

Chapter 12 – Permits by Staff

The following requirements/procedures pertain to all uses and activities that do not require a Site Plan or Special Permit, and therefore may be approved by staff.

1201 Zoning Permits

- A. **Applicability.** No building and/or portion of a building shall be constructed, reconstructed, altered, excavated for, moved or structurally altered in whole or in part for any purpose, nor shall any use be established or changed in the Town of North Stonington, without a Zoning Permit from the Zoning Enforcement Officer or the Commission, issued in conformance with:
 - 1. the provisions of these Regulations; or
 - 2. an approval granted by the Commission; or
 - 3. a variance granted by the Zoning Board of Appeals; or
 - 4. Any combination of the above.
- B. A Zoning Permit may not be issued for buildings or structures or for uses of land, buildings, or structures not clearly permitted by these Regulations in the various districts.
- C. A Zoning Permit is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the floor area of any building or structure and does not change the use thereof.
- D. **Contents of Application.** All applications shall set forth such information as may be required in order to allow the ZEO or the Commission to determine the conformance of any proposed buildings, structures or uses, or any proposed changes thereto, with these Regulations. The ZEO or Commission may require submission of additional information, including any information that might be required for a Site Plan (e.g., soils data, topography, drainage computations, etc.), and a plot plan prepared, signed, and sealed by a licensed land surveyor, to insure compliance with these Regulations. The ZEO or the Commission may further require that location markers for the building foundation be set by a Connecticut licensed land surveyor in accordance with the plot plan prior to the issuance of a Zoning Permit. For new dwellings and for commercial/business and industrial construction, the ZEO or Commission may require the submission of a survey with Class A-2 level of accuracy in order to determine zoning compliance and shall require that such plans be prepared by a Connecticut licensed engineer and/or land surveyor.
- E. **Application Procedures**
 - 1. An application for a Zoning Permit shall be accompanied by plans and/or other information that comply with applicable requirements in the Appendix of these Regulations.
 - 2. If all requirements of these Regulations are met, the Zoning Permit shall be issued within 30 days unless the applicant agrees, in writing, to extend the time for decision; otherwise, the application shall be denied and the reasons for denial shall be stated by the ZEO.
 - 3. In the event that any Zoning Permit is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, the Commission may declare such Zoning Permit null and void, provided no such decision may be made until after the Commission has provided the permit-holder an opportunity for a hearing.

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- F. Expiration of Zoning Permits.** Zoning Permits issued by the ZEO for construction, erection or alteration of a building or structure are valid until a Certification of Zoning Compliance is issued, or until applicable time limits described herein expire. A Zoning Permit issued by the ZEO that is not associated with any other Commission approved site work (e.g., Site Plan, Special Permit) shall expire after one year if no work has commenced or if the site work has ceased for a period of one year. The ZEO may grant one extension of one additional year to allow the applicant to commence or continue approved work.
- G. Building Permits.** No Building Permit shall be issued by the Building Official for a building, use or structure subject to these Regulations without certification in writing from the ZEO that such building, use or structure is in conformity with these Regulations or is a valid non-conforming use under these Regulations. A Zoning Permit shall constitute the required certification of zoning compliance for purposes of issuing a Building Permit.

1202 Post –Development Certifications of Zoning Compliance

- A. Applicability.** It shall be unlawful for any newly erected building or any structural addition and/or use for which a Zoning Permit has been issued to be occupied or used, or for any building, lot, or premises or part thereof to be converted or changed from one type of use or occupancy to another, until a post-development Certification of Zoning Compliance has been issued by the ZEO (see also §1203, Change of Use). The ZEO may require an as-built Site Plan to facilitate this review. In the absence of the ZEO, the Chairman or other designated agent of the Commission may issue a Certification of Zoning Compliance. A Certification of Compliance shall remain valid only so long as the building, structure, lot, or use thereof or the use of the land remains in full conformity with these Regulations or any relevant amendments thereto. The Certification of Zoning Compliance shall be issued within thirty business days after a written request is made to the ZEO, provided that:
1. any building, structure or alteration and/or use of property for which the Certification is sought has been properly completed and is fully in compliance with these Regulations and that all pertinent conditions of any Zoning Permit or approval for such building, structure or use have been fulfilled; and
 2. that the Health Officer or Sanitarian (Deputy Health Officer) or responsible regulatory agency (regional/state/federal) has inspected the premises and has given written approval of the installation of the sewage disposal facility and water supply system.
- B. Application Procedures**
1. A request for a Certification of Zoning Compliance shall be accompanied by plans and/or other information that demonstrate compliance with applicable regulations and approvals.
 2. Within 15 days of such application, the ZEO or other authorized official shall inspect the premises.
 3. If all requirements of these Regulations are met, including requirements of approved site and plot plans, the Certification shall be issued within 15 days; otherwise, the Certification shall be denied for stated reasons.
 4. In the event that any permit or certificate is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, the Commission may declare such permit or certification null and void, provided no such decision may be made until

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after the Commission has provided the permit- or certificate-holder an opportunity for a hearing.

