

# **§45 ZONING ADMINISTRATION AND ENFORCEMENT**

*Revised 02-15-13*

## **45-1 Zoning Enforcement Officer**

These regulations shall be enforced by the Planning and Zoning Commission which may appoint a person or persons to act as a Zoning Enforcement Officer. The Zoning Enforcement Officer shall be directly responsible to the Planning and Zoning Commission, but for administrative purposes shall report to the Director of Planning, and shall carry out his/her duties according to law and under such rules and regulations as the Planning and Zoning Commission may, from time to time, adopt. All references to Zoning Enforcement Officer in these regulations shall also be interpreted to include the Director of Planning and Zoning, the Deputy Director of Planning and Zoning, the Zoning Official, members of the Planning and Zoning Commission or any other person designated by the Planning and Zoning Commission to enforce the zoning regulations. The Zoning Enforcement Officer is authorized by the Planning and Zoning Commission to enforce the conditions listed in the Certificate of Appropriateness from the Historic District Commission pertaining to the premises designated by the RTM as Historic Districts and Historic properties.

## **45-2 Enforcement**

The Zoning Enforcement Officer may cause any building, structure, place or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist in violation of any provision of these regulations. The owner, agent, lessee, tenant, architect, builder, or contractor of any building or premises or part thereof in which a violation has been committed or exists shall be considered the violator and shall be subject to the penalties in accordance with §8-12, Planning and Zoning Statutes of the Connecticut General Statutes. Any official having jurisdiction may institute an action (such as an Order to Discontinue or a Cease and Desist Order), proceeding or other remedies 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 any illegal act, conduct, business or use in or about such premises.

All Orders to discontinue and Cease and Desist Orders shall be filed on the land records in the Town Clerk's Office.

## **45-3 Zoning Permit**

No building or structure shall be erected, added to, or structurally altered and no change of use shall be established until a Zoning Permit has been issued by the Zoning Enforcement Officer. No Zoning Permit shall be issued for any building, structure or use that requires site plan review under these regulations without the prior approval of said site plan. If the conditions of the Planning & Zoning Commission resolution, conditions of the Zoning Board of Appeals variance or Zoning Permit have not been met, have been violated or if work extends in time or scope beyond approvals then the Zoning Permit shall be revoked. A Zoning Permit shall be rendered null and void if there are any substantial changes or alterations to the Plot Plan, Building Plans and/or other supporting application documents after the issuance of such Zoning Permit. All applications for such permits shall be in a form prescribed by the Commission and shall include the following information:

### **45-3.1 Application**

Every application for a Zoning Permit shall be accompanied by such information and exhibits as are required herein or such additional information as may be requested by the Zoning

Enforcement Officer in order that the proposal may be adequately interpreted and evaluated as to its conformity with the intent and provisions of these regulations.

#### **45-3.2 Plot Plan**

The application shall be accompanied by three (3) copies of a plot plan drawn to scale on a sheet, not to exceed 24" x 36" and certified "substantially correct" by a licensed Civil Engineer or Land Surveyor, based on a Class A-2 Survey, not more than ten (10) years old showing the following information as of the date of application:

- 45-3.2.1 Name of applicant and name of the owner of record.
- 45-3.2.2 Assessor's map and lot numbers and street address of property.
- 45-3.2.3 North point, graphic scale and date.
- 45-3.2.4 Dimensions of the present lot and lot area.
- 45-3.2.5 Size and location of all existing and proposed buildings, or additions, structures, and uses. Coverage information must be identified and represented in square footage and percentage form.
- 45-3.2.6 The minimum required setback lines must be shown and dimensions of all setback lines observed by buildings and structures.
- 45-3.2.7 Location of parking areas, driveways, curbcuts, easements and rights-of-way.
- 45-3.2.8 Location of sewer lines or septic tank, leaching field and reserve areas.
- 45-3.2.9 Location of water line or water well.
- 45-3.2.10 Location of high pressure gas lines and high tension transmission lines.
- 45-3.2.11 Location of waterbodies, watercourses, swamps and flood prone areas with delineated channel encroachment lines, wetland boundary lines, twenty five (25) year flood line, one hundred (100) year flood line, floodway boundary line, CAM boundary line, or mean high water line.
- 45-3.2.12 Location of all storm drainage facilities on the property.
- 45-3.2.13 Existing and proposed contours at two (2) foot intervals which may be based on Town of Westport topographic maps, and must be verified in the field by a surveyor.
- 45-3.2.14 When an application is located in a flood prone area include existing and proposed site grades, contours or elevations, base flood elevation data, top-of-foundation elevations, finished floor elevations, and any proposed watercourse relocation.
- 45-3.2.15 When an application for development involves one half (1/2) acre or more of cumulative disturbed area(s), a Sediment and Erosion Control (S&EC) Plan pursuant to Section 37-1 shall be submitted. However, an S & E Plan may be required for applications with disturbed land of less than one half (1/2) acre, if deemed necessary by the Zoning Staff.

