

Effective – January 11, 2025

ROXBURY



ZONING REGULATIONS

Roxbury Zoning Commission

Effective January 11, 2025

Welcome to Roxbury!



Quick Start Guide

The Regulations are constructed so that, if something is not clearly permitted, it is prohibited. Check with the Zoning Enforcement Officer (ZEO) if you have questions.

From the Zoning Map, identify the zone for the property you are interested in. A small version of the Zoning Map follows the Table of Contents ([click here](#)) and a larger version is available on-line at:

https://www.roxburymt.com/DocumentCenter/View/820/Roxbury_zoning2024

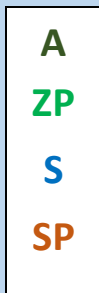
Then, go to the section of the Zoning Regulations related to the information you seek:

- [Section 1 = Zone-Based Regulations](#) – What uses are allowed in each zone and dimensional requirements that apply.
- [Section 2 = Use-Based Regulations](#) – More detailed provisions specific to certain uses.

From there, you may find additional relevant information in:

- [Section 3 = Development Standards](#) - Basic standards related to the use and development of property (signage, parking, stormwater management, vehicular access, etc.).
- [Section 4 = Special Standards](#) - Standards which may be related to special situations, uses, or activities (non-conforming situations, earth removal, etc.).

[Section 5 = Procedures](#) – What is needed to obtain any permissions or permits required.



1. [Allowed](#) = No zoning approvals are needed (although other approvals may be required).
2. [Zoning Permit](#) = You will need to apply for a Zoning Permit from the Zoning Enforcement Officer (ZEO) at Town Hall and this procedure is administered by Staff. A plot plan may be required.
3. [Site Plan](#) = This is an approval obtained from the Zoning Commission. A detailed plan map is generally required to demonstrate compliance with these Regulations.
4. [Special Permit](#) = This approval from the Zoning Commission is based on the applicant demonstrating that “Special Permit criteria” in [Section 5.D.5](#) of the Regulations have been addressed to the satisfaction of the Zoning Commission. A plot plan may be required.

Other types of applications ([Zoning Text Amendment](#), [Zoning Map Amendment](#), [Variance](#), etc.) and associated requirements are also contained in [Section 5](#).

[Section 6 = Regulatory Framework](#) - The overall regulatory framework (authority, purposes, establishment of zones, enforcement, etc.).

[Section 7 = Words and Terms](#) - A glossary of words and terms used in the Regulations.

Table Of Contents

1.	ZONE-BASED REGULATIONS	1
1.A.	Purposes of Zones	1
1.B.	Permitted Principal Uses, Buildings, And Structures.....	2
1.C.	Permitted Accessory Uses, Buildings, And Structures	5
1.D.	Area And Dimensional Requirements	9
1.E.	Prohibited Uses	11
2.	USE-BASED REGULATIONS	12
2.A.	Accessory Dwelling Units	12
2.B.	Adaptive Reuse of Historic Barns	14
2.C.	Adult Day Programs	16
2.D.	Affordable Housing	17
2.E.	Antennas	18
2.F.	Bed And Breakfast.....	23
2.G.	Child Care	24
2.H.	Community Residences for Intellectual Disabilities	24
2.I.	Conservation Subdivision	25
2.J.	Craft Breweries, Distilleries and Wineries.....	29
2.K.	Elderly Housing	31
2.L.	Energy-Related Accessory Facilities	33
2.M.	Fences	35
2.N.	Home Enterprise	36
2.O.	Interior Lots.....	39
2.P.	Keeping Of Animals	42
2.Q.	Mixed Use Building	43
2.R.	Motor Vehicles for Hire Businesses	43
2.S.	Nursing Home	44
2.T.	Private Airports	44
2.U.	Private Membership Clubs	44
2.V.	Restaurant.....	45
2.W.	Temporary Structures	46
2.X.	Treehouses.....	48
2.Y.	Unregistered Vehicle.....	48

3.	DEVELOPMENT STANDARDS.....	49
3.A.	Signs	49
3.B.	Parking	55
3.C.	Stormwater Management.....	58
3.D.	Erosion and Sediment Control	59
3.E.	Exterior Lighting	61
3.F.	Landscaping and Environment.....	63
3.G.	Vehicular Access And Circulation	65
3.H.	Pedestrian Access.....	66
3.I.	Fire Ponds.....	67
3.J.	Material Storage and Loading	67
3.K.	Utility Equipment	67
4.	SPECIAL STANDARDS	69
4.A.	Non-Conformity	69
4.B.	Reasonable Accommodations.....	73
4.C.	Earth Removal	74
4.D.	Land Filling	78
4.E.	Corner Visibility	80

5.	PROCEDURES	81
5.A.	Staff Procedures.....	81
5.B.	Pre-Application Reviews (Staff / ZC)	85
5.C.	Site Plan Application	87
5.D.	Special Permit Application	92
5.E.	Text Amendment Petition.....	100
5.F.	Zoning Map Amendment Petition.....	104
5.G.	Zoning Board Of Appeals (ZBA)	108
5.H.	Procedural Requirements	115
6.	REGULATORY FRAMEWORK	121
6.A.	Authority And Title.....	121
6.B.	Purposes.....	121
6.C.	Establishment of Zones	123
6.D.	Regulatory Framework.....	124
6.E.	Compliance With Regulations	125
6.F.	Enforcement	126
6.G.	Validity / Invalidity	127
6.H.	Effective Date	127
7.	WORDS AND TERMS.....	129
7.A.	Overall Framework.....	129
7.B.	Basic Rules.....	129
7.C.	Common Terms	130
7.D.	Specific Terms	131

APPENDICES

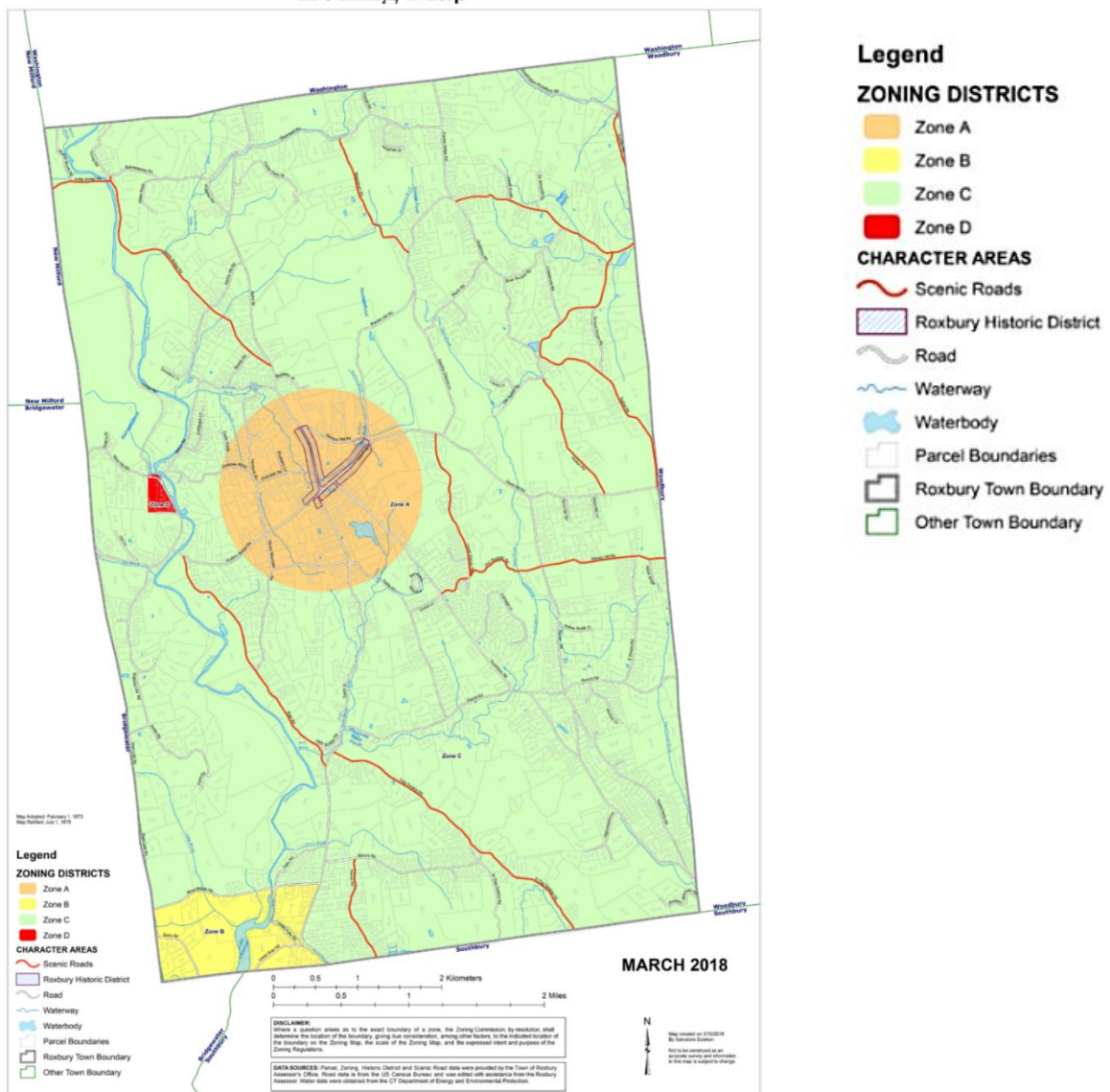
Illustrative Zoning Map

This small-scale Zoning Map is provided for convenience purposes. A larger version is available on-line at:

https://www.roxburyct.com/DocumentCenter/View/820/Roxbury_zoning2024

The official Zoning Map is on file in the Town Clerk's office at Town Hall.

Town of Roxbury Zoning Map



1. ZONE-BASED REGULATIONS

1.A. Purposes of Zones

1. **Residence Zone A** - This zone focuses on the area in and near the village area of Roxbury, an area which contains a number of historically and architecturally significant buildings. The character (as defined in these Regulations) and appearance of the zone and individual buildings is important.
2. **Residence Zone B** - This area of Town, although better served by roads and services is reserved for low density of development in order to preserve its rural character (as defined in these Regulations).
3. **Residence Zone C** - This zone includes the Town's reserved open space and numerous scenic and rugged topographic features worthy of conservation in their natural state. It is a major objective of these Regulations to maintain the low density of development in this area and to preserve its rural, wooded, agricultural character (as defined in these Regulations).
4. **Business Zone D** - This zone is intended to provide for an area of commercial uses to serve the daily needs of town residents for convenience goods and services. It is intended that this area be accessible from roads and that traffic conflicts on through roads be avoided. Commercial uses in the zone are limited to those which are low traffic generators and target the local market area, rather than regional markets and beyond. The standards for this commercial area are intended to preserve the Town's rural character (as defined in these Regulations) and community attributes and to strengthen the role of a small rural commercial village area as a focus for business activity in the Town.



1.B. Permitted Principal Uses, Buildings, And Structures

No building, structure, or land in the Town of Roxbury shall be used or occupied except as prescribed in these Regulations. A use not listed is prohibited.

	Residence Zone A	Residence Zone B	Residence Zone C	Business Zone D
1. Agricultural				
a. Farming; including dairying, horse, cattle, poultry and sheep, truck gardening, nurseries, greenhouses.	A	A	A	A
2. Residential				
a. A detached principal dwelling unit, one per parcel.	ZP	ZP	ZP	ZP
b. Interior lot in a Residence Zone in accordance with Section 2.O.1.	SP	SP	SP	x
c. Large lot interior development in accordance with Section 2.O.2.	SP	SP	SP	x
d. Conservation Subdivision in accordance with Section 2.I.	x	SP	SP	x
e. Elderly housing in accordance with Section 2.K.	SP	SP	SP	x
f. Affordable housing in accordance with Section 2.D.	SP	SP	SP	x
g. Nursing home in accordance with Section 2.S.	x	x	SP	x
h. Community residence for people with intellectual disabilities in accordance with Section 2.H.	x	x	x	SP

A	ZP	S	SP	x
Allowed	Zoning Permit	Site Plan	Special Permit	Not Permitted
No Zoning Permit Required	Staff	ZC	ZC with Public Hearing	
	Section 5.A.1	Section 5.C	Section 5.D	

	Residence Zone A	Residence Zone B	Residence Zone C	Business Zone D
3. Business				
a. Retail store.	x	x	x	S
b. Bank / financial institution.	x	x	x	S
c. Professional office.	x	x	x	S
d. Restaurant in accordance with Section 2.V .	x	x	x	SP
e. Craft Breweries, Distilleries and/or Wineries in accordance with Section 2.J .	x	x	x	SP
f. Package store.	x	x	x	SP
g. Motor Vehicles for Hire Businesses in accordance with Section 2.R .	x	x	x	SP
h. Adult Day Program in accordance with Section 2.C .	x	SP	SP	SP
4. Mixed Use (Business and Residential)				
a. Mixed use buildings (business and residential) in accordance with Section 2.Q .	x	x	x	SP
5. Municipal / Civic				
a. Streets, parks, and playgrounds.	S	S	S	S
b. Public school and town buildings and grounds; including municipal police department or police headquarters.	S	S	S	S
c. Volunteer fire department, volunteer ambulance / emergency service.	SP	SP	SP	SP
d. Library.	SP	SP	SP	SP
<div> <div>A</div> <div>ZP</div> <div>S</div> <div>SP</div> <div>x</div> </div> <div> <div>Allowed</div> <div>Zoning Permit</div> <div>Site Plan</div> <div>Special Permit</div> <div>Not Permitted</div> </div> <div> <div>No Zoning Permit Required</div> <div>Staff</div> <div>ZC</div> <div>ZC with Public Hearing</div> <div></div> </div> <div> <div>Section 5.A.1</div> <div>Section 5.C</div> <div>Section 5.D</div> <div></div> <div></div> </div>				