5. A Certification of Zoning Compliance shall remain in effect as long as the specified uses and conditional requirements are properly maintained but shall cease whenever such conditions and uses are terminated or no longer maintained.

C. Notice Provisions

1. In accordance with CGS §8-3(f), the recipient of a Zoning Permit or Certification of Zoning Compliance may publish notice of issuance of the Zoning Permit or Certification in order to establish the appeal period per CGS §8-7.
2. Any such notice to be published by the recipient shall contain:
 - a. a description of the building, use or structure and its location;
 - b. the identity of the applicant; and
 - c. a statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS §8-7.

- D. Certificate of Occupancy.** No Certificate of Occupancy shall be issued by the Building Official for a building, use or structure subject to these Regulations without certification in writing from the ZEO that such building, use or structure is in conformity with these Regulations or is a valid non-conforming use under these Regulations

1203 Change of Non-Residential Use of Buildings and Properties

- A. When any change of ownership occurs to an existing non-residential use, a Change of User form must be submitted to update the Land Use file for the property.
- B. Any proposed change to a permitted non-residential use that **does not** involve any enlargement or modification to, or reconfiguration of, existing building/structure footprint, parking (lot size or number of spaces), access drives, or overall site lay-out, shall require completion of a Change of Use Application and subsequent review and approval by the ZEO.
- C. Any proposed change in use of a non-residential use that involves any enlargement or modification to, or reconfiguration of existing buildings/structures, parking (lot size or number of spaces), access drives, or overall site lay-out, shall require completion of a Change of Use Application and review by the Commission. If the Commission finds that the proposed change of use and any related modification to existing buildings/structures and/or site lay-out would not be considered significant, it may, at its discretion, direct the ZEO to issue a Zoning Permit.
- D. All other proposed changes shall be deemed to require Site Plan or Special Permit review and approval by the Commission per these Regulations (See Chapter 13).
- E. All changes to uses existing at the time of adoption of these regulations that require a Site Plan or Special Permit will require upgrading of signs, landscaping, lighting, access ways, common design elements and other standards of the district to the extent possible.

1204 Property Line Adjustment/ Lot Division (“Free Split”)

Any and all property line adjustments or lot divisions (splits) within the Town of North Stonington shall require a review by the ZEO to determine compliance with the Zoning and Subdivision Regulations.

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- A. A property line adjustment is any change in the location of an existing property line that does not create an additional lot, does not result in a lot or condition that violates the Zoning Regulations, and does not increase any existing lot nonconformities with respect to the dimensional requirements of the Zoning Regulations. Such property line adjustment shall not be considered a subdivision or resubdivision so long as it does not create a lot or affect a street layout shown on an approved subdivision or resubdivision map, and does not affect any area reserved for public use or established as open space on an approved subdivision plan.
- B. A “Free Split” is a one-time division of land permitted on a parcel that has remained undivided, and in the same configuration as it was on or before 10/18/1963. Any subsequent division of land requires subdivision approval.
- C. The ZEO may require one or more of the following if he/she deems it necessary to determine whether a proposed property line adjustment or lot division is consistent with these Regulations:
 - 1. deeds;
 - 2. a certified title search;
 - 3. a property history map; and/or
 - 4. a survey with Class A-2 level of accuracy.
- D. The applicant shall record the approved survey in the office of the Town Clerk of North Stonington, and any survey not so recorded within ninety (90) days following its approval, shall become null and void. The applicant may request two (2) additional ninety (90) day extensions. The request for an extension must come before the expiration for the initial time period. A signed copy of the approved survey shall be provided by the applicant to the Zoning Enforcement Officer and to the office of the Town Assessor.

1205 Soil Erosion and Sediment Control Plan (SE&SC)

A soil erosion and sediment control plan shall be submitted pursuant to §1111 of these Regulations with any application for development, or before the commencement or continuance of any activity, in which the disturbed area of such development or activity is or would be cumulatively more than one-half acre (21,780 sq. ft.) For purposes of this section, the term “disturbed area” shall mean an area on which the ground cover is removed or destroyed, leaving the land subject to accelerated erosion. A soil erosion and sediment control plan may be required for the construction or alteration of a single-family dwelling that is not part of a subdivision of land as determined by the ZEO. The ZEO may issue an order to correct or remediate any conditions that are found to be causing, or likely to cause, unreasonable erosion or sedimentation.

1206 Land Disturbance Permit

As set forth in §1006.2.D, and subject to the exemptions in §1006.2.E, of these Regulations, a Land Disturbance Permit may be required prior to any disturbance of land not related to an active Zoning Permit or Building Permit or as part of an approved subdivision plan in order to determine the location and size of the area to be disturbed, the nature of the activity, and the need for additional review or approval (such as an excavation permit, or an SE&SC Plan).