

ARTICLE 9 ENFORCEMENT, ADMINISTRATION AND APPEALS

§9.1 Planning and Zoning Commission

§9.1.1 Organization and Rules of Procedure

There shall be a Planning and Zoning Commission, herein referred to as “the Commission,” as provided for in the Charter of the Town of Monroe, subject to the provisions of §8-4a of the Connecticut General Statutes, as amended. The Commission shall adopt bylaws, which shall be the official rules of procedure for the Commission.

§9.1.2 Membership

The number and term of regular and alternate Commission members shall be as set forth in the Charter of the Town of Monroe and the bylaws of the Commission.

§9.1.3 Powers and Duties

The Commission shall have all the duties and responsibilities delegated to it by the General Statutes of Connecticut, including the following:

A. Plan of Conservation and Development

At least once every ten (10) years the Commission shall review and adopt or amend a Plan of Conservation and Development for the Town of Monroe. Such Plan of Conservation and Development shall:

- (1) Be a statement of policies, goals and standards for the physical and economic development and conservation of the Town;
- (2) Provide for a system of principal thoroughfares, parkways, bridges, streets, sidewalks, multipurpose trails and other public ways as appropriate;
- (3) Be designed to promote, with the greatest efficiency and economy, the coordinated development of the municipality and the general welfare and prosperity of its people;
- (4) Recommend the most desirable use of land within the municipality for residential, recreational, commercial, industrial, conservation and other purposes;
- (5) Recommend the most desirable density of population in different parts of the Town; and
- (6) Make provisions for the development of housing opportunities and promote housing choice and economic diversity in housing.

B. Subdivision of Land

No subdivision of land shall be made within the Town of Monroe until a plan for such subdivision has been approved by the Commission, pursuant to the Subdivision Regulations of the Town of Monroe.

C. Site Plans

The Commission shall have the authority to review and decide upon applications for Site Plan approval, pursuant to Article 7 of these Regulations, and to delegate such authority in the case of a Minor Site Plan as defined herein to the Town Planner and Planning and Zoning Administrator, consistent with these Regulations.

D. Special Exception Permits

The Commission shall have the authority to review and decide upon applications for Special Exception Permits and shall hold a public hearing on such applications, pursuant to Article 8 of these Regulations. Whenever the Commission grants or denies a Special Exception Permit, it shall state upon the record the reason for its decision.

E. Zoning Map, Zoning Regulations and Subdivision Regulations

The Commission shall have the authority to propose and/or review and decide upon an application to establish and/or amend the official Zoning Map and boundaries of existing Zoning Districts, and the adoption or amendment of the Zoning Regulations or Subdivision Regulations, pursuant to its own authority or pursuant to an applicant petition.

F. Motor Vehicle Location Certification

The Commission shall have the powers and duties pursuant to §14-54, §14-55, §14-321 and §14-322 of the Connecticut General Statutes, as amended, concerning local authority approvals required for the location and operation of auto dealers and repairers, and the establishment of gasoline and motor oil sales. In acting on such applications, the Commission shall consider the relationship of the proposed use or operation with respect to schools, churches, theaters, playhouses or other places of public gathering; traffic conditions, intersecting streets, width of highway, and effect on public travel, and in general, that such use at such proposed location will not imperil the safety and welfare of the public, or have a detrimental effect on the value of nearby properties or development thereof.

G. Alcoholic Beverages

The Commission shall have the authority to review and decide upon an application establishing, relocating or altering the location and premises for the sale and/or consumption of beer and alcoholic beverages consistent with Connecticut General Statutes and these Regulations.

H. Administrative Rules and Bylaws

The Commission shall have the authority to adopt or amend administrative rules, procedures and bylaws to assist in its administration of the Zoning Regulations and Subdivision Regulations.

I. Waiver of Zoning Regulations

The Commission shall have the authority to review and decide upon the granting of waivers as may be authorized in the Zoning Regulations.

J. Flood Damage and Prevention Permits

The Commission shall have the authority to review and decide upon the granting of Flood Damage and Prevention Permits as set forth in these Regulations.

K. Excavation and Fill Permits

The Commission shall have the authority to review and decide upon the granting of Excavation and Fill Permits as set forth in these Regulations.

L. Other Permits and Duties

The Commission shall have the authority to review and decide upon the granting or permits, and shall have the authority to perform other duties, as set forth and authorized by these Regulations.