	Residence Zone A	Residence Zone B	Residence Zone C	Business Zone D
6. Institutional				
a. Religious institution (including buildings, structures and uses accessory to the religious institution).	SP	SP	SP	SP
b. Child care center licensed by the Office of Early Childhood in accordance with Section 2.G .	x	x	x	SP
c. Public or private schools licensed by the State of Connecticut.	SP	SP	SP	SP
d. Colleges and/or universities when located on a parcel of at least five (5) acres.	SP	SP	SP	SP
e. Museums	SP	SP	SP	SP
f. Education, scientific, literary and historic institutions; agricultural and horticultural societies; including the buildings and facilities necessary and appropriate to such uses.	SP	SP	SP	SP
7. Recreational				
a. Private membership clubs for tennis, golf, swimming, horseback riding or other recreational purposes, including buildings and facilities necessary and appropriate to such uses in accordance with Section 2.U .	x	x	SP	SP
b. Fraternal lodges in accordance with Section 2.U .	x	x	SP	SP
8. Other				
a. Temporary membrane structures for temporary events, as defined in these Regulations, in accordance with Section 2.W.2 .	A	A	A	A
b. Cemeteries	SP	SP	SP	SP
c. Telecommunications Facilities and Towers in accordance with Section 2.E.2 .	SP	SP	SP	SP
d. Adaptive Reuse of Historic Barns as a principal use or structure in accordance with Section 2.B .	SP	SP	SP	SP
<div> <div>A</div> <div>ZP</div> <div>S</div> <div>SP</div> <div>x</div> </div> <div> <div>Allowed</div> <div>Zoning Permit</div> <div>Site Plan</div> <div>Special Permit</div> <div>Not Permitted</div> </div> <div> <div>No Zoning Permit Required</div> <div>Staff</div> <div>ZC</div> <div>ZC with Public Hearing</div> <div></div> </div> <div> <div>Section 5.A.1</div> <div>Section 5.C</div> <div>Section 5.D</div> </div>				

1.C. Permitted Accessory Uses, Buildings, And Structures

	Residence Zone A	Residence Zone B	Residence Zone C	Business Zone D
1. Accessory Uses				
a. Accessory uses customary, incidental, and subordinate to the principal uses allowed in in Residence Zones A, B and C (see Section 1.B) subject to the requirements of these Regulations (for Home Enterprises, see Section 2.N).	Generally A (Check with ZEO)	Generally A (Check with ZEO)	Generally A (Check with ZEO)	Generally A (Check with ZEO)
b. Accessory uses customary, incidental, and subordinate to the principal uses allowed by Special Permit in Business Zone D (see Section 1.B) subject to the requirements of these Regulations.	x	x	x	SP
2. Accessory Buildings And Structures				
a. Accessory buildings and structures (such as private garages, barns, sheds, shelters, silos and other structures) customary, incidental, and subordinate to dwellings or farms subject to the requirements of these Regulations, except that: <ol style="list-style-type: none"> There shall be only one (1) accessory building per parcel for the purpose of a Home Enterprise (see Section 2.N). There shall be only one (1) accessory building per parcel for the purpose of a detached Accessory Dwelling Unit (see Section 2.A). 	Generally ZP (Check with ZEO)	Generally ZP (Check with ZEO)	Generally ZP (Check with ZEO)	Generally ZP (Check with ZEO)
b. Accessory buildings and structures customary, incidental, and subordinate to Special Permit uses in Business Zone D subject to the requirements of these Regulations.	x	x	x	SP
3. Residential				
a. Accessory Dwelling Unit in accordance with Section 2.A .	ZP	ZP	ZP	ZP

A	ZP	S	SP	x
Allowed	Zoning Permit	Site Plan	Special Permit	Not Permitted
No Zoning Permit Required	Staff	ZC	ZC with Public Hearing	
	Section 5.A.1	Section 5.C	Section 5.D	

	Residence Zone A	Residence Zone B	Residence Zone C	Business Zone D																				
4. Agricultural																								
a. Keeping of animals in accordance with Section 2.P.	A	A	A	A																				
b. Roadside farm product stand for the sale of farm products provided:	ZP	ZP	ZP	ZP																				
1) The major portion of such products are raised on the premises where the stand is located, and																								
2) The stand does not exceed three hundred (300) square feet in size.																								
5. Home-Based Business Activities																								
a. Home enterprise in accordance with Section 2.N.		<i>Refer to Section 2.N</i>																						
b. Bed and Breakfast in accordance with Section 2.F.	x	x	x	SP																				
c. Family Child Care Home (FCCH) in accordance with Section 2.G.	ZP	ZP	ZP	ZP																				
d. Group Child Care Home (GCCH) in accordance with Section 2.G.	ZP	ZP	ZP	ZP																				
e. Residential tag sale up to three (3) days in duration but no more than two (2) tag sales on the same property in any 365 day period.	A	A	A	A																				
6. Storage																								
a. Storage of a trailer or camper owned by a resident provided it shall be:	A	A	A	A																				
1) Garaged,																								
2) Screened from view from off-site by a solid evergreen hedge or a permanent stockade fence at least 6 feet high, or																								
3) Parked in a location acceptable to the ZEO.																								
b. Storage of unregistered motor vehicles when in accordance with Section 2.Y.	A	A	A	A																				
<table> <tr> <td>A</td><td>ZP</td><td>S</td><td>SP</td><td>x</td></tr> <tr> <td>Allowed</td><td>Zoning Permit</td><td>Site Plan</td><td>Special Permit</td><td>Not Permitted</td></tr> <tr> <td>No Zoning Permit Required</td><td>Staff</td><td>ZC</td><td>ZC with Public Hearing</td><td></td></tr> <tr> <td></td><td>Section 5.A.1</td><td>Section 5.C</td><td>Section 5.D</td><td></td></tr> </table>					A	ZP	S	SP	x	Allowed	Zoning Permit	Site Plan	Special Permit	Not Permitted	No Zoning Permit Required	Staff	ZC	ZC with Public Hearing			Section 5.A.1	Section 5.C	Section 5.D	
A	ZP	S	SP	x																				
Allowed	Zoning Permit	Site Plan	Special Permit	Not Permitted																				
No Zoning Permit Required	Staff	ZC	ZC with Public Hearing																					
	Section 5.A.1	Section 5.C	Section 5.D																					

	Residence Zone A	Residence Zone B	Residence Zone C	Business Zone D
7. Temporary Structures				
a. Temporary membrane structures in accordance with Section 2.W.2.	A	A	A	x
b. Trailers for storage of construction materials / equipment during construction of a principal building and/or accessory building in accordance with Section 2.W.3.	A	A	A	A
c. Temporary storage container in accordance with Section 2.W.3.	A	A	A	A
d. The use of a trailer or camper by a nonresident on a parcel with a primary dwelling not to exceed 3 weeks annually.	A	A	A	A
e. Temporary housing in accordance with Section 2.W.1.	S	S	S	S
8. Antennas				
a. Non-commercial antennas in accordance with Section 2.E.1.	ZP	ZP	ZP	ZP
b. Ham radio antenna set back at least the height of the antenna from property lines and electric transmission lines.	ZP	ZP	ZP	ZP
c. Telecommunications Facilities and Towers in accordance with Section 2.E.2.	SP	SP	SP	SP

A	ZP	S	SP	x
Allowed	Zoning Permit	Site Plan	Special Permit	Not Permitted
No Zoning Permit Required	Staff	ZC	ZC with Public Hearing	
	Section 5.A.1	Section 5.C	Section 5.D	

9. Other	Residence Zone A	Residence Zone B	Residence Zone C	Business Zone D
d. Driveways in accordance with Section 3.G and Town Driveway Ordinance .			<i>Refer To Section 3.G and Town Driveway Ordinance</i>	
e. Fences in accordance with Section 2.M .			<i>Refer To Section 2.M</i>	
f. Signs in accordance with Section 3.A .			<i>Refer To Section 3.A</i>	
g. Private emergency shelter completely underground and complying with all setback requirements.	ZP	ZP	ZP	ZP
h. Treehouse in accordance with Section 2.X .	ZP	ZP	ZP	ZP
i. Windmills in accordance with Section 2.L.2 .	ZP	ZP	ZP	ZP
j. Solar Energy Systems in accordance with Section 2.L.1 .	ZP	ZP	ZP	ZP
k. Adaptive Reuse of Historic Barns as an accessory use or structure in accordance with Section 2.B .	SP	SP	SP	SP
l. Private airport in accordance with Section 2.T .	x	x	SP	x
m. Child care center licensed by the Office of Early Childhood when accessory to an institutional use.	SP	SP	SP	SP
n. The sale of alcoholic liquors in restaurants only to patrons: 1) who are seated at tables, and 2) who are served meals.	x	x	x	SP

A	ZP	S	SP	x
Allowed	Zoning Permit	Site Plan	Special Permit	Not Permitted
No Zoning Permit Required	Staff	ZC	ZC with Public Hearing	
	Section 5.A.1	Section 5.C	Section 5.D	

1.D. Area And Dimensional Requirements

The area and dimensional requirements for the different zones are as follows unless indicated otherwise elsewhere in these Regulations. In the event of conflict, the strictest interpretation shall control (i.e., largest minimum, smallest maximum, etc.).

	Residence Zone A	Residence Zone B	Residence Zone C	Business Zone D
1. Parcel Area				
a. Minimum Parcel Area	3.0 acres	3.0 acres	4.0 acres (see Note A)	1.0 acre
b. Minimum Contiguous Buildable Area (<i>applies to any parcel used for residential purposes</i>)	2.0 acres	2.0 acres	2.0 acres	2.0 acres

A. The following exceptions to the minimum parcel area requirement apply to parcels in Residence Zone C:

- 1) Large Lot Interior Development lots approved pursuant to [Section 2.0](#) of the Regulations;
- 2) Conservation Subdivision lots approved pursuant to [Section 2.1](#) of the Regulations;
- 3) Lots qualifying for the "First Lot Exception" as defined in these Regulations provided such lot(s) meet the minimum contiguous buildable area requirement.

2. Lot Shape				
a. Minimum Frontage Width (<i>measured at the front property line</i>)	250 feet	250 feet	250 feet (see Note A)	n/a
b. Minimum Lot Width (<i>measured at the front setback line</i>)	225 feet	225 feet	225 feet	n/a
c. Minimum Lot Shape Diameter (<i>A circle of the indicated minimum diameter must touch the front lot line and fit inside the lot lines</i>)	250 feet	250 feet	250 feet	n/a

A. The frontage requirement for lots in Residence Zone C shall not apply to Large Lot Interior Development lots approved pursuant to [Section 2.0](#) of the Regulations.

3. Setbacks for Buildings / Structures				
a. Minimum Front Setback	50 feet	50 feet	50 feet	100 feet (see Note A)
b. Minimum Side Setback	30 feet	30 feet	30 feet	30 feet
c. Minimum Rear Setback	50 feet	50 feet	50 feet	50 feet
d. Minimum Setback To Town Boundary Line	30 feet	30 feet	30 feet	30 feet

A. In Business Zone D, accessory buildings and structures have a minimum front setback of 50 feet.

	Residence Zone A	Residence Zone B	Residence Zone C	Business Zone D
4. Coverage				
a. Maximum Impervious Coverage	-	-	-	25%
5. Building Size				
a. Maximum Floor Area Ratio (applies to Special Permit uses only)	0.075	0.075	0.075	-
b. Maximum Building Floor Area	-	-	-	5,000 SF (see Note A)

- A. In Zone D, an accessory building or accessory structure attached or connected to the primary structure by walls or roofs shall be considered a part of the primary structure for calculation of floor area.

6. Max. Building Height (see Notes)				
a. Stories	2 ½	2 ½	2 ½	2 ½
b. Feet				
• Principal buildings (feet)	40	40	40	40
• Accessory buildings (feet)	24	24	24	24

- A. The height limitations of these Regulations shall not apply to farm silos and barns.

- B. The height limitations of these Regulations shall not apply to:

- 1) Penthouses, cupolas, church spires, church belfries, and church domes that are not used for, or intended for, human occupancy,
- 2) Chimneys, silos, or antennas (excluding satellite dishes), except as may be otherwise specifically provided in these Regulations.

Such exempt features, however, must be an integral part of the primary structure, must occupy in the aggregate no more than twenty-five (25%) of the building area, must not be used for, or intended for, human occupancy, and may be erected only to such heights as are reasonable and necessary to accomplish the purposes they are intended to serve. Cupolas and penthouses open to lower levels must include approved smoke detectors.

1.E. Prohibited Uses

Any building or use ***not authorized*** in Zones A, B, C, or D of this [Section 1](#) of these Regulations (allowed, Zoning Permit, Site Plan, Special Permit, etc.) is prohibited.

