



TOWN OF KILLINGLY

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PLANNING & DEVELOPMENT OFFICE

172 Main Street, Killingly, CT 06239

Tel: 860 779-5311 Fax: 860 779-5381

2018 FEB 28 AM 8:44

Elizabeth M. Wilson

MEMORANDUM

TO: Elizabeth Wilson, Killingly Town Clerk
FROM: Ann-Marie Aubrey, Director of Planning and Development
DATE: February 28, 2018
SUBJECT: Killingly Planning & Zoning Commission initiated Zone (Text) Change Application #18-1191; under Section 900 of the Town of Killingly Zoning Regulation; for text amendments to ARTICLE VI. ADMINISTRATION & ENFORCEMENT Section 600 et seq. to include Section 610.1 Reasonable Accommodation; Section 610.2 Reasonable Accommodation – Application; Section 610.3 Reasonable Accommodation – Issuance; and any minor changes deemed necessary.

AMA

In accordance with Connecticut General Statutes Section 8-3(a) the Killingly Planning and Zoning Commission notifies you that the Commission initiated a Zone (Text) Change Application #18-1191; under Section 900 of the Town of Killingly Zoning Regulation; for text amendments to ARTICLE VI. ADMINISTRATION & ENFORCEMENT Section 600 et seq. to include Section 610.1 Reasonable Accommodation; Section 610.2 Reasonable Accommodation – Application; Section 610.3 Reasonable Accommodation – Issuance; and any minor changes deemed necessary.

A copy of the proposed Zoning (Text) Change is attached for your use.

A public hearing has been scheduled for: **MONDAY, MARCH 19, 2018 @ 7:00 PM**
Town Meeting Room
Second Floor, Killingly Town Hall
172 Main Street, Killingly, CT 06239

All interested parties are urged to attend and be heard. Written testimony will also be accepted up through the close of the public hearing. The application file is available for review at the Planning and Development offices at the above address during our regular business hours; Monday, Wednesday, Thursday 8:00 am to 5:00 pm; Tuesday 8:00 am to 6:00 pm and Friday 8:00 am to 12:00 pm (noontime).

Please note that word and/or editing changes, if any, to the proposed text may be suggested for and made to the text up to the close of the hearing, and there will be no further advertisement of those word and/or editing changes until the decision of the Planning Zoning Commission is published.

Please post this notice for public notification a minimum of 10 days before the scheduled public hearing, excluding the day of posting and the day of the hearing. Please do not remove this posting until after the public hearing on Monday, MARCH 19, 2018. Thank you.

Any inquiries or questions can be directed to the Planning and Development Office at 860-779-5311; voicemail is available after our normal business hours.

Visit us at: www.Killinglyct.gov

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Items Deleted /Removed = strike-out; and Items Added are = **Bolded and Underlined**

ARTICLE VI.

ADMINISTRATION AND ENFORCEMENT

Section 600 Intent

It is the intent of these Regulations that all questions arising in connection with the enforcement or the interpretation of these Regulations (except as otherwise expressly provided herein) shall be first presented to the Zoning Enforcement Officer, who may confer with the Commission, and that such questions or actions shall be presented to the Zoning Board of Appeals only on appeal from the Zoning Enforcement Officer, and that from the decisions of the Zoning Board of Appeals, recourse may be taken to the courts as provided by law.

Section 610 Enforcement Officer

These regulations shall be enforced by the Zoning Enforcement Officer, who shall be appointed in accordance with the Killingly Town Charter subject to the supervision and appropriate direction of the Planning and Zoning Commission **and/or the Director of Planning & Development**. The Zoning Enforcement Officer is authorized to cause any building, structure, premise or use to be examined and to order in writing the remedying of any condition found to exist in violation of any provision of these regulations. The Enforcement Officer shall review with the Commission any action of his which is disputed.