§9.1.4 Procedural Requirements

Actions by the Commission shall be taken in accordance with the provisions of Chapters 124 and 126 of the State of Connecticut General statutes, as amended, and as enumerated in these Regulations.

§9.1.5 Referral to Conservation and Water Resources Commission

A. A copy of all applications for Special Exception Permit, Site Development Plan, Excavation/Filling Permit, Permit Amendment Modification, Subdivision, Zone Boundary Change and Regulations Amendments by or to the Commission shall be referred to the Monroe Conservation and Water Resources Commission for its advisory review. The Conservation and Water Resources Commission may make advisory comments and/or recommendations as deemed warranted, and present same to the Commission in regard to matters consistent with the Town Charter and Connecticut State Statutes.

B. The Commission at its discretion may refer any other planning, zoning or agenda item to the Conservation and Water Resources Commission for its advisory review and comment.

- C. The Conservation and Water Resources Commission shall submit its comments and/or recommendations to the Commission in writing for consideration as part of the Commission's application review process.

§9.2 Amendment of Zoning Regulations and District Boundaries

§9.2.1 Authority

- A. The Commission may, on its own motion from time to time, adopt, amend or repeal the provisions and boundaries established by these Regulations.
- B. Any person, firm or corporation desiring an amendment or change in the Zoning Regulations and/or Official Zoning Map of the Town of Monroe, may submit a petition application proposing such amendment or change.
- C. No change in the regulations, restrictions, or boundaries shall become effective until after notice and public hearing is held by the Commission, at which time parties-in-interest and citizens shall have an opportunity to be heard. All amendments shall be considered in accordance with and subject to the Connecticut General Statutes, as amended.
- D. Petition applications submitted by an applicant shall be filed and processed according to the standards set forth in §9.2.2 of these Regulations, which provisions shall not apply to any action initiated by the Commission.

§9.2.2 Zoning Amendment Petition Requirements

A petition application shall not be considered complete until all the information required by these Regulations and the Commission has been provided:

- A. Petition applications shall be in a form prescribed by the Commission together with a fee in accordance with §9.7 of these Regulations and other application materials as required in these Regulations. The petition application shall be signed by the applicant, and if related to a specific property by the owner of the property or accompanied by a notarized letter of the owner authorizing the applicant and petition application as proposed.

- B. A petition application shall be accompanied by the following supporting materials, in a quantity as determined by the Planning and Zoning Department:

(1) **Zoning Text Changes**

All proceedings to change the zoning text of these Regulations, including any change in punctuation or wording, shall be instituted by petition application in writing to, and in a form prescribed by, the Commission. The petition application shall precisely set forth the existing provisions, the specific provisions to be changed and the provisions to be substituted, deleted or added. Deletions shall be shown with strike-out text (i.e., ~~stricken out~~). Additions shall be shown as bold double underlined text (i.e., **bold double underlined**). Color text such as red for text to be deleted and blue text to be added may also be included along with the required strike-out and bold double underling.

(2) **Zoning Boundary Changes**

All petition applications to change zoning district boundaries shall describe the existing and proposed zoning district boundaries of the property involved and within five-hundred (500) feet of the outer subject property perimeter, and shall provide a metes and bounds description of the property and area proposed to be changed on the map and separately, along with the identification by Assessor Map and Lot Number of the lots, or parts thereof to be included in the zoning district boundary change. Any proposed zoning boundary change map shall be certified to Class "A2" survey standards.

(3) **Zone Change Narrative**

All petition applications shall be accompanied by a Zone Change Narrative explaining the need for the proposed amendment and identifying any benefits to the Town. Said narrative shall include an analysis of the following in zoning district and site specific terms:

- (a) Description of existing and proposed conditions, land uses, including details describing how the requirements and standards of these Regulations will be complied with by the proposed zone change action.
- (b) Identification of affected surrounding land uses and their physical relation in regards to development, topographic and vegetation conditions, as well as potential visual connections.
- (c) Assessment of how the proposed zone change is consistent with the purposes and recommendations of the Plan of Conservation and Development, including the identification and discussion of specific recommendations pertinent to the associated zoning district, subject parcels and surrounding neighborhood area. Such consistency assessment shall also address the overall goals and recommendations of the underlying existing or proposed zoning classification and requirements, as well as any differences or similarities in regard to resulting transportation, development aesthetics and community character considerations.
- (d) Limitations hindering the current use and development of a zoning district and/or subject parcel as presently zoned.