To avoid confusion regarding permitted uses, it is to be understood that the following uses, the list of which is not intended to be exhaustive, are specifically identified as prohibited uses:

1. Amusement parks, fair grounds, race tracks, theaters, drive-in movies, miniature golf, golf driving ranges, commercial airports.
2. Mobile Home Park.
3. Manufacturing (except as permitted in Section 2.J) and industrial.
4. Building detrimental to the health, safety and welfare of the townspeople.
5. Slaughterhouses for animals or poultry.
6. Billboards and related advertising devices.
7. Hospitals and institutions for the mentally ill.
8. Penal institutions.
9. Public dumps, sanitary landfills, recycling facilities, scrap metal processors and scrapyards, commercial incinerators and other facilities for the disposal or burying of sewage, garbage, debris, junk, garbage, solid waste, hazardous waste, or other waste materials except when operated by or under the direct supervision of the Town.
10. Commercial hog raising, mink farms.
11. Junk yards, as defined in State Statutes.
12. Except in an emergency, the landing or takeoff of an aircraft in any area of the Town except at a private airport established and in being either as a nonconformity or through issuance of a Zoning Permit.
13. Commercial kennels as defined in [Section 7.D](#).
14. Gun clubs.
15. Bar (except as may be approved under [Section 2.J](#)).

2. USE-BASED REGULATIONS

2.A. Accessory Dwelling Units

2.A.1. Purpose

The intent of this Regulation is to encourage the creation of Accessory Dwelling Units (ADUs) for the purpose of providing housing opportunities for the elderly, single persons and small families. This Regulation is designed to ensure that, in creating an Accessory Dwelling Unit, the appearance of a primary dwelling unit will be retained.

2.A.2. Parameters

1. One primary dwelling unit and up to two Accessory Dwelling Units (one Accessory Dwelling Unit inside the primary dwelling and one detached Accessory Dwelling Unit) will be allowed per parcel.
2. A primary dwelling may be converted to include one single Accessory Dwelling Unit, subject to, and upon compliance with the standards and procedures set forth in this Section.

2.A.3. Standards for Accessory Dwelling Units

1. **ADU Attached / Within**
 - a. There shall be no more than one Accessory Dwelling Unit in the primary dwelling.
 - b. The floor area of an Accessory Dwelling Unit within the primary dwelling shall not exceed forty percent (40%) of the floor area of the primary dwelling not including the garage.
2. **Detached ADU / Stand-Alone Dwelling**
 - a. An Accessory Dwelling Unit in an accessory building shall be subordinate in size to the primary dwelling with a maximum floor area of 1,800 square feet, not including the garage.
 - b. In lieu of an Accessory Dwelling Unit in an accessory building, a secondary dwelling outside the primary dwelling may be a stand-alone building. It shall be subordinate in size to the primary dwelling with a maximum floor area of 1,800 square feet, not including the garage.
3. **Parking** - Parking as required in [Section 3.B](#) of these Regulations for a primary dwelling shall be provided for the Accessory Dwelling Unit.

2.A.4. Procedures for Approval

1. No conversion contemplated under this Section shall occur, nor any Building Permit or Certificate Of Occupancy issued for an Accessory Dwelling Unit, until the owner of the building to be converted has received a Zoning Permit for such conversion.
2. Information provided to the ZEO shall include, but not be limited to, the following:
 - a. A letter from the owner requesting review and approval.
 - b. A plot plan indicating the location of the primary dwelling, accessory structures, parcel area, zone designation; and yard distances.
 - c. Floor plans showing the existing room layout and proposed changes with regard to placement of kitchen, bath, size of rooms, ingress-egress, placement of windows and doors.
 - d. Certification from the Town Sanitarian that the septic system shall have sufficient capacity to treat any additional wastes due to a converted unit.
 - e. A letter from the property owner agreeing on behalf of such owner(s) and successors and assigns that the Zoning Commission shall have the right to inspect the property upon reasonable notice. Failure to allow such an inspection of either or both the primary dwelling or Accessory Dwelling Unit(s) would be grounds for revocation of the Zoning Permit.

2.A.5. Revocation

Any permit for a dwelling conversion or for an apartment in an accessory building shall, in accordance with [Section 6.F.3](#) be subject to revocation of the Zoning Permit by the Zoning Commission after a hearing if:

1. Upon inspection by the ZEO and Building Official prior to or following Certificate Of Occupancy it is found that all requirements have not or are not being met.
2. The owner shall fail to allow an inspection of either or both the primary dwelling or Accessory Dwelling Unit.

2.B. Adaptive Reuse of Historic Barns

1. **Purpose** - This Section of the Regulations is intended to encourage the viability, reuse, restoration, and rehabilitation of historic barns that are no longer associated with an agricultural use, by allowing, within the legally existing dimensions of such barns, other uses allowed in the zone in which they are located.
2. **Applicability** - Barns that qualify as Historic Resources or other existing barns. No approval is required for bona fide agricultural uses of Historic Barns or other existing barns. An expansion of a non-conforming barn is also subject to the requirements of [Section 4.A.4](#)).
3. **Special Requirements** - All adaptive reuse, restoration and rehabilitation of historic barns shall meet the following requirements:
 - a. The Zoning Commission shall determine that any changes associated with the adaptive reuse shall:
 - Not alter the facade of the building so as to lose the essential historic barn characteristics,
 - Be in keeping with the essential character (as defined in these Regulations) of the neighborhood,
 - Not be detrimental to adjacent property, and
 - Not endanger the health, safety, and general welfare of the community.
 - b. In making its determination, the Zoning Commission may request the advice of the Historic District Commission and other land-use commissions. Historic Barns located in the Roxbury Historic District shall independently meet the requirements of the Historic District Commission.
 - c. If the barn is a nonconforming structure, the adaptive reuse shall in no way increase the degree of nonconformity, except in accordance with the requirements of [Section 4.A](#).
 - d. The Zoning Commission shall determine that the proposed adaptive reuse shall not significantly alter the footprint, essential characteristics, or immediate context (e.g., barnyard) of the historic barn. In reviewing proposals for adaptive reuse of historic barns, the Zoning Commission shall determine that the historic characteristics of the barn will be retained to the extent practical.



5. Barns Qualifying As A Historic Resource

- a. A Special Permit issued for an adaptive reuse of a barn deemed a Historic Resource is based on the following:
 - The reuse is allowed only as a permitted use of the existing structure, and
 - Any prior pre-existing nonconforming use shall not be re-established if the structure is substantially modified, except in accordance with the requirements of these Regulations. All applicable municipal permits and approvals shall be obtained prior to the re-establishment of such use in a substantially modified structure.
- b. In the event that the historic barn is destroyed by fire, explosions, or acts of God, the barn may be reconstructed and the adaptive reuse re-established with the approval of the Zoning Commission providing the Zoning Commission shall determine that the replacement structure closely replicates the historic structure in architectural style, form, massing, scale, building materials, windows, and doors.
- c. In considering the Special Permit for adaptive reuse of Historic Barns, the Zoning Commission may consider and attach conditions as to preservation of the barn exterior with allowance for foundation and structural elements to be rebuilt or reinforced to improve safety and meet building codes and insurance requirements.

6. Barns Not Qualifying As A Historic Resource

- a. For adaptive reuse of a barn not qualifying as a Historic Barn, but nonconforming as to setback, the Zoning Commission may grant a Special Permit on application of the Owner to allow the expanded/nonconforming portion of the barn to be adaptively reused as finished spaces; provided:
 - There shall be no bedrooms or kitchen facilities (no cooking or sleeping) in any portion of the structure within the setback, and
 - No portion of the nonconforming area may be an extension of an Accessory Dwelling Unit in the conforming addition.
- b. In considering the Special Permit for adaptive reuse of non-Historic Barns nonconforming as to setback, the Zoning Commission may consider and attach conditions as to preservation of the barn exterior with allowance for foundation and structural elements to be rebuilt or reinforced to improve safety and meet building codes and insurance requirements.

2.C. Adult Day Programs

Adult Day Programs, as defined herein, and operated pursuant to CGS Section 17a-226 and approved by contract with the State of Connecticut Department of Developmental Services may be permitted by Special Permit in the zones so indicated in these Regulations. In determining whether a Special Permit shall be granted for such a program, the Zoning Commission shall consider the following special standards and requirements in addition to the Special Permit Criteria of [Section 5.D.5](#):

1. A copy of the proposed adult day program contract between applicant and the State Department of Developmental Services shall be provided to the Zoning Commission. Upon execution of any such contract, a copy of the contract, and any renewals thereof, shall be promptly provided to the Zoning Commission.
2. Based on the standards set forth in these Regulations, the Zoning Commission shall determine the maximum number of participants in the Adult Day Program. However, in no case shall more than 20 adults, staff and participants, be accommodated in any Adult Day Program approved by the Zoning Commission.
3. Off-street parking and loading requirements shall be consistent with [Section 3.B](#).
4. The applicant shall supply evidence that the Adult Day Program will comply with current fire, health and State Department of Developmental Services codes, laws, regulations and requirements. Water supply and sewage disposal systems serving the Adult Day Program shall be sufficient to accommodate the use as certified by the local health district .
5. There shall be safe and adequate provision for boarding and off-boarding program participants from vehicles without hazards to pedestrians and traffic and such provision shall be made on the parcel where the facility is located and without the need to use any part of the public street right-of-way for turning.
6. The use shall be located in a building on a parcel having such size, shape, landscaping, screening and parking so as to provide for the health and safety of the program participants.
7. Failure to maintain a valid contract with the Department of Developmental Services for any Adult Day Program shall constitute a violation under this Section and shall be grounds for revocation of any Special Permit issued under this Section.

2.D. Affordable Housing

2.D.1. Purpose

The purpose of this Section is to provide the opportunity for affordable housing (single or multiple dwelling units) in any district, subject to the granting of a Special Permit in accordance with [Section 5.D](#) and the standards and requirements of this Section.

2.D.2. Standards & Requirements

1. The Special Permit Application may only be filed by the Town of Roxbury or a non-profit organization approved by the Town's Board of Selectmen, such as the Roxbury Housing Trust, Inc. or similar non-profit entity.
2. Any new construction shall blend with the surrounding residences and neighborhood. Where the Zoning Commission determines that the proposed new construction does not meet the above standard, the applicant shall be required to submit a landscape buffer plan.
3. The housing shall be served by septic system(s) and well(s) approved by the local health district or by the CT Department of Health.
4. Each home, whether created by new construction, renovation or remodeling, shall contain at least the minimum floor area required for dwelling units as specified by the State of Connecticut Department of Housing Programs or as required by any other affordable housing funding source.
5. Each dwelling unit shall be equipped with its own kitchen facility, bath and utility service.
6. Unless otherwise approved by the Zoning Commission through the granting of a separate Special Permit in accordance with [Section 5.D](#):
 - a. The minimum lot area shall be 1 acre for a single-family home and 2 acres for multiple dwelling units.
 - b. All buildings and structures shall be set back from the road and all property lines as required in the zone the proposed site is located in.
 - c. Each dwelling unit shall have two off-street parking spaces.
7. The applicant shall provide documentation of legally binding measures including deed restrictions to show that, for at least forty years after the initial occupation of the proposed development, dwelling units will be sold or rented to persons and families earning eighty per cent or less of the area median income so that they pay thirty per cent or less of such income threshold.
8. In order to help promote affordable housing, the Zoning Commission may, following a written request from the applicant, waive the requirement for submission of certain application materials if it finds that the information is not required to decide on the application.

2.E. Antennas

2.E.1. Non-Commercial Antennas

Non-commercial antennas (including, but not limited to, satellite dish antennas, ham radio antennas, etc.) shall be permitted as an accessory structure in all zones subject to obtaining a Zoning Permit and compliance with the following requirements:

1. **Setbacks** - All non-commercial antenna shall comply with the setbacks for the zone.
2. **Mounting** -
 - a. Satellite dish antenna - When building-mounted, a satellite dish antenna shall conform to the zone's height limits. If detached, a satellite dish antenna shall not exceed more than ten (10) feet above existing grade. Such dish antenna shall measure 1 meter (3.28 feet) or less in diameter unless specifically approved by the Zoning Commission.
 - b. Ham radio antenna – A ham radio antenna shall not exceed 50 feet in height and shall be set back from property lines at least the height of the antenna.
 - c. Other antenna – Other non-commercial antenna shall not be installed higher than reasonably needed to accomplish its purpose and may be subject to review by the Building Official.
3. One non-commercial antenna and one other antenna shall be allowed per dwelling or business.

Satellite Dish Antenna



Ham Radio Antenna





TV/Radio Antenna



2.E.2. Telecommunication Facilities and Towers

1. **Purpose** - These regulations are intended to establish guidelines and standards for the siting of different types of telecommunication antenna facilities in Roxbury. The Zoning Commission recognizes that wireless communication services have become an important means of communication and seeks the least obtrusive means of having such services available while balancing the public benefits and impacts in order to:
 - Protect the public safety and general welfare and
 - Seek to minimize any adverse effects through siting, design, and screening.
2. **Antennas Regulated By Town**

Type	
a. Commercial Satellite Dish Antenna - A ground-mounted or roof-mounted satellite dish antenna used for commercial purposes provided: <ul style="list-style-type: none"> • The dish antenna measures 2 meters (6.56 feet) or less in diameter unless specifically approved by the Zoning Commission. • The dish antenna is screened from the street and adjacent properties. 	 ZP Zoning Permit Staff Section 5.A.1
b. Repair Of Existing Antennas And/Or Tower - Repair of existing antennas and/or towers, provided there are no changes in design, height or appearance.	
c. Antennas on Existing Structures - Any antenna which is not attached to a tower (such as antennas mounted on a building, barn, silo, or other structure not specifically constructed for the antennas installation).	 SP Special Permit ZC with Public Hearing Section 5.D
d. Public Safety Tower or Antenna - A antenna and/or tower intended and used primarily for the purpose of emergency service communications.	
e. Tower or Antenna on Town-Owned Property - A antenna and/or tower located on property owned, leased or otherwise controlled by the Town of Roxbury.	
f. Other Tower or Antenna - Any antenna and/or tower not regulated by the Connecticut Siting Council or by the Public Utilities Regulatory Authority including but not limited to radio towers, meteorological towers, or similar towers.	

