the Application of the Regulations

To determine and vary the application of the Zoning Regulations in harmony with the general purpose and intent and with due consideration for the Plan of Conservation and Development and 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 zone in which it is situated, a literal enforcement of the regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. Financial hardship alone shall not be considered an exceptional difficulty or unnecessary hardship.

726.4 Use Variances

726.4.1 Purpose:

Pursuant to Section 8-6, Connecticut General State Statutes, and to be consistent with the purpose and intent of the Hamden Zoning Regulations, and to avoid spot zoning in contravention to the Hamden Plan of Conservation and Development, and to avoid actions that in essence establish new or amend existing Zoning Regulations, the Zoning Board of Appeals shall consider the statutory substantive requirements for variances.

726.4.2 Criteria for Use Variances

Use variances shall be granted only upon finding all of the following:

- a. A literal enforcement of the Zoning Regulations would result in exceptional or unusual hardship; Financial hardship alone shall not be considered an exceptional difficulty or unnecessary hardship.
- b. The hardship is not a self-inflicted hardship, resulting from a previous action by the applicant;
- c. The applicant has demonstrated that no reasonable use of the property can be made for any use permitted in the applicable zone;
- d. The applicant has demonstrated that (s)he has pursued all other alternatives available to him/her under the regulations;
- e. The variance requested is the minimum variance necessary to allow a reasonable use of the land;
- f. The applicant has demonstrated that the granting of the requested variance will have no adverse effect on surrounding properties with regard to health, safety, welfare or property values;
- g. The applicant's request for a variance is consistent with the Comprehensive Plan of Conservation and Development, 2004, as it may have been amended from time to time.

726.4.3 All uses prohibited in the Zoning Regulations shall not be permitted by variance.

726.4.4 All applications where a use variance has been granted shall be subject to Special Permit approval by the Commission.

726.5 Flood Damage Prevention Variances

To hear and decide variances in accordance with Section 4.4 of the Hamden Flood Damage Prevention Ordinance adopted on 6/14/79. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

726.6 Procedures

726.6.1 Application

All applications and appeals to the Zoning Board of Appeals(ZBA) shall be filed in a form prescribed by the ZBA. and shall be accompanied by a fee as established by the Board. The applicant shall submit a list of all property owners required to be notified in **Section 726.7.3**, together with stamped envelopes appropriately addressed.

726.6.2 Public Hearing

The Zoning Board of Appeals shall hold a public hearing on all applications and appeals after due notice and within the time prescribed by the Connecticut General Statutes.

726.6.3 Written Notification

In addition to the hearing notice required by the Connecticut General Statutes, the Zoning Board of Appeals shall send written notification of a request for a variance to owners of all lots located within 100 feet of any lot or lots on which any variance is being requested. Said notice shall be sent at least 10 days prior to the date of the hearing and shall include the location and general description of the type of variance being requested.

Whenever the Commission schedules a public hearing, the applicant shall place a sign or signs on the affected property clearly visible to passers by giving notice of the proposed public hearing. Where the property is a corner lot, a sign shall be placed on both frontages of the property. The sign is to be placed at or near the street line or traveled way and shall be clearly visible to the general public. Such sign, to be provided by the Planning Department, shall be installed by the applicant no less than 10 days before the hearing. Sign(s) are subject to a security deposit in an amount set by the Legislative Council.

An affidavit shall be presented at the public hearing by the applicant or his/her agent certifying that this sign was installed and maintained in accordance with the provisions of this section.

726.6.4 Board Action and Referral

The Zoning Board of Appeals in compliance with the time limits set forth in the Connecticut General Statutes shall take action on all requests, applications or appeals. The Board may attach reasonable conditions to the granting of variances to ensure compliance with the intent of the Zoning Regulations.

728 Staff Procedures

728.1 Enforcement

728.1.1 Authority and Purpose

The Zoning Enforcement Officer or other authorized official subject to appropriate supervision shall enforce

these regulations. The Zoning Enforcement Officer is authorized to cause any building, structure, place, premise, or use to be inspected or examined and to order, in writing, the remedying of any condition found to exist therein or thereon in violation of any provisions of these regulations.

728.1.2 Enforcement and Penalties

Any official having jurisdiction may institute, in addition to other remedies, an action or proceeding to prevent the unlawful erection, construction, alteration, conversion, maintenance, or use of a building, or to restrain, correct, or abate such violation, or to prevent the occupation of buildings, structures, or land, or to prevent any illegal act, conduct of business, or use in or about such premises.

The owner or agent of a building or premises where a violation of any provision of such regulations has been committed or shall exist, or the lessee or tenant of any 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 has been committed or exists, shall be subject to the fines, injunctive procedures, and any other penalties prescribed by Connecticut General Statutes Chapter 124, as amended, including, when warranted, a separate violation for each day that a violation exists.

730 Administrative Permits

730.1 Zoning Permit

No building or structure shall be erected, added to, or structurally altered and no use, or reuse, shall be established until approved by the Commission or the Town Planner, as required, and until a Zoning Permit has been issued by the Zoning Enforcement Officer (ZEO) or other authorized official. All applications for such permits shall be in accordance with the requirements of these Regulations.