- (e) Comparison of potential positive and negative aspects between the change in zoning or not.
- (f) In the case of a zone boundary change, the suitability of lands proposed to be rezoned for future development purposes in comparison to the existing zoning classification, including identification of any land or natural resource limitations (i.e., steep slopes, wetlands or watercourses, ledge or bedrock, etc) to such development potential.
- (g) Suitability analysis (utilizing both text and graphic formats) of the underlying subject parcel(s) and surrounding area to support the land demands, development components and other location characteristics associated with the functional and operational aspects of the change in zoning.
- (h) Assessment of potential issues resulting from zone fragmentation or potential for spot zoning.
- (i) Project specific analyses and reports prepared by qualified professionals may be required, the scope of which shall be subject to prior Commission review and acceptance.

(4) Abutters Names and Addresses

A list of names and addresses of all current property owners as shown on the Monroe Tax Assessor records as of the date of the petition application submission located in and within five-hundred (500) feet of any proposed zoning district boundary amendment shall be submitted.

(5) Area and Existing Conditions/Land Use Map

In the case of a proposed zone boundary change, a map at a scale of no more than one-hundred (100) feet to the inch showing all existing lots, dimensions, property lines, streets, rights-of-way, existing land uses, existing buildings and structures, delineated wetlands, water courses and regulated upland review areas consistent with the Inland Wetlands and Watercourses Regulations of the Town of Monroe, existing contours at a contour interval not to exceed two (2) feet, flood boundary lines and/or mean high water lines, identification of current owners, existing and any proposed zoning district boundary lines in appropriate markings, north point, graphic scale, date, and the name of the owner and applicant (if different). This map shall show the above required information for the area included in and within five-hundred (500) feet of area affected by the zone boundary petition application.

(6) Proposed Zoning Change Map

In the case of a zone boundary change, a map at a scale of no more than one-hundred (100) feet to the inch showing all existing lots, dimensions, property lines, streets, rights-of-way, the existing and proposed zoning district boundary lines in appropriate markings, the north point, graphic scale, date, the name of the owner and applicant (if different). This map shall show the above required information for the area included in and within five-hundred (500) feet of area affected by the zone boundary petition application.

(7) Additional Information

The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the petition application and to determine compliance with the intent and purpose of these Regulations.

(8) Electronic Copy

The applicant shall also submit the petition application and presentation documents in an electronic format in accordance with Planning and Zoning Department requirements and specifications.

- C. A petition application shall be deemed to be complete if it is in proper form and is accompanied by all required materials. The official date of receipt of a formal petition application shall be the date of the next regularly scheduled meeting of the Commission, immediately following the date of submission to the office of the Planning and Zoning Department.
- D. All subsequent petition application support documents, plans and materials shall be submitted to the Planning and Zoning Department no less than five (5) business days prior to the day of a Commission meeting at which the petition application is scheduled. Nothing shall prohibit the Commission, in the exercise of its discretion, from receiving evidence at any time prior to the close of a meeting, public hearing or other statutory period but the Commission may refuse to consider such if not submitted in a timely fashion as set forth herein should the Commission determine that it, its staff or consultants, and/or the public would not have sufficient time to review same properly or thoroughly before the end of any aforesaid time or statutory period. The Commission, nor its staff or consultants, are responsible for providing notification of new submission materials received.
- E. An incomplete petition application or a petition application filed without the required fee as specified in §9.7 of these Regulations may be deemed as reason for denial of said petition application.
- F. No petition application shall be required to be entertained or heard relating to the same changes, or substantially the same changes, more than once in a period of twelve (12) months.

§9.2.3 Referrals

The Commission shall make the following referrals of each zoning regulation amendment or zone boundary district change as initiated by the Commission or as proposed by an applicant submitted petition application:

A. Town Clerk Filing

A copy of such proposed regulation or boundary amendment shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such public hearing.

B. Inland Wetlands Commission

Any regulation of boundary amendment involving lands regulated pursuant to Connecticut General Statutes §22a-36 to §22a-45, inclusive, shall be referred to the Monroe Inland Wetlands Commission for a report, which report shall be given due consideration. Any instance where site specific development or land use changes are also proposed, the applicant shall submit an application for a permit to the Inland Wetlands Commission no later than the day such application is filed with the Planning and Zoning Department. The applicant shall provide documentation of said filing. A planning and zoning decision on the application shall not be rendered until the Inland Wetlands Commission has submitted its report in accordance with the standards of the Connecticut General Statutes, as amended, which report shall be given due consideration.