3. Antennas Regulated By State Authorities

- a. **Connecticut Siting Council** - As provided in Chapter 277a of the Connecticut General Statutes (CGS Section 16-50g et seq.) and the rulings of the Connecticut Siting Council, telecommunications towers owned or operated by the state, a public service company, certified telecommunications provider or used in a cellular system including establishment of new towers (or built to support telecommunications antennas), co-location of new antennas on existing towers, modification of approved towers, and/or applications to attach small cells to a new structure, an electric transmission pole or other freestanding structure.
- b. **Public Utilities Regulatory Authority** - As provided in Chapter 283 of the Connecticut General Statutes (CGS Section 16-228 et seq.) and the rulings of the Public Utilities Regulatory Authority (PURA), the placement of small cell or similar (telecommunication) facilities on utility poles (including replacement or convenience poles) that are part of the electric distribution system.

For telecommunication facilities regulated by the Connecticut Siting Council (CSC) or the Public Utilities Regulatory Authority (PURA), the standards contained in Section 2.E.2.4 of these Regulations shall be submitted to such regulatory agency and shall be considered part of the “location preferences or criteria” as that term is used in CGS Chapter 277a.

Applicants to the Connecticut Siting Council are strongly encouraged to *meet with the Zoning Commission* within 30 days of the pre-application notice to a municipality as required by CGS Section 16-50l.(f)(1), to discuss technical reports concerning:

- The need for the facility including a map indicating the area of need and the location of existing surrounding facilities,
- A description of the site selection process undertaken by the prospective applicant,
- The proposed site and any alternate sites under consideration and a listing of other sites or areas considered and rejected,
- The location of sensitive land uses near the proposed facility,
- An analysis of the potential aesthetic impacts of the facility as well as efforts or measures to be taken to mitigate such aesthetic impacts, and
- The potential environmental effects of the proposed facility.

Such meeting with the Zoning Commission shall not be in lieu of the public informational meeting as provided for by CGS Section 16-50l.(f)(1).

4. **Standards** - The following standards apply to applications submitted to the Zoning Commission under Section 2.E.2.2 and are requested for applications submitted to the CSC or PURA.

- a. **Siting** - Avoid locating wireless communication facilities in locations which will have adverse environmental or visual impacts upon:
- 1) Special Flood Hazard areas.
 - 2) Regulated wetland or watercourse areas.
 - 3) Recognized historic places or districts (National Register of Historic Places, State Register Historic Districts, local historic districts etc.).
 - 4) Scenic resources designated in the Plan of Conservation and Development or elsewhere.
 - 5) Areas shown on the:
 - Connecticut DEEP Natural Diversity Database, and/or
 - Federal Listed Species and Natural Communities Maps.
- b. **Preferences** - Protect the Town's visual quality and minimize adverse visual impacts of wireless communication facilities through proper design and screening and consistency with the following hierarchy of preferences:

PREFERRED	
Existing Poles	1) Facilities on existing utility transmission or distribution poles.
Structure Mounted	2) Totally enclosed within an existing or new structure (such as a steeple, silo, or similar architecturally compatible structure).
	3) Mounted on or within an existing or purpose-built structure designed to fit Roxbury's overall character (such as a structure designed to look like a silo, barn, or similar architecturally compatible structure).
Internal Mount on Tower	4) Antennas internally-mounted on existing or new tower (similar to tree height) (monopole or flagpole).
NOT PREFERRED	
Up-sized Utility Poles	5) Telecommunication facilities on utility poles that are substantially larger in size or scale compared to existing utility poles.
External Mount on Tower	6) New antennas externally-mounted on existing pole (co-location).
	7) New "monopine" with externally-mounted antennas.
	8) New monopole with externally-mounted antennas.
	9) New lattice tower.
	10) New guyed tower.

- c. **Design**
- 1) For new installations, all wireless communication facilities and associated buildings, equipment, and material shall be visually shielded, camouflaged, and/or minimized to be as visually unobtrusive as possible when viewed from nearby properties and public roadways.
 - 2) For equipment shelters associated with telecommunications facilities the presence of wireless communication equipment shall be concealed within one-story buildings that resemble sheds and other building types found in Roxbury.
 - 3) New towers shall be located away from property lines and habitable buildings at least as far as the height of the tower, including any antennas or other appurtenances unless adequate information has been provided to demonstrate that a "yield point" or other approach has been designed into the tower to avoid a tower falling on adjacent properties or habitable buildings.

- 4) Lighting of any wireless communication facilities shall be clearly disclosed and shall not exceed what is clearly necessary for public safety. No towers shall be artificially lighted unless required by the FAA or other applicable authority and specifically authorized by the Zoning Commission.
 - 5) Signage shall be clearly disclosed and should not exceed what is clearly necessary for public safety.
 - 6) Site development shall minimize impervious surfaces, avoid soil erosion and runoff problems, maintain natural buffers, and provide for security and safe access.
 - 7) Towers shall be protected to prevent unauthorized climbing.
 - 8) Security fencing, no more than six feet in height, may be required by the Zoning Commission around the antenna, tower, and equipment depending on the nature of the installation.
 - 9) Landscaping, including buffering, may be required by the Zoning Commission around the antenna, tower, and equipment depending on the nature of the installation.
- d. Operation / Maintenance of Towers / Antennas**
- 1) All antennas and equipment shall be operated in a manner consistent with FCC guidelines for radio frequency emissions and other requirements.
 - 2) All antennas and equipment shall, under normal operating conditions, be consistent with applicable noise standards and be inaudible at the property line.
5. **Application Requirements / Requests** - For applications filed with the Zoning Commission under this Section 2.E.2, the information identified will generally be required unless modified or waived by the Zoning Commission. For applications filed with the Connecticut Siting Council (CSC) or the Public Utilities Regulatory Authority (PURA), the information identified below as relevant is requested.

1. Carrier Identified – A statement identifying which licensed carrier is either an applicant or a co-applicant on the application.
2. Emergency Service Needs Considered – A statement identifying whether an authorized emergency services organization has been contacted regarding the application and any comments provided by them.
3. Regulatory Compliance – A statement that all towers, antennas, and/or equipment will, at all times, be operated in accordance with relevant local, state, and federal regulations.
4. Coverage – Coverage parameters used in the analysis of potential sites and information on all tower sites considered and the reasons for rejection of any site.
5. Visual Impact And Extent – For a new tower, the boundaries of the tower’s viewshed (the area within which the tower can be seen based upon the topography surrounding the site) and a statement indicating whether the site will require lighting per the FAA regulations and, if so, what type of lighting is proposed. The Zoning Commission may require a “balloon test” for the proposed height and site.
6. Construction Plans – Site plans with reasonable contour intervals showing all proposed changes to the existing property, including vegetation removal, grading, structure and equipment location(s), temporary or permanent roads or driveways, existing and proposed drainage facilities, stormwater management, proposed landscaping, and other considerations. Drawings of any tower, building, underground vault, fence, screening, or other enclosure for equipment.
7. Operational Considerations – A written maintenance plan for the site, including, but not limited to, all facilities including landscaping at the site, and the contact person responsible for responding to Town inquiries.

2.F. Bed And Breakfast

1. **Owner/Resident** - The owner of the bed and breakfast use shall reside in the residential dwelling on the property where the bed and breakfast is located. The bed and breakfast use shall not be permitted in an accessory building.
2. **Structure Suitable For Use** - The applicant must demonstrate that the structure to be used for a bed and breakfast is capable of accommodating guest rooms based upon its interior arrangement, size and structural condition.
3. **Maximum Rooms** - No more than three (3) guest rooms limited to double occupancy are permitted in a structure.
4. **Bathrooms** - Full bathrooms shall be provided at the rate of one per two guest rooms and must meet all applicable Building and Health Codes.
5. **Length of Stay** - The length of stay shall not exceed fourteen (14) days per guest. Food service for occupants of guest rooms shall be limited to breakfast only. Food service shall be served to registered guests only.
6. **Water and Septic** - The applicant shall present certification from the Health Official that the existing or proposed well and subsurface sewage disposal system shall be adequate to serve the proposed use(s).
7. **Fire Protection** - The applicant shall present certification from the Roxbury Fire Marshal that the existing or proposed building to be used for a bed and breakfast will meet the requirements of the State Fire Code.
8. **Parking** - Sufficient off-street parking shall be provided for the existing use(s) of the property and for the bed and breakfast use at 1.5 spaces per guest room. A parking plan consistent with the requirements of [Section 3.B](#) shall be submitted with the application. The Zoning Commission may prescribe suitable natural screening for such parking areas.
9. **Food Service** - No cooking facilities shall be located in guest rooms and all aspects of food service for guests shall meet the requirements of the Public Health Code. Food service for occupants of guest rooms shall be limited to breakfast only. Food service shall be served to registered guests only.
10. **Special Permit** - The Special Permit authorizing operation of a Bed and Breakfast use shall be effective for a five-year period and may be renewed by the owner for additional five-year periods.
11. **Requirements** - All other requirements of regulations for Business Zone D, including but not limited to sign regulations, shall be applicable to the Bed and Breakfast use.

2.G. Child Care

1. Per CGS Section 8-3j(a), no zoning regulation shall treat any family child care home (FCCH) or group child care home (GCCH), located in a dwelling and licensed by the Office of Early Childhood pursuant to CGS Chapter 368a, in a manner different from single or multi-family dwellings.
2. Per CGS Section 8-2(d)(1), zoning regulations shall not:
 - a. Prohibit the operation in a residential zone of any FCCH or GCCH located in a dwelling, or
 - b. Require any special Zoning Permit or special zoning exception for such operation.
3. Per CGS Section 19a-80, the operation of a licensed GCCH located in a dwelling shall not be subject to any conditions, other than those imposed by the Commissioner of the Office of Early Childhood, if the GCCH complies with all codes and ordinances applicable to single and multi-family dwellings.
4. A child care center (CCC) shall be licensed by the Office of Early Childhood and shall:
 - a. Be subject to Special Permit approval by the Zoning Commission,
 - b. Be located on a parcel of adequate size and frontage in Business Zone D to accommodate the proposed usage, and
 - c. Not have play equipment located in any required front or side yard setbacks unless specifically approved by the Zoning Commission.

2.H. Community Residences for Intellectual Disabilities

As provided in CGS Section 8-3e, a community residence for people with intellectual disabilities may be permitted where and as indicated in these Regulations provided:

1. Licensee must comply with applicable State and Local laws relating to Health, Fire Protection, Safety, and Sanitation.
2. No community residence for people with intellectual disabilities is to be established within 1,000 ft. of any other community residence.
3. To assist emergency personnel, a reflective decal is to be placed on a window of each bedroom housing any person with intellectual disabilities and a floor plan is to be provided to the Roxbury Volunteer Fire Department and Ambulance Association.
4. Each bedroom is to be equipped with a smoke detector.

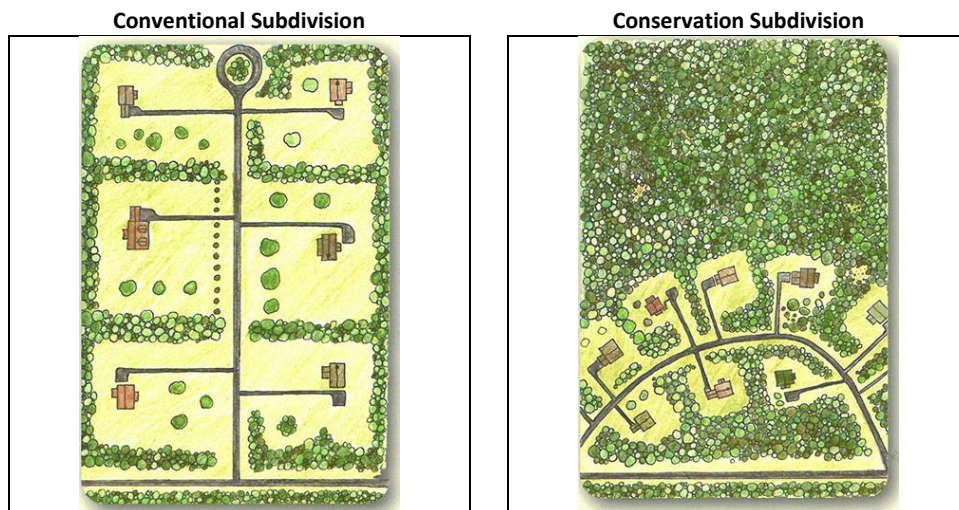
2.I. Conservation Subdivision

2.I.1. Purpose

1. The intent of this Section is to provide alternatives to conventional residential subdivision development when such alternatives will assure the conservation of land by taking advantage of the natural features of the tract so as to leave substantial unfragmented areas (which may include agricultural lands) free of building lots.