In the absence of the Zoning Enforcement Officer, the ~~Town Planner~~ **Director of Planning and Development** shall be authorized to act in the capacity of Zoning Enforcement Officer. In the absence of the Zoning Enforcement Officer and the ~~Town Planner~~ **Director of Planning and Development, Planner I** ~~the Chairman~~ shall be authorized to act in the capacity of the Zoning Enforcement Officer. **In the absence of the Zoning Enforcement Officer, Director of Planning and Development and Planner 1, the Chairman of the Planning and Zoning Commission shall be authorized to act in the capacity of the Zoning Enforcement Officer.** Where in the opinion of the Zoning Enforcement Officer the ~~Town Planner~~ **Director of Planning and Development** is more familiar with a particular zoning Permit application, ~~than he~~ or similarly, the ~~Town Planner~~ **Director of Planning and Development** is more familiar with a particular zoning violation, the Zoning Enforcement Officer may authorize the ~~Town Planner~~ **Director of Planning and Development** to act in the capacity of the Zoning Enforcement Officer.

Section 610.1 Reasonable Accommodation

The Zoning Enforcement Officer may provide a Reasonable Accommodation for applicant's seeking relief from a Zoning Regulation under, Fair Housing Act (FHA) and / or American with Disabilities Act (ADA). The Reasonable Accommodation will be written per the applicant, and shall expire when the applicant no longer needs such accommodation. The purpose of such accommodation will be to grant a person a modification or exception from zoning laws when

such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, property, business, etc.

Section 610.2 Reasonable Accommodation – Application

A request for Reasonable Accommodation may be made by any person with a disability, the person's representative, or any entity, when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling, property, business, etc.

Request for Reasonable Accommodation shall be submitted in writing to the Planning and Development Office for review by the Zoning Enforcement Officer.

A Zoning Permit shall also be applied for any work or modifications to the property that would require a Reasonable Accommodation. The applicant may request a fee waiver, which may be granted at the discretion of the Zoning Officer.

Section 610.3 Reasonable Accommodation – Issuance

The Reasonable Accommodation will be granted to the applicant, and shall expire when the applicant no longer requires or needs such accommodation. At such time any work or modifications to the property that required the Reasonable Accommodation shall be dismantled within 30 days. An example of this would be a handicap ramp inside a setback no longer being used by the person who was issued the Reasonable Accommodation. A Reasonable Accommodation is granted to an applicant not to the property.

Section 620 Zoning Permit Required

No land shall be used (except for agricultural purposes) and no building or structure shall be used, erected, moved enlarged, or structurally altered, and no building permit shall be issued until a zoning permit for the proposed work or use has been issued by the Zoning Enforcement Officer. 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 actual use thereof. A Zoning Permit shall also be required for signs as specified in Section 540. (See Article III, Definitions, "actual use"), and satellite dish antennas (See Article III, Definitions, "accessory use"). (Amend. of 2-10-86, § 6)

620.1 Applications

An application for a permit shall be filed with the Zoning Enforcement Officer in triplicate on a form to be provided by the Commission. For new buildings or structures or changes increasing the floor area of an existing building or structure, the application shall include a site plan of the premises showing the location and size of existing and proposed buildings, structures, driveways, and parking, dimensions of the lot, setbacks, wetlands, and watercourses. Other information may be required by the Enforcement Officer to determine that the proposed project complies with the Regulations.

620.2 Time limits

A permit shall be void if the work described therein is not commenced within a period of one year from the date of issue and diligently prosecuted to completion.

620.3 Structures to have access

Every building hereafter erected or moved shall be on a lot with frontage on an accepted public street, a proposed public street, or an approved private street or shall have an unobstructed access strip in fee simple (an unobstructed easement of access or an unobstructed right-of-way are acceptable substitutes) not less than fifty (50) feet in width to an accepted public street, a proposed public street, or an approved private street, provided no more than two (2) principal buildings shall use such access strip. No two (2) or more access strips, serving interior lots, shall abut each other. (Amend. of 7 -13-81)

630. Violations

Any person, firm or corporation violating any provision of these regulations shall be subject to the remedies and penalties prescribed by the Connecticut General Statutes as amended.