C. Conservation and Water Resources Commission

A copy of such proposed regulation or boundary amendment shall be referred to the Conservation and Water Resources Commission in the same manner as other referrals to same as set forth in §9.1.5 of these Regulations.

D. Public Watershed

An application involving lands within a public watershed area, the applicant shall submit notice to the public water authority and State Commissioner of Public Health in accordance with the standards set forth in Connecticut General Statutes §8-3i, as amended, no later than seven (7) days from the date such application is filed with the Planning and Zoning Department. The applicant shall provide documentation of said noticing.

E. Regional Planning Agency and Abutting Municipalities

- (1) Any petition proposing to establish or change a zone or any regulation affecting the use of a zone any portion of which is within five-hundred (500) feet of the boundary of another municipality, the Commission shall give written notice of the proposal to said municipality and to the regional planning agency serving said municipality. Such notice shall be sent by certified mail, return receipt requested, or as otherwise permitted pursuant to Connecticut State Statutes, not later than thirty (30) days before the public hearing to be held in relation thereto. A copy of the associated Certified Mail Receipts shall be provided to the Planning and Zoning Department prior to or at the commencement of the public hearing.
- (2) Any response report of said municipality or regional planning agency shall be purely advisory.

F. Abutting Neighbors

An applicant shall send a copy of the notice of public hearing, as provided by the Planning and Zoning Department, to all property owners within five-hundred (500) feet. Such notice shall be sent by certified mail, return receipt requested not later than ten (10) days before the public hearing to be held in relation thereto. A copy of the associated Certified Mail Receipts shall be provided to the Planning and Zoning Department prior to or at the commencement of the public hearing.

§9.2.4 Public Hearing

No zoning regulation or boundary amendment shall be established, changed or effective until after a public hearing in relation thereto. A public hearing shall be held and noticed in accordance with the time periods and standards set forth in §8.1.4A and B of these Regulations. The applicant may consent in writing to an extension of the public hearing time periods in accordance with the Connecticut General Statutes.

§9.2.5 Determination of Commission

A. Commission Action

Within sixty-five (65) days following the close of the required public hearing for an applicant submitted petition application, the Commission shall approve or disapprove the proposed petition. Whenever the Commission adopts any change of zone or amendment to the regulations, it shall state upon its records the reason why such change was made.

B. Determination

In approving a zoning regulation or boundary amendment, the Commission shall determine:

- (1) That the petition application, including all accompanying supporting documentation is in conformance with the applicable provisions of these Regulations.
- (2) That the proposed zoning change will be in harmony with the purposes and intent of these Regulations, and will function and exist in harmony with the associated area affected, and existing neighborhood and environmental patterns.
- (3) That the proposed zoning change will not adversely affect the health, safety, convenience and property values of the public in general and of the residents of the neighborhood in particular.
- (4) That the proposed zoning change is consistent with the goals, objectives and recommendations of the Plan of Conservation and Development.

C. Effective Date and Approval / Map Recording

- (1) Approved amendments to these Regulations shall become effective at such time as fixed by the Commission.
- (2) Approved changes to the zoning district boundaries on the Official Zoning Map of the Town of Monroe shall become effective at such time as fixed by the Commission, provided that a certified zone boundary change map as approved and endorsed by the Commission is recorded in the Monroe Land Records in the Office of the Town Clerk, along with an original copy of the Commission approval Resolution, within ninety (90) days of the date of the approval.

D. Notice of Decision

A notice of decision shall be published and filed in accordance with the requirements set forth in the Connecticut General Statutes, as amended. All notices of decision shall be published in a newspaper having a substantial circulation in the Town before the effective date as set by the Commission.

§9.3 Duties of Zoning Enforcement Officer

§9.3.1 Zoning Enforcement Officer

- A. The Zoning Enforcement Officer of the Town of Monroe so appointed by the Commission is hereby designated as the officer with full power to enforce these Regulations.
- B. In carrying out the zoning enforcement duties, the Zoning Enforcement Officer shall work under the guidance of the Commission.
- C. The Zoning Enforcement Officer is hereby authorized, while a provisional certificate of zoning compliance is in effect, to cause any land, building, structure or premises to be inspected and to order in writing the remedying of any condition found to exist in violation of these Regulations.
- D. The Zoning Enforcement Officer is authorized to inspect or cause to be inspected any land or any building or structure on which work is in progress and to order in writing the discontinuance of any use of property or building, or structure or work being done in violation of any provision of the Zoning Regulations.
- E. The Zoning Enforcement Officer shall inspect or cause to be inspected such premises after work is completed and shall not issue a Certificate of Zoning Compliance until such final inspection has been made and all work is completed and compliant with these Regulations.