2.I.2. Process

1. The Roxbury Planning Commission may grant a Special Permit simultaneously with the approval of a subdivision plan under the Roxbury Subdivision Regulations to permit establishment of a Conservation Subdivision.
2. The Planning Commission shall follow the procedures herein specified, and before granting a Special Permit shall find that the Special Permit will create the open space, as defined in [Section 7.D](#) consistent with the following purpose(s):
 - a. Permanently conserve and preserve land to assure that its development will best maintain or enhance the appearance, character (as defined in these Regulations), natural beauty and scenic views of an area;
 - b. Preserve land for park and passive recreation purposes;
 - c. Preserve or create prime farmland and unique agricultural features such as orchards and vineyards;
 - d. Protect streams, rivers, ponds, and their adjacent areas, and other wildlife habitats, wetlands as natural resources and environments, and to avoid flooding, erosion and water pollution, and/or;
 - e. Preserve natural features along roadways so as to maintain their existing rural character (as defined in these Regulations) and the rural character (as defined in these Regulations) of the community.



2.I.3. Limitations

1. Conservation Subdivisions shall be permitted only in Zones B and C.
2. Parcels meeting all requirements for Conservation Subdivision will be limited to one (1) Conservation Subdivision based on the parcel configuration existing as of December 5, 2005.
3. The acreage for any Conservation Subdivision shall consist of at least thirty (30) acres but less than fifty (50) acres.
4. The number of residential lots permitted in a Conservation Subdivision shall not exceed the number of lots permitted in a standard subdivision of equal acreage.
5. The permitted principal use shall be detached principal dwelling units and the related permitted accessory uses as permitted in the existing zone.

2.I.4. Open Space Requirements

The open space land in any Conservation Subdivision shall be located entirely within the subdivision and shall meet the following requirements:

1. The permanently preserved open space area in any Conservation Subdivision shall be at least thirty-three and one-third percent (33.3%) of the total tract and shall not include the area of the setbacks as defined in Section 2.I.5.2.
2. The Open Space land in a Conservation Subdivision shall consist of not more than fifty percent (50%) wetlands.
3. The Open Space areas shall be in one contiguous piece, except where the Planning Commission finds that the purposes of this Section would be more effectively served by not more than two (2) separated parcels of open space.
4. The Open Space land shall be used, preserved and maintained consistent with the purposes specified in this Section.
5. The Open Space land meeting the minimum requirements of this Section, shall not be part of any lots, shall have suitable access from a street and shall have shape, dimensions, characteristics and location to promote the conservation purposes specified in this Section.
6. The Open Space land provided shall include areas adjacent to the road frontage to preserve the streetscape including features such as tree cover and stonewalls that will retain the rural character (as defined in these Regulations) of the Town.
7. Subject to the approval of the Planning Commission, the method for carrying out such preservation and maintenance of the Open Space land shall be:
 - a. The establishment of a Homeowner's Association made up of all lot owners in the Conservation Subdivision, which Association shall own an undivided interest in the Open Space land. Said Association shall have the power to assess the members for all necessary cost for the permanent preservation of the Open Space. Membership in said association shall be mandatory; or
 - b. The conveyance of Open Space land to a local or national Land Trust subject to conservation restrictions, or to the Town of Roxbury for permanent preservation when the Planning Commission deems such conveyance appropriate. Conveyance of land to the Town is subject to acceptance by Town Meeting.

2.I.5. Parcel, Building, And Road Requirements

1. The parcel size may be reduced by twenty-five percent (25%) maximum in Zones B and C. Except for the variation in parcel size as permitted under this Section, Conservation Subdivisions must conform to all other requirements of these Regulations.
2. All buildings and other structures shall have a minimum setback of one hundred (100') feet from the perimeter property lines of the Conservation Subdivision. This setback supersedes any other setback requirement for the relevant zone.
3. All roads including private roads in a Conservation Subdivision shall conform to Town road specifications set forth in the Roxbury Code of Ordinances.

2.I.6. Filing of Deed, Easement or Restrictive Covenant for Open Space

Under the method prescribed herein, the Planning Commission shall require the owner of the Open Space land to execute, acknowledge, and file with the Land Records of the Town such maps and documents, as in the opinion of the Town Attorney, will effectively create for the benefit of the adjoining landowners within the Conservation Subdivision and of the Town, a deed of conveyance, easement, or covenant running with the land that:

1. Will be permanent, perpetual and binding on all future owners of the Open Space land;
2. May be enforced for adjoining property owners in the Conservation Subdivision or the Town by appropriate action in court for damages or equitable relief;
3. Will assure appropriate maintenance, preservation and stewardship of the Open Space land to the satisfaction of the Planning Commission;
4. Shall provide that such Open Space deed, easement, or covenant may not be modified, altered, amended, or changed to revise the covenants, restrictions and other protective provisions of the Open Space without the written approval of the municipal officers or agencies with jurisdiction over the Conservation Subdivision; and the unanimous approval of all of the property owners in the Conservation Subdivision; and
5. Shall provide that if maintenance, preservation and/or use of the Open Space area no longer comply with the provision of the Open Space deed, easement or covenant approved under this Section, the Town may take all necessary action to assure compliance and assess the association or other owner all costs incurred by the Town for such enforcement.

2.I.7. Open Space Documentation

Under the method prescribed in this Section, the recipient of the Open Space land shall be required to give assurances satisfactory to the Planning Commission that the Open Space land shall be preserved and maintained solely for the purposes specified in this Section and shall execute, acknowledge and file in the Land Records of the Town such maps and documents as the Planning Commission shall deem appropriate for such purposes. Such legal documents shall be reviewed and approved by the Town Attorney and the Planning Commission prior to filing of the record subdivision map in the Roxbury Land Records.

2.I.8. Application

The Application for a Special Permit for a Conservation Subdivision shall be submitted to the Planning Commission in writing and shall consist of the following:

1. A written statement describing the purposes to be accomplished pursuant to Section 2.I.1, the proposed method of preservation, disposition, use and maintenance of Open Space land.
2. An environmental assessment of the entire tract by a person recognized as qualified by the Planning Commission.
3. A subdivision plan meeting all of the requirements of the Subdivision Regulations, Town of Roxbury, Connecticut, except as modified by these Regulations.

2.I.9. Special Permit Procedure

In acting upon a Conservation Subdivision, the Planning Commission shall follow the procedures set forth in [Section 5.D](#) with respect to Special Permits and the following:

1. The Conservation Subdivision shall meet the standards and requirements of this Section of these Regulations.
2. Following the close of the public hearing on an application, the Planning Commission shall determine whether the proposed Conservation Subdivision meets the standards and requirements of these Regulations and shall either approve, approve with conditions as permitted hereunder, or deny the application.
3. In granting a Special Permit for a Conservation Subdivision, the Planning Commission may attach such conditions as it deems necessary to affect the standards and requirements of these Regulations
4. The approval of a Conservation Subdivision Special Permit shall be noted on the final record subdivision map filed in the Roxbury Land Records along with the Special Permit that shall reference said map.

2.I.10. Possible Conflicts

If the requirements of this Section are in conflict with other sections of these Regulations or any provision of the Subdivision Regulations, the provisions of this Section, shall take priority.

2.J. Craft Breweries, Distilleries and Wineries

1. **Purpose** - This Section of the Regulations is intended to allow small scale Craft Breweries, Distilleries, and Wineries to:
 - a. Foster the growth of employment, tax revenue, tourism and agriculture.
 - b. Support local agriculture which can benefit from a new demand for local grains, grapes, herbs and other produce as well as spent mash, grain or other by-products that can be used as feedstock or compost by area farmers.
 - c. Attract customers to Business Zone D, supporting other businesses in the zone and potentially serving as a catalyst to redevelop properties in the zone.
2. In addition to compliance with other applicable provisions of these Regulations and licensing requirements of the State, the Craft Brewery, Distillery or Winery shall meet the following special standards and requirements:
 - a. Operations, activities and all aspects of the production and business shall be operated at all times in compliance with all federal, state, and local laws, regulations as well as permits and license requirements.
 - b. Alcoholic Beverages produced on-site may be provided as free tastings with or without a nonalcoholic beverage, sold for off-site consumption and sold for on-site consumption provided that eighty percent (80%) of gross sales revenues of alcoholic beverages are derived by alcoholic beverages produced on-site.
 - c. No production equipment repair or storage of equipment or materials is permitted on the exterior of the building(s) with the exception of grain and similar bins, which shall be screened to minimize the view from the State Highway. All storage facilities shall be shown on the site plan and except as otherwise provided above, shall be in compliance with [Section 3.J](#) of these Regulations.
 - d. The application shall include a description of how spent mash, grain or other by-products will be handled and disposed of off-site so as not to adversely impact the property or surrounding area.



- e. Tours and related programs shall be allowed, provided parking and access areas for same are designated on the site plan and the real property is permanently maintained in an orderly fashion. Promotional or other events, as defined in these Regulations, shall be allowed as an accessory use that is incidental to the Craft Breweries, Distilleries or Wineries business and/or agritourism and shall be limited to not more than two in any one (1) month or ten (10) per calendar year unless a Special Permit is approved for additional events.
- f. Closed Systems shall be used for any fermentation processes.
- g. The number, size, location, and design of required parking spaces shall comply with the standards of [Section 3.B](#) of the Regulations except that:
 - The total parking spaces provided for the entire property shall be at least ten (10) regular spaces and one (1) handicap space.
 - No spaces shall be required for the storage areas.
 - The Standards of [Section 3.B](#) shall not apply to temporary parking provided in open areas for events, as defined in these Regulations, conducted as an accessory use.
 - There shall be a parking coordinator who shall be present at all times during events, as defined in these Regulations, attended by fifty (50) or more persons to manage and direct vehicular movement and parking.
- h. No restaurant shall be permitted without a separate permit for same under the provisions of [Section 2.V](#) of these Regulations.

2.K. Elderly Housing

2.K.1. Purpose

This Section of the Regulations is intended to provide opportunities for elderly housing (“housing for older persons” as described in the “Fair Housing Act”) in Roxbury in order to meet the housing needs of residents while preserving the residential character of the Town of Roxbury and considering soil types, terrain, and infrastructure capacity.

2.K.2. Standards

1. **Eligible Organizations** – Elderly housing in accordance with this Section may be developed by the Town, by a housing authority, by a registered non-profit entity, or by another entity, acceptable to the Zoning Commission, whose purposes include the construction, rehabilitation, ownership or operation of housing.
2. **Permitted Uses** – Buildings containing one or more elderly housing units and related accessory structures and uses designed to meet the physical and/or social needs of elderly persons. No dwelling unit shall have more than two (2) bedrooms.
3. **Eligible Occupants**
 - a. Each unit is required to have at least one resident age 62 or older and a deed restriction filed on the land records shall document such restriction.
 - b. A certified home health aide may live with an age-qualified occupant.
 - c. No individual younger than 21 years of age may be domiciled within a dwelling unit for more than 30 days within a calendar year.
4. **Dimensional Standards** - In the following table, “net land area” shall consist of parcel area minus:
 - Wetlands, watercourses, waterbodies, ponds, streams;
 - 100-year floodplains; and
 - Areas with pre-development grades in excess of twenty-five percent (25%).

Minimum Parcel Size	6.0 acres of net land area
Minimum Parcel Frontage	50 feet on a public street
Maximum Density	Three (3) units per acre of net land area
Maximum Building Height	35 feet
Minimum Building Separation	25 feet or the height of the tallest building, whichever is greater
Minimum Front Yard Setback	75 feet
Minimum Side Yard Setback	50 feet
Minimum Rear Yard Setback	50 feet

5. **Water Supply and Sewage Disposal** - Prior to approval by the Zoning Commission, the proposed development shall have received approval from the Town Sanitarian, Connecticut Department of Health Services, and/or the Department of Energy and Environmental Protection for water supply and sewage disposal.
6. **Storm Drainage** - All storm drainage facilities shall conform to the requirements of [Section 3.C](#) of these Regulations and any public improvement specifications of the Town of Roxbury.
7. **Site Improvements**
 - a. Parking facilities shall conform to [Section 3.B](#) and there shall be at least one-and-a-half (1.5) parking spaces per dwelling unit.
 - b. Exterior lighting shall be provided in conformance with [Section 3.E](#) of these Regulations and lighting shall be directed away from dwelling units or adjacent residential uses.
 - c. Driveways shall conform to [Section 3.G](#) of these Regulations and buildings shall be set back at least twenty-five (25) feet from internal roadways.
 - d. All parking and driveway surfaces shall be asphalt and, except for loading and delivery areas, shall be located at least ten (10) feet from any building.
 - e. Pedestrian walkways shall be provided in conformance with [Section 3.H](#) of these Regulations..
8. Water storage supply for the purpose of fire protection shall be provided subject to the approval of the Fire Marshal with advisory referral to the Roxbury Volunteer Fire Department.
9. All electric, telephone, cable and other utility wires shall be underground.
10. **Landscaping**
 - a. Landscaping shall be provided in conformance with [Section 3.F](#) of these Regulations and there shall be a seventy-five (75) foot minimum separating distance between a parking area or facility and any existing or contemplated adjacent residential use.
 - b. All disturbed areas not mulched or planted with trees, shrubs, or flowers shall be planted with grass; and
 - c. There shall be a landscape buffer area with a minimum width of fifty (50) feet between the area of development and any adjoining premises used or contemplated to be used for residential purposes.

2.K.3. Minimum Affordability Requirement

At least twenty percent (20%) of all housing units shall be deed restricted so that, for at least forty years after the initial occupation of the proposed development, dwelling units will be sold or rented to elderly persons and families earning eighty per cent or less of the area median income so that they pay thirty per cent or less of such income threshold .