730.1.1 Application: Every application for a Zoning Permit shall be accompanied by such information and exhibits as are required herein or may be reasonably required by the ZEO in order that the proposal of the applicant may be adequately interpreted and judged as to its conformity with the provisions set forth in these regulations.

730.1.2 Plot Plan: The application shall be accompanied by three copies of a plot plan based on a survey prepared by a land surveyor and/or engineer registered in the State of Connecticut (whichever is applicable), drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the location of the building upon the lot, the dimensions of all open spaces, the setback lines observed by buildings, the location of driveways and curb cuts, and such other information as may be necessary. The Town Planner may authorize the ZEO to waive any of the plot plan requirements in cases where it is not needed to determine conformity with these regulations.

730.2 Certificate of Zoning Compliance

No land shall be occupied or used and no building hereafter erected or altered shall be occupied in whole or in part for any purpose until a Certificate of Zoning Compliance shall have been issued by the ZEO, or other authorized official, stating that the premises or building comply with all the provisions of these regulations. Such a certificate is also required for any change, extension, or alteration in use that must be approved by the Town Planner or Commission, as required, prior to issuance of such certificate by the ZEO.

No Certificate of Zoning Compliance shall be issued until the applicant submits a Improvement Location Survey that meets the following requirements:

- a. Three paper copies of drawing to A-2/T-2 standards
- b. One digital copy of drawings to A-2/T-2 standards
- c. Drawings shall be signed by the Engineer or Architect who signed the approved drawings. The Engineer or

Architect shall certify that the project was built in accordance with the approved plans

d. A narrative of use(s)

e. If circumstances warrant, the Town Planner and the Town Engineer may waive any of the above requirements in consultation with the Chairperson of the Planning & Zoning Commission.

When the site work cannot be completed because of weather or other pertinent reason, a conditional Certificate of Zoning Compliance may be issued for a period not to exceed 180 days, provided satisfactory surety has been posted with the Town of Hamden in an amount sufficient to complete the site work. Upon written request of the applicant and satisfactory completion of the site work, the Commission shall order the release of the surety.

The ZEO may waive the requirement for a certified plot plan in cases where it is not needed to determine conformity with these regulations. No such Certificate of Zoning Compliance shall be issued by the ZEO until all zoning requirements and conditions have been met.

732 Digital Mapping Data Submission Requirements

In addition to the hard copies signed and sealed by a licensed land surveyor, all applications for a Certificate of Zoning Compliance shall be accompanied by a digital file or set of files, meeting the following requirements:

The digital mapping data shall be delivered in one of the following formats:

- a) AutoCAD dwg
- b) AutoCAD dxf
- c) Arc/Info shape file
- d) Arc/Info export file (e00)
- e) ArcGIS personal geodatabase

If delivered as a series of tiled CADD files, the features that cross sheet boundaries shall meet precisely at the match line.

Line work in CADD files shall employ types for graphically differentiating features, such as dashed lines for unpaved roads. Continuous lines that have been broken to appear like a dashed line are not acceptable.

Map features and text shall be located on separate layers. Where text labeling covers an underlying map feature the text shall be moved to another location where possible. A portion of the line work may be removed, providing it does not compromise the integrity of the feature. For example, a portion of a contour line may be erased, but not the embedded elevation unless it can be relocated in close proximity to its original position.

Features shall be thematically organized in the CADD or GIS data structure. For example there shall be separate CADD layers for buildings, roads, road centerlines, surface water, wetlands, etc. Having all these features in a single CADD layer or GIS file shall not be accepted.

Metadata which includes the method used to capture and map features, shall be submitted, together with the horizontal and vertical accuracy of the same.

714 *Major Amendments, Minor Amendments and Variances*

There shall be three types of deviation from the requirements of these Regulations: Major Amendment, Minor Amendment and Variance. The Planning staff shall determine whether a deviation requires a Minor Amendment, a Major Amendment or a Variance.

- a. *Major amendments to approved Site Plans attendant to Special Permits may be approved with a public hearing before the Commission. Major amendments are those that may result in additional impact to the appearance and/or intensity of use of a site.*

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

- b. *Minor amendments to approved Site Plans attendant to Special Permits may be approved without a public hearing by the Town Planner or the Commission, if such changes are the result of site conditions or a change in circumstances, and provided such change shall have no additional impact.*

The request for a Minor Amendment shall not subject the entire application to public hearing. The Town Planner or the Commission shall have the authority to approve or disapprove, administratively, a request for a Minor Amendment pursuant to regulations established by the Planning and Zoning Commission. The Town Planner shall report all administratively approved Minor Amendments to the Commission at its next regularly scheduled meeting.

- c. *A Variance is a ruling that would permit a practice that is not consistent with a specific provision of these Regulations but is justified by the provisions of Section 120, Purpose. Variances shall be granted by the Zoning Board of Appeals only in accordance with the Connecticut General Statute Section 8.6.*