§9.4 Zoning Compliance

§9.4.1 Application for Certificate of Zoning Compliance

- A. Approval of an application for a Certificate of Zoning Compliance shall be required from the Zoning Enforcement Officer or a designated agent thereof prior to any land being used, altered, cleared of vegetation, grubbing, disturbed, graded, filled, changed, or otherwise altered in any physical way, in whole or in part, and prior to any building or structure, including signs and lights, being erected, constructed, reconstructed, extended, enlarged, altered, relocated or used, in whole or in part, including a change in use.
- B. An application for Certificate of Zoning Compliance shall be made in writing by the owner of record of the property involved upon such forms as shall be prescribed by the Zoning and Planning Department. Each application shall be accompanied by such information specified in the application and any other information as may be required deemed necessary to evaluate the zoning compliance of the application.

§9.4.2 Certificate required prior to use

- A. A Certificate of Zoning Compliance (provisional and/or permanent) shall be issued upon a finding by the Zoning Enforcement Officer that an application and proposed activity relating thereto is in compliance with the use and development provisions, standards and requirements of these Regulations. Following issuance, an application for a building permit from the Building Inspector may be sought.

- B. A provisional certificate may be issued during a period of construction, which shall have an effective period not to exceed one (1) year from the date of issuance, unless an extension is granted by the Zoning Enforcement Officer, upon completion of which shall require the issuance of permanent certificate to effectuate the original approval thereof and to be deemed zoning compliant. Failure to obtain a permanent certificate in the time period allotted shall render the provisional certificate expired, null and void. Obtaining a permanent Certificate of Zoning Compliance shall be the sole responsibility of the owner seeking same.

- C. A permanent certificate shall be issued by the Zoning Enforcement Officer upon the showing that the effective use and/or completed construction are in accordance with these Regulations, and any requirements, modifications or conditions as may be required pursuant to these Regulations and any Commission approval relating thereto.

§9.4.3 Review of Compliance; applications to the Commission

A. Review of Applications

The Zoning Enforcement Officer shall review all applications submitted to the Commission and shall report to the Commission advising whether the premises are free of any violations of these Regulations or of any violations which exist.

B. ZEO Report to Commission

The Zoning Enforcement Officer shall periodically report to the Commission regarding the issuance and status of pending zoning violation orders and notices.

§9.5 Zoning Board of Appeals

§9.5.1 Organization and Rules of Procedure

There shall be a Zoning Board of Appeals as provided for in the Charter of the Town of Monroe, subject to the provisions of §8-6 of the Connecticut General Statutes, as amended. The Zoning Board of Appeals shall adopt bylaws, which shall be the official rules of procedure for the Board.

§9.5.2 Membership

The number and term of regular and alternate Zoning Board of Appeals members shall be as set forth in the Charter of the Town of Monroe and the bylaws of the Zoning Board of Appeals.

§9.5.3 Powers and duties

The Zoning Board of Appeals shall have all the duties and responsibilities delegated to it by the General Statutes of Connecticut, including the following:

- A.** To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official(s) charged with the enforcement of these Regulations or any by-law, ordinance or regulations adopted under the provisions of Chapter 124 of the Connecticut General Statutes.
- B.** Determine and vary the application of the terms of these Regulations in harmony with their general purpose and intent. The Zoning 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 Zoning Board of Appeals or by a court of competent jurisdiction on an earlier such application.
- C.** Town ordinances. The Zoning Board of Appeals shall be empowered to act in a capacity as may be required by such other town ordinance enacted by the Town of Monroe.

§9.5.4 Variances

- A.** Variances may be granted only if in harmony with the general purpose and intent of these Regulations and with due consideration for conserving the public health, safety, convenience, welfare and property values, when solely with respect to a parcel of land and 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 so that substantial justice will be done and the public safety and welfare secured. Before granting a variance on the basis of exceptional difficulty or unusual hardship, there must be a finding by the Board that the following conditions exist:
 - (1) That the difficulties or hardship are particular to the property in question in contrast with those of other properties in the same district.
 - (2) That the hardship is not the result of the applicant's own action.
 - (3) That the hardship is not solely pecuniary.
 - (4) The variance must be shown not to substantially affect the comprehensive zoning plan.