2.L. Energy-Related Accessory Facilities

2.L.1. Solar Energy Systems

1. **Purpose** – This Section is intended to promote the use of solar energy systems and to reduce the on-site consumption of fossil fuels and utility supplied electric energy. Residents are also urged to consider passive solar access in the layout of improvements on the site.
1. **Standards**
 - a. All solar collectors require issuance of a Zoning Permit and the permit application shall include:
 - A plot plan showing the location of the proposed solar collectors relative to property lines, existing structures, and the location of the septic system,
 - Building photographs showing the location of building mounted collectors, and
 - Such other information as necessary to determine compliance with these Regulations (size, height, coverage, etc.).
 - b. Any solar collector:
 - Shall have a non-reflective surface and be designed and installed so as to prevent glare onto nearby properties or roadways.
 - Shall not have signage or visible labelling other than the manufacturer's label on the back of a solar collector.
 - c. If roof-mounted, no portion of the solar collector shall extend beyond the perimeter of the roof on which it is mounted or higher than the maximum building height (in feet), as set forth in [Section 1.D.](#)
 - d. If wall-mounted or ground mounted, no solar collector shall be located within the minimum setbacks as set forth in [Section 1.D.](#)
 - e. If ground mounted:
 - No solar collector shall exceed 15 feet in height from ground level under the collector to the top of the collector if a fixed panel or 25 feet in height if a tracking collector.
 - The total area of the face(s) of the ground mounted solar panels shall not exceed 500 SF unless a greater area is allowed by the Zoning Commission by Special Permit.
 - All electrical and other connections to the solar collectors shall be installed underground.

Roof Mounted**Wall Mounted****Ground Mounted**

2.L.2. Energy - Windmills

Windmills shall be permitted as an accessory structure in all zones subject to the following requirements:

2. Height of the windmill shall be less than seventy (70) feet from ground level under the windmill to the center of the rotor.
3. Rotor diameter shall be less than thirty-five (35) feet.
4. The minimum distance between the ground and any rotor blades used on a windmill shall be fifteen (15) feet as measured at the lowest point of the arc of the blades.
5. The minimum setback distance from all property lines and habitable buildings shall equal or exceed the height from ground level under the windmill to the center of the rotor, plus twenty feet or the diameter of the rotor, whichever is greater.
6. Climbing access to the windmill tower shall be limited:
 - a. By having no tower climbing apparatus within ten (10) feet of the ground, or
 - b. By installation of a fence with locked gate around tower base.
7. No windmill shall have a rated capacity in excess of 100 kilowatts or consistently generate noise in excess of 45dB at any property line unless specifically approved for such by the Zoning Commission.
8. The windmill system shall be designed with an automatic brake to prevent over-speeding and excessive pressures on the tower structure.
9. All windmills shall be constructed, operated, and maintained in a safe and reasonable manner and any windmill designated a safety hazard by the Building Inspector shall be dismantled and removed.

Horizontal Axis**Vertical Axis****Artistic**

2.M. Fences

1. A fence or wall or combination thereof shall comply with setback requirements unless:
 - a. It is part of a farm or agricultural operation.
 - b. It is less than six feet (6') high measured from ground level at the base of the fence or wall or combination thereof to the highest part the fence at that point. Where a berm is constructed and/or grading is done solely to increase the effective height of a fence or wall or combination thereof, the height shall be measured from the ground elevation prior to the change in topography.
 - c. It is a deer fence which may be installed to a height not to exceed eight (8) feet within the side and rear setback areas (still subject to the six foot (6') height limit in the front yard setback) provided that:
 - The deer fencing shall be constructed of vinyl or vinyl coated materials, shall be dark green, black, or brown in color to blend in with the natural landscape, and the fence shall be of open design (mesh) so as to blend in with the natural landscape.
 - Deer fence posts and other associated appurtenances shall be dark green, black, or brown in color to blend in with the natural landscape.

So that it can be maintained without encroaching on the property of others, a fence or wall or combination thereof should be set back from the property line:

- d. At least one foot (1') if it is a split rail fence, picket fence, or similar fence which is less than 50% opaque.
- e. At least two feet (2') if it is a stockade fence, solid panel fence, or similar fence which is more than 50% opaque.

2. No fence or wall or combination thereof of any type shall obstruct visibility for motorists entering and leaving a site or driving on a public highway and shall pose no other danger to public safety.
3. The frame or supporting members of a fence shall be on the installer's side; the good or finished side shall face the street or the abutting owner's property.
4. Barbed wire and electric fences are prohibited with the exception of fences erected to contain livestock or other animals for agricultural use.
5. Razor wire or its equivalent is prohibited.

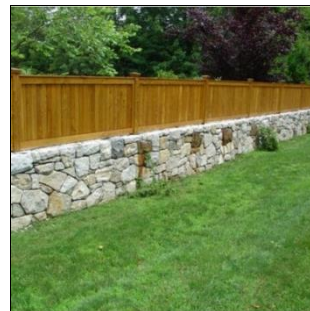
Fence



Wall



Fence-Wall Combination



2.N. Home Enterprise

2.N.1. Purpose

The purpose of this Section is to permit and regulate Home Enterprise.

2.N.2. Categories Of Home Enterprises

Home Enterprise uses are grouped into three categories as follows according to the degree of potential neighborhood impact:

1. **Category I (No Zoning Permit Required)** - Use of a dwelling for a home office or another home enterprise that has no impact on the neighborhood and meets all of the following requirements:
 - a. No employees, except residents of the dwelling.
 - b. No clients or customers allowed on premises.
 - c. No visible exterior evidence of the Home Enterprise.
 - d. There shall be no exterior change to the dwelling in connection with the Home Enterprise.
 - e. Meets all general requirements in [Section 2.N.3](#).
2. **Category II (Zoning Permit Required)** - Use of a dwelling for a home enterprise by one or more members of the occupying household, with limited client or customer visits and/or a very low impact on the neighborhood and that meets all of the following requirements:
 - a. A maximum of three (3) part-time or full-time outside employees, regardless of the number of Home Enterprises conducted at the premises.
 - b. Clients or customers are allowed on premises by appointment only.
 - c. No visible exterior evidence of the Home Enterprise, except as provided in [Section 2.N.5](#) and a sign permitted by [Section 3.A](#).
 - d. There shall be no exterior change to the dwelling in connection with the Home Enterprise.
 - e. Adequate off-street parking shall be provided for all residents, employees, clients, and customers on the premises at any one time located at least twenty-five (25) feet from any property line and screened from adjoining residential property and from the street using appropriate screening material such as five-foot high evergreens on four-foot centers or a solid fence sufficient to screen parking. The Zoning Commission may limit the number and types of vehicles on the premises for business purposes.
 - f. Meets all general requirements in [Section 2.N.3](#).
3. **Category III (By Special Permit Only)** - This category shall consist of Home Enterprises that are not classified as Category I or II but are operated by one or more members of the occupying household. Each application shall be evaluated based upon the particular characteristics of the proposed Home Enterprise relative to the standards and requirements set forth in this Section and the impact of such activity on the residential and rural character (as defined in these Regulations) of the neighborhood. In approving a Home Enterprise use, the Zoning Commission may attach conditions to the Special Permit to ensure compliance with the standards set forth in this Section and compatibility with the neighborhood. Failure to comply with the conditions of the Special Permit shall be grounds for revocation.

- a. As part of the application, the applicant shall:
 - Submit one or more plans, drawn to scale, showing exterior changes or improvements associated with establishing the proposed use sufficient enough in detail and accuracy for the Zoning Commission to understand the proposed use and activities (location of buildings and parking areas, screening, the areas of property utilized for the proposed use, etc.) relative to the requirements of these Regulations.
 - Submit a floor plan drawn to scale showing the total square footage to be devoted to the Home Enterprise in the home and any accessory building(s). It shall also show and label the different activity areas, i.e. office area, customer area, work area, storage area.
 - Submit a business use and activity plan describing in general the type and nature of the proposed activity, the product, equipment and processes involved, the types of products to be offered for sale (if any), projected typical volume and type of vehicular activity, employee and customer/client activity and such other information as the Zoning Commission shall require to make a determination that the proposed use qualifies under the standards and requirements of these regulations.
 - Notify property owners and /or residents within five hundred (500) feet of the property line of the proposed Home Enterprise by Certified Mail at least ten (10) days prior to the public hearing.
- b. The Home Enterprises are limited to a maximum of three (3) part-time or full-time outside employees (other than residents of the premises), regardless of the number of Home Enterprises conducted at the premises.
- c. No Home Enterprise use shall be primarily devoted to retail sales on the premises. Any goods offered for sale shall not be visible outside the buildings. When requested by the Zoning Commission, samples of products proposed for retail sale shall be provided as part of the application. Retail sales associated with a Home Enterprise may be permitted only where such sales are related and accessory to the primary product or service and clearly incidental to the primary Home Enterprise use.
- d. Adequate off-street parking shall be provided for all residents, employees, clients, and customers on the premises at any one time located at least twenty-five (25) feet from any property line and screened from adjoining residential property and from the street using appropriate screening material such as five-foot high evergreens on four-foot centers or a solid fence sufficient to screen parking. The Zoning Commission may limit the number and types of vehicles on the premises for business purposes.
- e. Meets all general requirements in [Section 2.N.3.](#)

2.N.3. General Requirements

1. Home Enterprise uses shall be clearly subordinate to the use of the premises as a dwelling.
2. A permissible home enterprise may be conducted in the residential building or in an accessory building or both, with the following limitations:
 - a. Not more than thirty percent (30%) of the floor area of the residential building shall be used for Home Enterprise uses.
 - b. The total area used for Home Enterprise uses including accessory buildings and indoor storage areas shall not exceed ninety percent (90%) of the floor area of the residential building or 2,000 square feet, whichever is less.
 - c. All accessory buildings shall be architecturally compatible with the characteristics of the dwelling and shall be set back from the front property line at least as far as the back line of the residential building or 100 feet, whichever is greater, except that, if the residential building is set back 200 feet or more from the front property line, the accessory building shall be set back 200 feet or more.
3. There shall be no traffic, activity or noise of a nature or volume that causes a safety hazard or detracts from the rural character (as defined in these Regulations) of the neighborhood.
4. No finished goods acquired from off the premises shall be sold from the premises in the form acquired in connection with the home enterprise.

5. There shall be no interference with radio, television or other electronic devices in the vicinity.
6. The Home Enterprise shall not create a health or safety hazard, use or store any hazardous materials not customarily associated with residential use or adversely affect ground water. The Home Enterprise shall comply with all Federal and State statutes pertaining thereto.
7. Except for the growing and sale of agricultural products, all Home Enterprise activities shall be engaged within the area of the residential building and/or the accessory buildings.
8. To ensure the residential characteristics of the neighborhood, the Zoning Commission may set hours of operation, as it may deem appropriate.
9. Deliveries to and from the Home Enterprise shall be restricted to the hours of 8:00 AM to 5:00 PM, Monday through Friday and 9:00 AM to 12:00 noon on Saturday, local time.
10. Any Determination of Zoning Compliance for a Home Enterprise shall automatically terminate when the resident proprietor of the Home Enterprise no longer resides on the property.

2.N.4. Revocation and/or Reclassification

Violation of a requirement of this [Section 2.N](#) may result in reclassification of a Home Enterprise into a different category or revocation of a Zoning Permit or Special Permit without limitation of other remedies available.

2.N.5. Outdoor Storage For A Home Enterprise

Outdoor storage for a Home Enterprise may be permitted by a Special Permit in accordance with [Section 5.D](#) and applicable requirements of this [Section 2.N](#), together with the following additional requirements:

1. Unless approved by the Inland-Wetlands and Watercourses Commission, storage areas shall be a minimum of one-hundred (100) feet from a wetland or watercourse as determined by the Inland-Wetlands and Watercourses Commission.
2. Property owners within five hundred (500) feet of the property of the applicant upon which the outside storage area is to be located shall be notified by the applicant by Certified Mail at least ten (10) days prior to the grant or renewal of a Special Permit.
3. All storage areas shall have year round screening from the street and adjacent properties. Underground storage tanks shall be prohibited.
4. The Zoning Commission may specify the type of screening in accordance with [Section 3.F](#).
5. The Zoning Commission may limit the number and type of vehicles to be stored in an outdoor storage area.
6. Outdoor storage areas shall comply as accessory buildings in accordance with [Section 1.D](#) and [Section 2.N.3](#), and shall not exceed five hundred (500) square feet. Outside storage items shall not exceed a height of, and shall not be stored or stacked higher than, ten (10) feet.
7. Outdoor storage will not be permitted when indoor storage is possible in compliance with [Section 2.N.3](#).
8. A Special Permit for an outdoor storage area shall be renewed annually. Such renewal shall be upon filing of an affidavit of compliance and approval by the ZEO or the Zoning Commission.