#### **45-3.3 Building Plan**

The application shall be accompanied by three (3) copies of architectural drawings of all new buildings or structures, or alterations, at a scale not to exceed one (1) inch equals eight (8) feet, showing the following information:

- 45-3.3.1 Name of applicant and name of the owner of record.
- 45-3.3.2 Assessor's map and lot numbers and street address of property.
- 45-3.3.3 Numerical scale and date.
- 45-3.3.4 All exterior wall elevations, indicating floor heights, overall building height and fenestration.
- 45-3.3.5 Building floor plans indicating existing and proposed usage, interior floor area and/or patron floor area.

#### **45-3.4 Delete or Modify Submission Requirements**

The Zoning Enforcement Officer may delete or modify any requirements for a Zoning Permit specified in §45-3.2 and §45-3.3 provided the information required is inappropriate to the particular application and the lack of such information will not impair or prejudice the Zoning Enforcement Officer's determination as to the application's conformity to the Zoning Regulations.

#### **45-3.5 Prior Approvals**

- 45-3.5.1 Prior to the issuance of a Zoning Permit, the applicant shall obtain and submit all approvals, in writing, required by any other Local, State or Federal Department, Bureau or Agency. Such prior approvals shall include, where applicable:
  - (a) Zoning Board of Appeals Variance
  - (b) Health Permit or Sewer Approval
  - (c) Driveway Permit
  - (d) Inland Wetlands Permit
  - (e) Flood and Erosion Control Board Approval
  - (f) Town Engineer Approval of Drainage & Sewer Plans
  - (g) Architectural Review Board Action or Approval
  - (h) Historic District Commission Approval
  - (i) R.T.M. Approval
  - (j) Connecticut DOT Permit
  - (k) State Traffic Commission
  - (l) Connecticut DEP Permit and/or Corps of Engineers Permit
  - (m) Planning and Zoning Landscape Committee Approval
  - (n) CAM Exemption or Approval
  - (o) Sediment & Erosion Control Plan Recommendations
- 45-3.5.2 All such approvals shall be duly noted on a copy of the final Plot Plan, Site Plan, including separate landscape, Utility, Grading or S & E Plans, and/or Building Plan, as applicable. Any such plan shall include the date of approval and signature of the approving official, as applicable.
- 45-3.5.3 If new construction on a property increases the Total Coverage by at least 100 square feet an on-site drainage system for water retention will be required, unless

deemed unnecessary by the Town Engineer. In cases where total coverage will both be removed and added, total coverage for new construction shall be determined based on the total coverage after the proposed removal of any building(s), structure(s), driveway(s), or any portion thereof, and then adding the total coverage associated with new construction.

Example:	Existing Total Coverage =	5,000 SF
	- Coverage to be removed =	1,000 SF
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	Coverage post removal =	4,000 SF
	+Coverage for new construction =	2,000 SF
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	Proposed Total Coverage =	6,000 SF

Drainage to be provided for total coverage associated with new construction = 2,000 SF

- (a) Where construction on a property increases the total coverage due to new construction by 100 square feet, but less than 850 square feet, the Zoning Enforcement Officer may issue an administrative approval for an on-site drainage system, subject to approval by the Town Engineer.
- (b) Where construction on a property increases the total coverage due to new construction by 850 square feet or greater, a site plan and drainage calculations, prepared by a Licensed Civil Engineer, must be submitted to the Zoning Enforcement Officer, and is subject to approval by the Town Engineer.

**45-3.6 Fee**

- 45-3.6.1 All applications for a Zoning Permit shall be accompanied by a fee, pursuant to an adopted Fee Schedule to cover the cost of processing the application. Said fee shall be made payable to the Town of Westport at the time of filing the application.
- 45-3.6.2 All applications for the renewal of a Zoning Permit shall be accompanied by a fee of ten (10) dollars or ten (10) percent of the original application fee, whichever is greater.

**45-3.7 Other Information**

The Zoning Enforcement Officer may require such other information as may be necessary to determine compliance with the intent and purpose of these Regulations, e.g. total lot coverage computations, etc.

**45-3.8 Zoning Permit Renewal**

A zoning permit shall be valid for one year only, unless the Planning and Zoning Commission has approved a phasing plan with a longer time period. A zoning permit may be renewed for one additional year provided the renewal is obtained before the expiration of the first permit and a substantial amount of work on the project has been done. Substantial work shall be deemed to mean at least the subsurface utility facilities, drainage structures and a complete building foundation with a certified "As-Built" plot plan, where applicable. An expired zoning permit shall

be considered null and void. Any further renewal will require a new application for a new zoning permit and other necessary approvals as applicable.

**45-3.9 Sediment and Erosion Control Plan**

A sediment and erosion control plan shall be required pursuant to § 37-1 herein for all applications where the cumulative area(s) of disturbance is one half (1/2) acre or more; and maybe required for applications with less than one half (1/2) acre of disturbed area(s), if deemed necessary by the Zoning Enforcement Officer.