- B.** The concurring vote of four members of the Zoning Board of Appeals shall be necessary to vary the application of these Regulations. At the discretion of the Zoning Board of Appeals, conditions may be attached to any granted variance to ensure that the intent and purpose of these Regulations are preserved. Further, any variance granted shall:
- (1) Be the smallest or minimal necessary to achieve the requested relief; the Zoning Board of Appeals in granting any variance shall be specific in regard to the extent to which any such standard or zoning provision may be varied.
 - (2) Be specific to the application at hand and shall not grant blanket relief of the standard or requirement varied (i.e., a granted building setback variance shall be specific to the building proposed at the time of the variance application and shall not vary or relieve the application of the underlying zoning district setback for a different, subsequent or future proposed building or building addition).
 - (3) Run with the land and shall not be personal in nature to the person who applied for and received the variance. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.
- C.** The Zoning Board of Appeals shall not permit by variance any use not allowed by the provisions of these Regulations, and shall not permit by variance in any zoning district a use not allowed by the provisions of these Regulations in such zoning district.

§9.5.5 Appeals

Any person claiming to be aggrieved by any order, requirement or decision made by any official charged with the enforcement and administration of these Regulations may appeal to the Zoning Board of Appeals. Such appeal shall be filed within thirty (30) days from the issuance of notice of said order, requirement or decision. The Zoning Board of Appeals shall hear and decide the appeal and may reverse or affirm, wholly or partly, or may modify any order, requirement or decision appealed from, and shall have all the power of the authority for whose decision such appeal is taken, but only in so far as to enforce these Regulations, where an error has occurred. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement or decision issued by said official.

§9.5.6 Application requirements

Appeals to the Zoning Board of Appeals shall be taken in accordance with the provisions of Chapter 124 of the State of Connecticut General Statutes, as amended, and within the time prescribed by said statutes. Applications and appeals to the Zoning Board of Appeals shall be submitted, in writing, on a form designated by the Zoning Board of Appeals, together with any required fees. If the applicant is not the owner of the property, a notarized letter of consent from the property owner must accompany the application. Each application or appeal shall clearly set forth the action desired by the Zoning Board of Appeals, shall state the circumstances creating the need for such action, pursuant to §9.5.4 of these Regulations, and where applicable shall illustrate with maps and other drawings the location and nature of the appeal or application.

§9.5.7 Public hearing and notification

- A.** A public hearing shall be required for all applications for variance and all zoning appeals. All decisions shall be rendered not later than sixty (65) days after the close of the public hearing.
- B.** Notice of the public hearing shall be published in a newspaper having a general circulation in the Town of Monroe not more than fifteen (15) days before the date set for the hearing.
- C.** Notice of the public hearing shall be mailed to persons who own land within a one-hundred (100) feet of the property perimeter of the lot that is the subject of the hearing at least seven (7) days prior to the hearing. Proof of mailing shall be evidenced by a certificate of mailing. The person who owns land shall be the owner indicated on the last completed grand list of the Town of Monroe as of the date such notice is mailed. The applicant shall be responsible for mailing and all associated costs thereof.

§9.6 Architectural Review Board

§9.6.1 Statement of Purpose

The Commission hereby finds that excessive uniformity or dissimilarity or inappropriateness and poor quality of design in the exterior appearance of buildings, structures and land developments adversely affects the desirability of the immediate area and neighboring areas and, by so doing, impairs the benefits of occupancy of existing property in such areas; impairs the stability and value of both improved and unimproved real property in such areas; adversely affects the most appropriate development of such areas; produces degeneration of property in such areas, with attendant deterioration of conditions affecting the health, safety, morals and general welfare of the inhabitants thereof; and creates an improper relationship between the taxable value of real property in such areas and the cost of municipal services provided thereto. It is the purpose of these Regulations to prevent these and other harmful effects and to achieve an improved architectural balance and continuity of buildings, structures and land developments in the Town.

§9.6.2 Organization and Rules of Procedure

There shall be an Architectural Review Board (ARB) as provided for in the Charter of the Town of Monroe. The ARB shall adopt bylaws consistent with these Regulations, which shall be the official rules of procedure for the ARB. The ARB shall be advisory to the Commission.

§9.6.3 Membership

The number and term of regular ARB members shall be as set forth in the Charter of the Town of Monroe. ARB members shall be specifically qualified by reason of training or experience in a relevant business or profession or by reason of civic interest and sound judgment to assess the effects of proposed buildings, structures and land developments, including the alteration or demolition of such upon the property values and development of surrounding areas. To the extent possible, one member of ARB shall be a Connecticut licensed architect and one member shall be a Connecticut licensed landscape architect.