2.O. Interior Lots

2.O.1. Interior Lots in Residence Zones

1. **Purpose** - The Zoning Commission may, by Special Permit, authorize the establishment and use of interior lots in residential zones A, B and C for:
 - a. Construction of a detached principal dwelling unit, one per lot, with permitted accessory buildings, or
 - b. Agriculture or farming activities, as defined elsewhere in these Regulations, provided that any boarding of horses shall not be a commercial enterprise, and the horses are to be cared for by the owner(s) of said horses and/or the owners of the property used for same.
2. **Requirements**
 - a. An interior lot created after January 27, 2007 shall contain a minimum of six (6) acres, not including the area of the accessway.
 - b. All interior lots shall be served by an accessway and/or private road leading to a previously accepted public road. Lots with rights-of-way acquired prior to January 1, 1983 are allowed to be served by a right-of-way. Rights of way acquired after January 1, 1983, shall not be deemed accessways.
 - c. There shall be no other accessway to an interior lot located within five hundred (500) feet, measured along the same side of the public road, of an accessway to another interior lot.
 - d. Accessways and private roads shall be not less than fifty (50) feet in width throughout their lengths.
 - e. The design and construction of driveways serving interior lots are subject to the Driveway Ordinance of the Town of Roxbury.
 - f. To provide direction for emergency vehicles each interior lot shall be identified by a post or mailbox located at the street line showing the house number.
 - g. No building or other structure on an interior lot shall be closer than fifty (50) feet to any lot line.
3. **Applications and Procedures**
 - a. Each applicant shall file with the Zoning Commission a letter giving the names and addresses of the person, persons, firm or corporation making the application. The letter shall provide the following information:
 - Brief description of the property and the proposed use.
 - Location and size of property that is included.
 - b. Each applicant shall file with the Zoning Commission three copies of an A-2 Survey with the following information:
 - Name of owner of record, applicant and the original signature and seal of a licensed Land Surveyor as required by Section 20-300-10 and 20-300-10b of the Regulations of Connecticut State Agencies.
 - The words "approved by the Roxbury Zoning Commission" with a designated place for the signature of the Chairman and date of signing.
 - If only a portion of a tract is to be in the plan proposed for approval, the approximate boundaries of the entire tract shall be shown.
 - Elevations shown by two-foot contour intervals to evaluate and determine the feasibility of the project unless the Zoning Commission determines that such information or detail is not required for a particular application.
 - Names of property owners located within two hundred feet (200') of the proposed interior lot, adjacent subdivisions where they exist, and the names of any towns other than Roxbury within five hundred (500) feet of the proposed plan.
 - Indication on the map of provisions made for proposed rights-of-way, private roads or accessways.

- c. Each applicant shall provide a list of adjacent property owners and notice to adjacent property owners as provided at [Section 5.H.7](#).
 - d. The Zoning Commission shall refer the application to the Planning Commission prior to a decision by the Zoning Commission. The Planning Commission shall certify its decision to the Zoning Commission.
 - e. The Special Permit Application shall be processed in accordance with [Section 5.D](#).
 - f. When any proposed interior lot is a part of subdivision or re-subdivision, the Special Permit Application shall conform to requirements as prescribed in the Subdivision Regulations.
4. **Approval Considerations**
- a. A Special Permit for the use of an interior lot shall be approved only if the Zoning Commission determines that there is no logical or feasible alternative for the lot to be properly served by an accepted town road, street or highway in the foreseeable future.
 - b. As part of the granting of the Special Permit, the Zoning Commission shall find that such use will not significantly impair:
 - The health, safety, and general welfare of future occupants of the property or adjacent properties, or
 - Desirable future land use and road layouts for the overall community.

2.O.2. Large Lot Interior Development

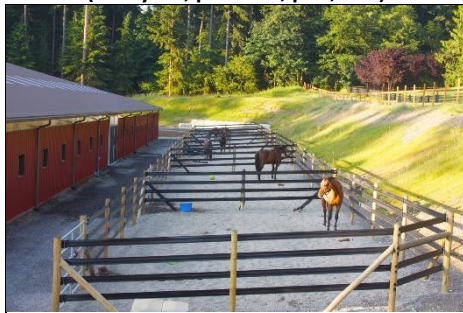
1. **Purpose** - The purpose of a Large Lot Interior Development is to provide:
 - Some reasonable protection of existing and potential agricultural land or other lands suitable for conservation from excessive residential development, and
 - To provide owners of agricultural lands an opportunity to make reasonably beneficial use of those portions of land that are best suited for residential use.
2. **Procedure** - The applicant for designation of property as a Large Lot Interior Development shall apply for a Special Permit in accordance with [Section 5.D](#). In addition, the applicant shall provide a written statement describing the purpose to be accomplished pursuant to Section 2.O.2.1 above.
3. **Standards** - In considering an application for a Large Lot Interior Development, the Zoning Commission shall, in addition to the Special Permit criteria in [Section 5.D.5](#), utilize the following specific standards:
 - a. The minimum area of a Large Lot Interior Development shall be fifty (50) acres.
 - b. Lots in a Large Lot Interior Development shall have a minimum of ten (10) acres each excluding accessway and a maximum of three (3) lots within the development unless an alternative approach is authorized under Section 2.O.2.4 below.
 - c. If the Large Lot Interior Development is part of a larger subdivision, all lots in such subdivision shall contain a minimum of ten (10) acres.
 - d. Each lot shall be capable of containing a four hundred (400) foot diameter circle.
 - e. No structure shall be built within seventy-five (75) feet of any boundary line.
 - f. Lots within a Large Lot Interior Development shall comply with all Subdivision Regulations.
 - g. Lots are to be served by a private road leading to a previously accepted public road. Private roads shall be designed and constructed to Town Specifications for public roads with the exception of a bituminous surface, and:
 - The private road shall have a minimum fifty (50) foot right-of-way with the travel way having a minimum width of sixteen (16) feet.
 - No private road shall have a grade more than ten percent (10%) except grades up to fifteen percent (15%) may be allowed for distances up to two hundred (200) feet for unusual conditions, but only if specifically authorized by the Zoning Commission.
 - Accessways to individual lots shall be separated by a minimum of one hundred (100) feet.
 - The private road shall be owned in fee simple by a Homeowners' Association.
 - All private roads shall be constructed under the supervision of a licensed engineer.
 - A required road bond shall have the approval of the Town Attorney.

4. **Alternative Development** - Up to two (2) additional lots, having a minimum of ten (10) acres each, may be granted on a private road which serves a Large Lot Interior Development provided that a conservation easement is granted which would preserve a minimum of twenty (20) acres of agricultural land or other land suitable for conservation, such as stream belts and riparian corridors, hardwood forest, scenic areas, and the like. The selection of such a parcel shall be determined by the applicant with the approval of the Zoning Commission, and:
 - a. Said easements shall be contiguous and shall be in addition to minimum lot acreage requirements of the Large Lot Interior Development.
 - b. The conservation easement for agricultural or other land suitable for conservation shall be in perpetuity.
 - c. There shall be a maximum of five (5) lots granted in a Large Lot Interior Development including the additional lots granted due to conservation easements.

2.P. Keeping Of Animals

1. Keeping of small domestic animals (such as dogs, cats, etc.) is allowed as an accessory use.
2. The density of horses on a parcel shall not exceed one horse six months old or older per one acre of parcel area.
3. **Housing of Animals**
 - a. No building for the housing of animals other than small domestic animals such as dogs or cats shall be located within one hundred (100) feet of any street line or property line of an adjoining parcel.
 - b. No stable, pig pen, chicken house or other structure used for the housing of animals shall be located within fifty (50) feet of any pond, lake, river or watercourse.
 - c. No poultry house in Zones A or B shall house more than one hundred (100) birds, or have a floor area of more than three hundred (300) square feet; there shall not be more than one (1) poultry house to each dwelling to which it is appurtenant.
4. **Enclosures**
 - a. All livestock or poultry shall be kept in appropriate enclosures, such as fenced yards or fenced pastures, and shall not be allowed to roam at large.
 - b. No fenced yard for livestock (commonly referred to as a barnyard, paddock, pen, etc.) shall be located closer than one hundred (100) feet of any street line or one hundred (100) feet of an adjoining parcel.
5. **Indoor Riding Rings** - No indoor riding arena shall be located closer than fifty (50) feet of any street line or property line of an adjoining parcel. The arena may only be used for the purpose of riding and may not be used for the housing of animals.
6. **Manure Management**
 - a. Manure shall be stored not less than one hundred (100) feet from street and property lines.
 - b. Manure shall be removed at intervals sufficiently frequent to maintain a sanitary, fly-free condition.
 - c. Manure drainage shall not run into a wetland or onto other property.

Fenced Yard
(barnyard, paddock, pen, etc.)



Fenced Pasture
(may be used for grazing or hay production)



2.Q. Mixed Use Building

Residential dwelling units may be permitted by Special Permit as part of a mixed use building in Zone D based on the following standards:

1. No more than three such dwelling units shall be provided per property.
2. For each building, the total floor area of the residential dwelling units shall not exceed the total floor area of the business use(s) and this calculation shall be provided on the Site Plan.
3. Each dwelling unit shall be equipped with its own kitchen, bath, and utility services that are not shared with a business use or with other dwelling units.
4. Dwelling units may share an entry foyer or may have their own outside access convenient to parking and access to the parcel. Emergency exits such as exterior fire escapes shall be located only on the rear or side of the building.
5. Parking shall be provided on-site in compliance with the standards of [Section 3.B](#) and shall be adequate for the business uses(s) and the residential uses (based on one parking space for each bedroom of each dwelling unit).

2.R. Motor Vehicles for Hire Businesses

Motor Vehicles for Hire Businesses, for the operation and dispatch of Motor Vehicles for Hire which are licensed and registered pursuant to CGS Chapter 244a and/or CGS Chapter 244b. In determining whether a Special Permit shall be granted for such a use, the Zoning Commission shall, in addition to the requirements of [Section 5.D](#), consider the following special standards and requirements:

1. Compliance with all state licensing and registration standards relating to the business operation and vehicles are met, and proof of such compliance shall be supplied to the Zoning Commission.
2. The Zoning Commission, in its discretion, shall determine the maximum number of vehicles for hire to be operated by the applicant; however, the total number of motor vehicles for hire shall not exceed the lesser of eight (8) or the number of parking spaces required by [Section 3.B](#) of the Regulations. The number of persons employed shall not exceed 10.
3. Off-street parking and loading requirements shall comply with [Section 3.B](#). "Table of Parking Requirements", subparagraph (i) entitled "commercial not included above" and all the restrictions and standards set forth in [Section 3.B](#).
4. The applicant shall supply information regarding proposed trip generation and a plan for ingress, egress, parking and storage of Motor Vehicles for Hire based upon the maximum number of vehicles proposed; such information and plan shall demonstrate to the Zoning Commission that the business can be conducted without adversely affecting other uses of the property on which the use will be conducted and adjacent uses.
5. Failure to maintain current licensing and registration, as required by CGS Chapter 244a and/or CGS Chapter 244b, for the business operation and all vehicles shall constitute a violation under this Section and will constitute grounds for revocation of any Special Permit issued under this Section.

2.S. Nursing Home

Nursing homes licensed by the State of Connecticut may be permitted where so indicated in these Regulations subject to the following conditions:

1. The nursing home shall be located on a parcel not less than five (5) acres.
2. No building shall be less than seventy-five (75) feet from any street line or less than one hundred fifty (150) feet from any adjoining property lines.

2.T. Private Airports

Private airports for the takeoff, landing and storage of aircraft for the use of the property owner and his / her / their immediate kin for the purpose of providing personal air transportation subject to the following:

1. No part of the airport shall lie within one mile of another airport or within eighty (80) yards of a public road or utility line nor within three hundred (300) yards of a dwelling house (except one owned by the airport licensee).
2. Neither end of the runway shall be nearer than two hundred (200) yards to a public road or utility line, nor less than four hundred (400) yards from a dwelling house (except one owned by the airport licensee).

Roxbury "Airport"



2.U. Private Membership Clubs

Fraternal lodges; private membership clubs for tennis, golf, swimming, horseback riding or other recreational purposes, including buildings and facilities necessary and appropriate to such uses subject to the following conditions:

1. The lodge or club shall be located on a parcel not less than five (5) acres in area.
2. No building shall be located less than seventy-five (75) feet from any street line or less than one hundred fifty (150) feet from any adjoining property line.
3. The furnishing of meals, refreshments, and entertainment shall be only incidental to the conduct of the lodge or club and for the sole benefit of the members and their guests.
4. Provision for adequate off-street parking as defined in [Section 3.B.](#)

2.V. Restaurant

Restaurants may be permitted where so indicated in these Regulations subject to the following:

1. Application materials shall demonstrate conformance with the description and purposes of Business Zone D as stated in [Section 1.A](#) of the Zoning Regulation and with the definition of Restaurant in [Section 7.D](#).
2. The hours of service daily shall be restricted to between 6 AM and 11 PM.
3. There shall be no drive-through, drive-in (inside a vehicle), or take-out window service.
4. Food and beverage takeout service may be permitted only if conducted entirely within the Restaurant building.
5. Live music entertainment may be permitted only if an incidental accessory use to the Restaurant use, if confined to indoor Restaurant spaces, and if the spaces devoted to such use shall not exceed five (5) percent of the gross indoor floor area of the Restaurant building.
6. Outdoor seating and food and beverage service is permitted as an accessory use in accordance with CGS Section 8-1cc subject only to any required administrative site plan review to determine conformance with zoning requirements provided:
 - a. The Zoning Commission may limit the number of outdoor seats based on the impact of such seating on public safety and on neighboring properties and the maximum seating capacity of the Restaurant as determined by the Town Sanitarian,
 - b. The Zoning Commission may require barriers, such as large planters, boulders, or fencing, to insure the safety of patrons seated outside the Restaurant.
 - c. The Zoning Commission may require screening such as fences, walls, hedges, or trees to reduce any adverse impact of exterior seating on neighboring properties.
 - d. Such accessory use would not result in the expansion of a nonconforming use.
 - e. Such licensee or permittee shall comply with any applicable provision of Title 30 of the Connecticut General Statutes.