**45-4 Section Deleted**

**45-5 Building Permits**

No building permit shall be issued by the Building Inspector for any building, building addition, structure, structural alteration, use or change of use, unless and until the Zoning Enforcement Officer certifies in writing that such building, structure or use is in conformity with or is a valid non-conforming use under these regulations.

**45-6 Foundation Verification**

The applicant shall submit a certified "As-Built" plot plan to the Zoning Enforcement Officer within fourteen (14) days after the completion of foundation footings, columns, piers or walls, for verification of setbacks for any new detached building or structure on a lot. The Zoning Enforcement Officer may require a certified "As-Built" plot plan in other situations involving close proximity to setback lines, lot lines, wetland boundary lines, channel encroachment lines, mean high water lines or other similar building restriction lines.

**45-7 Utility Verification**

All storm drainage facilities, and sanitary sewer facilities required by any Special Permit, Site Plan or Subdivision approved by the Commission shall be installed by the applicant and inspected for compliance by the Dept. of Public Works prior to the backfilling of any such utility holes or trenches. The applicant shall notify the DPW when the utility is ready for inspection; and the DPW shall inspect the utility within a reasonable period of time and shall notify the ZEO of his/her inspection results.

**45-8 Zoning Certificate of Compliance**

No building or structure or structural alteration hereafter erected shall be occupied or used, in whole or in part, for any purpose until a Zoning Certificate of Compliance shall have been issued by the Zoning Enforcement Officer, stating that the premises or building complies with all the provisions of these regulations. Such a Zoning Certificate of Compliance may also be required for any change, extension or alteration in a use. No zoning certificate of compliance can be issued for a premises designated as a Historic Landmark property by the RTM or the North Kings Highway Area and Jesup Road Historic Districts as designated by the RTM until the Historic District Commission submits a written approval of the project to the Zoning Enforcement Officer.

**45-8.1 Compliance**

No such Zoning Certificate of Compliance shall be issued by the Zoning Enforcement Officer until the Zoning Enforcement Officer or a designee has inspected the property and the Zoning Enforcement Officer has determined that all requirements and conditions of the Zoning Permit, including Special Permit and/or Site Plan, have been met by the applicant.

#### **45-8.2 Applications**

A certified "As-Built" plot plan of the lot and buildings involved, showing the exact placement of the buildings, structures, driveway, parking areas and stalls, septic tank and leaching fields and water wells on the lot must be submitted to the Zoning Enforcement Officer or a designee. Where applicable, such application shall also be accompanied by a certified "As-Built" plan and invert elevations of all storm drainage pipes, manholes, catch-basins, and headwalls and all sanitary sewer pipes and manholes, other than on-site sewer connections for individual buildings. Applications involving a change of use shall be accompanied by a certified "As-Built" floor plans indicating usage, gross interior floor area and/or patron floor area. An elevation certificate must be submitted by a registered surveyor that certifies that the lowest floor (including basement or cellar) is elevated to or above the base flood level for a zoning certificate of compliance involving the construction of a new residential structure, or a substantially improved residential structure, within the Flood Hazard Areas.

#### **45-8.3 ZCC for approved subdivisions**

No Zoning Certificate of Compliance shall be issued by the Zoning Enforcement Officer for a principal building on an approved subdivision lot unless and until the sub-grade and base course for the new subdivision road and any required storm drainage facilities located downstream or downhill from said lot have been installed, inspected and approved by the Town Engineer.

#### **45-8.4 Sewer permit or septic permit**

No Zoning Certificate of Compliance shall be issued by the Zoning Enforcement Officer unless a Sewer Connection Permit has been issued by Department of Public Works (DPW) or a Septic System Permit has been issued by Westport-Weston Health District (WWHD), where applicable.

#### **45-9 Conditional Zoning Certificate of Compliance**

When the required site work cannot be completed because of inclement weather or other pertinent reasons, a Conditional Zoning Certificate of Compliance may be issued by the Zoning Enforcement Officer for a period not to exceed six (6) months provided that the applicant shall post a bond in accordance with Sections 37-1, 43-13 and 43-14 herein, to guarantee satisfactory completion of the site work in accordance with the approved Zoning Permit, including Special Permit and/or Site Plan, as determined by the Zoning Enforcement Officer. Upon satisfactory completion of the site work, the Zoning Enforcement Officer shall release the bond, subject to approval of the Commission.

#### **45-10 Filing of Record Maps**

In instances where a division of land or adjustment of a property line is involved, the proposed record map will be subject to an administrative review by the Planning and Zoning Director or his/her official designee, to determine that the division of land or property line adjustment is in conformance with the applicable zoning regulations. After this determination has been made, a stamp signed by the Director or his/her designee, will be placed upon the proposed record map. The record map is then eligible for filing within the Westport Land Records.