§9.6.4 Powers and Duties

A. Applicability

The ARB shall review all applications submitted to the Commission for Site Plan or Special Exception Permit involving the construction, reconstruction, expansion, addition or alteration of nonresidential and multifamily buildings, structures and related site development.

B. Referral to ARB

- (1) Upon submission of a Site Plan or Special Exception Permit application to the Commission, a copy of same shall be referred to the ARB for its review and recommendation.
- (2) The Commission at its discretion may refer any other application or agenda item to the ARB for its review and recommendation.
- (3) The Commission, at its discretion, may determine referral to ARB is not warranted or necessary due to the limited or diminished nature of an application. In doing so, the Commission shall state the reasons in making such a determination.

C. ARB Meetings and Procedures

- (1) Regularly scheduled meetings of the ARB shall be held bi-monthly, as needed, and at such other times as the Chair shall designate. The ARB shall keep minutes of all its proceedings. Any recommendation made by the ARB shall have a majority consensus of its members and shall be officially filed along with pertinent data upon which such recommendation was based with the Commission.

- (2) The applicant is expected to appear before the ARB to present its application, answer any questions ARB may have and to provide or supplement its application materials, including provision of architectural drawings, sections, details, renderings, color simulations and sample building materials to support its illustration of the proposal.
- (3) The ARB shall have a minimum of thirty (30) days to review and render a referral recommendation report as it deems appropriate to the Commission, concerning the design of the proposed buildings, structures and their related site development.
- (4) The ARB may request additional time in which to review the referral application due to scheduling issues or complexity of an application, which the Commission and/or applicant may grant, provided no extension of time shall exceed the time frames in which the Commission must act upon said application.
- (5) Failure of the ARB to report within thirty (30) days, unless additional time to review is granted by the Commission or applicant, shall be deemed that the ARB has no comments on the application at hand.
- (6) The ARB shall submit its recommendations to the Commission in writing for consideration as part of the Commission's application review process. Recommendations where changes or modifications to any submission are recommended, the ARB's report shall set forth the specific changes recommended and the reasons for same.

§9.6.5 Application Referral Materials

A copy of the application for Site Plan or Special Exception Permit as submitted to the Commission shall be referred to ARB for its review and recommendation, including but not limited to the following:

- A.** Descriptive application materials, narratives and other written documents.
- B.** Site Plan documents as specified in these Regulations.
- C.** Architectural floor plans and details prepared at a standard architectural scale, including floor plans indicating the usage, circulation and square footage.
- D.** Architectural elevations showing all sides of proposed buildings and structures, and including building heights, finished floor elevations, fenestration details, building materials and colors. In the case of enlargement, addition or expansion of an existing building or structure, both existing and proposed conditions shall be detailed. The provision of perspective drawings, renderings, architectural simulations and/or models are encouraged to illustrate the proposal. The Commission may require same.

- E. Samples of exterior building or structure materials, including color samples and textures shall be provided, including presentation of actual material samples.
- F. Photographs and/or sketches of adjacent areas, buildings or structures may be required to assist both the ARB and Commission in evaluating the design of the proposed application.
- G. Other specific documentation may be required by the ARB or Commission to assist both the ARB and Commission in evaluating the design and its compatibility to the site, the surrounding landscape pattern, adjacent land uses, buildings and structures, and the community character of Monroe.

§9.6.6 Review considerations

In considering any request for review brought before it, the ARB shall evaluate the design of all proposals through consideration of the following:

- A. Landscape and Environment: To prevent the unnecessary destruction or blighting of the natural landscape or the built environment, and to ensure that proposed conditions have been designed such that open spaces, buildings and structures on the site relate harmoniously to the natural environment and topographic conditions.
- B. Design of Buildings and Structures: The appropriateness of the site plan layout, architectural design and construction materials proposed in maintaining and/or enhancing the existing and cultural community character of the site and surrounding area, and the extent to which the proposal compliments, protects and will preserve the integrity, architectural character and property values of the Town.
- C. Relationship of Buildings and Structures: To ensure the appropriateness of proposed buildings, structures and/or land development in relation to adjacent buildings, structures and land development existing or for which a permit has been issued, or to other buildings, structures and/or land development included in the same application with respect to one or more of the following features:
 - (1) Appropriateness of architectural style and detailing, as well as the materials used or colors and textures proposed.
 - (2) The repeated and adjacent use of identical or near identical facades or structures arranged without respect to natural features of terrain or other existing structures.
 - (3) Gross differences in cubical content of floor area, height of building or roof, contrasting roof lines and/or architectural details and materials.

(4) Other significant design features, such as material or quality of architectural design, roof structures, dividing walls, accessory structures, chimneys, mechanical equipment and services, service and storage enclosures, signs and lights, landscaping, walls and fencing, parking and loading areas, and similar site features.

D. Protection of Adjoining Uses and Properties: To protect adjoining users and owners ensuring that reasonable provision has been made for such elements as sound and sight buffers, the preservation of views, light and air, and such other elements of design which may have a substantial effect or impact on adjoining areas.

E. Design of Accessory Elements: Aesthetic and functional review of signage, lighting, landscaping, refuse management, exterior art, and similar accessory elements.

§9.7 Fees and Escrow Accounts

§9.7.1 Fees

Fees for applications to the Commission shall be in accordance with a fee schedule, recommended by the Planning and Zoning Department, accepted by the Commission and adopted or amended by the Town Council at a public meeting, and shall be posted or made available upon request in the Planning and Zoning Department and the Town Clerk's office.

§9.7.2 Escrow Accounts for Consultant Services

A. The Planning and Zoning Administrator, his/her designee, the Commission, or the Zoning Board of Appeals may retain the services of a professional consultant, including but not necessarily limited to scientific, engineering, and legal consultants such as a land use planner, landscape architect, engineer, surveyor, architect, attorney, biologist, archeologist, soil scientist, traffic consultant, real estate appraiser, or other expert consultant to review, comment, and guide its deliberations on any application, and/or to provide inspection and/or monitoring services.

B. Issues for which such review, inspect or monitoring may be needed may include, but are not limited to, compliance with existing laws and regulations; the potential for environmental or other impacts; the need for public improvements, drainage improvements, sediment and erosion-control measures, and other environmental safety measures; and the provision of adequate legal conveyances and financial performance security. It is the purpose of this Section to ensure that any fees and expenses reasonably incurred by the Town in procuring such services be reimbursed by the applicant.

- C. Upon the filing of an application or during the course of its review, the Planning and Zoning Administrator, or his/her designee, the Commission or Zoning Board of Appeals, may determine that one or more consultant(s) are needed to analyze, review and report on areas requiring a technical review, and/or to provide inspection and/or monitoring services. In making such a determination, the following shall be considered:
- (1) That the evidence in the record of the proceedings has been produced or is likely to be produced which requires the hiring of such consultant(s);
 - (2) That the Planning and Zoning Department staff will be unable to perform the technical review; and
 - (3) That adequate time exists for the applicant to review and respond to such consultant(s)' report(s).
- D. If the assistance of professional consultants is found to be necessary or appropriate at any time after the submission of an application:
- (1) The Planning and Zoning Administrator, Commission or Zoning Board of Appeals may require an escrow account to be established from which withdrawals shall be made to reimburse the Town for the cost of professional consultant review, inspection and/or monitoring services. The applicant shall be provided with copies of any Town voucher for such services as they are submitted to the Town by its consultants.
 - (2) A preliminary estimate of the fees or expenses that such consulting services are likely to entail shall be considered in establishing an initial escrow deposit. The preliminary estimate, which shall not be binding on the Town, may be derived in any reasonable manner, including but not limited to a good-faith estimate of the hours that the consultant is likely to require based upon the specific nature of the application.
 - (3) The applicant shall provide payment to the Town of Monroe, in addition to all other applicable application fees, one-hundred-fifty percent (150%) of the above estimate, which amount shall be held in escrow until the technical review(s) are completed.
 - (4) Should the amount in the escrow account be reduced to less than one-third (1/3) of its initial amount, the applicant shall upon request by the Planning and Zoning Department promptly replenish the account to the amount of the initial deposit or other amount as deemed appropriate.
 - (5) After all pertinent fees or expenses have been reimbursed to the Town, the Town shall refund to the applicant any excess amount collected and remaining on deposit.

- (6) The establishment, payment and maintenance in good standing of an escrow account shall be considered an integral component of the application. The failure by the applicant to establish the escrow account and make initial and subsequent payments as may be required shall render the application incomplete.

- (7) No Certificate of Zoning Compliance, Building Permit or Certificate of Occupancy shall be authorized for issuance unless all professional review fees charged in connection with an applicant's project have been reimbursed to the Town.