Outdoor Dining



Outdoor Dining



2.W. Temporary Structures

2.W.1. Temporary Housing

1. **Purpose** - To enable the use of temporary housing (a moveable or portable dwelling unit for year-round occupancy built on a chassis, and which is, has been, or may be, mounted or moved on wheels, connected to utilities, and designed without a permanent foundation) in the Town of Roxbury.
2. **When Permissible** – Any temporary housing unit may only be sited and/or used for one of the following purposes:
 - a. Temporary housing while permanent dwelling is being repaired or rebuilt after fire or other casualty loss;
 - b. Temporary housing while permanent dwelling is being repaired or rebuilt after flooding or other natural disaster.
3. **Approval** – Any temporary housing unit may only be sited and/or used:
 - a. With the approval of the Zoning Commission, and
 - b. Such approval shall be limited to an initial period of six months although such period may be extended for successive periods of six months each for good cause shown.
4. **Health and Safety Facilities** – Where temporary housing is to be established:
 - a. The sanitary facilities must have written approval of the Director of Health before approval may be granted by the Zoning Commission.
 - b. The water supply facilities must have written approval of the Director of Health before approval may be granted by the Zoning Commission.
5. **Occupancy** - The temporary housing unit may only be occupied by one household, at least one member of which shall be either the owner of the parcel or related by blood, marriage or legal adoption to the owner of the parcel.
6. **Additional Restrictions** - Additional restrictions may be made part of the conditions of approval by the Zoning Commission.

2.W.2. Membrane Structure

1. In Zones A, B, and C, Membrane Structures are allowed for events, as defined in these Regulations, such as weddings, parties, charitable events, garden tours, and similar activities, for a period of no more than five days. These Membrane Structures shall be in compliance with the State Building Code.
2. In Zones B and C only, one Membrane Structure of no more than three hundred (300) square feet is allowed per residential parcel for the purpose of providing non-commercial storage for vehicles, boats, recreational vehicles, and other personal property. This Membrane Structure shall not be located within front, rear, or side setbacks, or less than one hundred (100) feet from any street, and shall be in compliance with the State Building Code.
3. The use of membrane structures and similar structures for commercial purposes (including commercial storage) or for human habitation is prohibited.

Event



Personal Property Storage



2.W.3. Temporary Storage Containers

1. Trailers used as a construction office or for the storage of construction materials and equipment are permitted during construction / renovation of a principal and or accessory building for a period of one year commencing with the date of the issuance of a Building Permit. A one-year extension may be granted upon approval by the Zoning Commission.
2. In Zones A, B, and C, one (1) outdoor Temporary Storage Container is permitted on an individual property as follows:

Time Period	Procedure
1 - 90 days	No Zoning Permit Required
91 days or more	With Zoning Permit for each 30-day period

- a. The container shall not be sited within the property's front, side, or rear setbacks,
- b. The container shall be no more than eight (8) feet in height with a footprint of no more than one hundred twenty-eight (128) square feet (i.e. 8 feet by 16 feet).
- c. The use of Temporary Storage Containers and similar structures for commercial purposes (including commercial storage) or for human habitation is prohibited.

Temporary Storage Container**Temporary Storage Container**

2.X. Treehouses

1. Treehouses shall not be constructed on or in trees that are deemed endangered or protected by the DEEP.
2. Treehouses shall not be used for human habitation or for commercial uses.
3. Treehouses must conform to setback regulations.
4. The maximum height of a treehouse shall be limited to twenty five (25) feet measured from the lowest ground elevation anywhere under the structure to the highest point of the roof.
5. Plumbing or permanent electrical shall not be allowed.



2.Y. Unregistered Vehicle

Any unregistered Motor Vehicle shall be garaged or effectively screened from public view and from adjacent properties by a solid fence, or hedge in conformity with [Section 3.F](#), except that one unregistered Motor Vehicle per parcel may be outside and unscreened for a maximum of sixty (60) days a year if the aforementioned vehicle is offered for sale and accompanied by a for-sale sign. The sign shall be subject to the provisions in [Section 3.A](#).

3. DEVELOPMENT STANDARDS

3.A. Signs

3.A.1. Purpose

This Section is intended to:

1. Promote the safety, comfort, and wellbeing of the users of streets, roads, and highways in the Town of Roxbury.
2. Reduce distractions and obstructions from signs, which would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching upon public ways.
3. Discourage excessive visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public.
4. Preserve Roxbury's rural character (as defined in these Regulations).

3.A.2. Applicability

1. No sign, unless otherwise provided in this Section, shall be erected, enlarged or moved unless approved by the ZEO in compliance with the provisions of this Section.
2. Traffic and street signs erected by the Town are not within the scope of this Section.
3. Gasoline pump displays (price per gallon, amount, price) and other signage required by State law are not within the scope of this Section.
4. The ZEO is hereby authorized to enforce this regulation and to order the repair or removal of any sign and its supporting structure which is judged dangerous, or in disrepair, or which is erected or maintained contrary to this regulation.
5. Any sign which has been ordered removed by the ZEO, or is abandoned or discontinued, shall be removed by the person, firm, or corporation responsible for the sign within seven (7) days of written notice to remove.
6. The ZEO is authorized to remove and impound any signs that do not meet the provisions of this [Section 3.A.](#)

3.A.3. Signage Table

Any sign not specified as permitted is prohibited.

A. Residential Identification	Parameters
1) Name of resident / dwelling	<ul style="list-style-type: none"> 1 sign per property 4 SF maximum sign area No Sign Permit required
2) Name of Home Enterprise located on the premises	<ul style="list-style-type: none"> 1 sign per property 4 SF maximum sign area Sign Permit required from ZEO

B. Business Identification	Parameters
1) Wall Sign	<ul style="list-style-type: none"> 1 sign per business 4 SF maximum sign area per business not to exceed 12 SF per building with uniform placement Sign Permit required from ZEO
2) Ground Sign (Zone D only)	<ul style="list-style-type: none"> 1 sign per property 12 SF maximum sign area Special Permit required from Zoning Commission

C. Other Identification	Parameters
1) Identification sign on the premises of Churches, Schools and Non-profit institutions	<ul style="list-style-type: none"> 1 sign per driveway not to exceed 2 signs total 6 SF maximum area per sign not to exceed 12 SF per property Sign Permit required from ZEO
2) Name and/or address of a farm or related agricultural activity	<ul style="list-style-type: none"> 1 sign per fronting street 12 SF maximum sign area Located at least ten (10) feet from the edge of a Town road (paved or unpaved) Sign Permit required from ZEO
3) Non-Profit Preserve For Public Use	<ul style="list-style-type: none"> 1 sign per property identifying the name of the preserve and any rules and regulations for use 12 SF maximum sign area Located at least ten (10) feet from the edge of a Town road (paved or unpaved) Sign Permit required from ZEO

D. Event Signage	Parameters
1) Temporary signs for Town-authorized events / special functions such as parades	<ul style="list-style-type: none"> • No limit on number of signs, posters, or displays • May be installed up to four (4) weeks in advance of event but must be removed within 48 hours after the event • No advertising is displayed. • No Sign Permit(s) required
2) Flags and buntings	<ul style="list-style-type: none"> • No limit on number of flags and buntings provided no advertising is displayed. • No Sign Permit(s) required
3) Temporary signs for a private auction, church or civic function, or private sale, or the like	<ul style="list-style-type: none"> • No limit on number of signs, posters, or displays • No sign shall exceed four (4) SF total • May be installed up to ten (10) days in advance of event but must be removed within 48 hours after the event • Permission for placing such signs must be obtained from the property owner, Town or State officials as appropriate • One (1) Sign Permit for all signs required from ZEO
4) Temporary banners announcing charitable or civic events	<ul style="list-style-type: none"> • No limit on number or size of banners • May be installed up to ten (10) days in advance of event but must be removed within 48 hours after the event • Permission for placing such signs must be obtained from the property owner, Town or State officials as appropriate • No Sign Permit(s) required
5) Temporary sign(s) for a tag sale as defined in these Regulations	<ul style="list-style-type: none"> • Up to six (6) signs • No sign shall exceed four (4) SF total • No tag sale sign shall be posted on the Town Green or in any place where it interferes with sight lines • May be installed up to three (3) days in advance of tag sale but must be removed immediately after the tag sale has concluded. • No Sign Permit(s) required

E. Other Signage	
1) Traffic-related signage (such as stop signs, entrance and exit signs for driveways, etc.)	<ul style="list-style-type: none"> As reasonably necessary No advertising is allowed on signs. No Sign Permit(s) required
2) Real estate sign (for sale, for rent, for lease, etc.)	<ul style="list-style-type: none"> One (1) sign per fronting street Shall relate only to the property or premises on which it is erected Four (4) SF maximum area per sign Shall be removed by the owner or agent within seven (7) days of sale, rent, or lease No Sign Permit(s) required
3) Warning signage (no trespassing, no hunting, no fishing, beware of dog, etc.)	<ul style="list-style-type: none"> As reasonably necessary No advertising is allowed on signs. Two (2) SF maximum area per sign No Sign Permit(s) required
4) Political / Free Speech Signage	<p>Political signs incidental to a Town state, or federal election or referendum, or signs political in nature and part of the exercise of free speech are permitted in all districts without a Zoning Permit subject to the following:</p> <ul style="list-style-type: none"> Material - Such signs shall be constructed of durable material, and shall be prohibited being attached to from trees, traffic signs or utility poles. Permitted Display Time - Such signs shall be erected not more than 60 days prior to such election or referendum, and in any event, no premises shall have a sign erected for more than 120 days in any calendar year. Political signs relating to any election or referendum shall be removed within 48 hours after said election or referendum. Size - In all residential districts, such signs shall not exceed 16 square feet in area per sign face. Must be stationary and unlighted
5) Public Signs	<ul style="list-style-type: none"> As reasonably necessary No advertising is allowed on signs. No Sign Permit(s) required

The following sign types / features are prohibited:

- Internally illuminated signs unless specifically indicated herein.
- Roof signs.
- Billboards and/or other types off-premises signs (including off-site real estate signs).
- Streamers, pennants, ribbons, spinners, or other similar devices.
- Flashing signs, signs containing moving parts, and/or signs containing reflective elements which sparkle or twinkle in the sunlight.
- Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises.

3.A.4. General Sign Restrictions Applicable to All Zones

1. All signs shall be located behind the property line(s).
2. A sign shall be maintained in a secure and safe condition. If the ZEO is of the opinion that a sign is not secure, safe, or in a good state of repair, written notice of this fact shall be given to the person responsible for maintenance of the sign. If the defect in the sign is not corrected within the time permitted by the ZEO, the ZEO may remove and impound the sign until the owner pays the cost of removal.
3. All signs on the property shall be so located that they will not interfere with the vision of a driver entering or leaving the property or interfere with visibility at an intersection.
4. No sign, except for a traffic, regulatory or informational sign, shall use the words "stop", "caution", or "danger", or shall resemble "stop" or "yield" signs in shape and color.
5. All on premise signs identifying a contractor, Architect, Landscape Architect, Surveyor, and/or Engineer's name, address, and other pertinent information must meet Zoning Regulations for signs and must be removed when the party has completed work.
6. All off-premise signs advertising property being sold, rented or leased are not permitted. Open house commercial directional signs are prohibited.
7. Marquee, moveable, painted wall, and awning signs are not permitted.
8. Freestanding signs, including posts shall not exceed a height of ten (10) feet in a residential zone or fifteen (15) feet in Business Zone D above the surface of the ground where located.
9. No person may erect a sign which:
 - a. Is structurally unsafe;
 - b. Constitutes a hazard to public safety and health by reason of inadequate maintenance, dilapidation or abandonment;
 - c. Obstructs free entrance or exit from a required door, window, or fire escape;
 - d. Obstructs light or air or interferes with proper functioning of the building; or
 - e. Is capable of causing electrical shock;
 - f. Has exposed electric wire.
10. Signs shall be designed in harmony with the building and established development.

3.A.5. Placement Standards

1. With the exception of "no trespassing" and "no passing" signs, no person may erect a sign which is affixed to a fence, utility pole, or structure, or tree, shrub, rock or other natural object.
2. Signs shall not cover architectural details such as, but not limited to arches, sills, molding, cornices, and transom windows.
3. No sign shall be located within or shall hang over the right-of-way of any street, sidewalk, driveway, walkway or accessway.
4. No sign shall be located on the roof of any building or on any exterior wall so as to project above the top of said exterior wall at the location of the sign.
5. Signs shall not be mounted on roofs or extend above the roofline.
6. No sign together with any supporting framework shall extend to a height above the maximum building height allowed in a zone.
7. Three-dimensional signs shall not exceed three (3) feet in any dimension.

3.A.6. Illuminated Signs

1. Signs shall not be illuminated directly or indirectly between the hours of 11 PM and 6 AM.
2. A sign may be externally illuminated if such illumination is:
 - a. Only steady, stationary shielded light sources directed solely onto the sign without causing glare.
 - b. Designed and shielded such that the light sources cannot be seen from residential properties or from the street or other travelled ways.
 - c. Confined to, or directed to, the surface of the sign.
 - d. Not neon flashing, rotating or intermittent illumination.
3. A sign may be internally illuminated if such illumination:
 - a. Is confined to letters.
 - b. Does not result in a distracting glare.
4. Gas-filled light tubes shall be allowed for indirect illumination and when placed in such a manner that the tubes are not exposed to view from any point along the public roadway.
5. Strings of bulbs are not permitted, except as part of a holiday celebration.
6. No person may erect a sign that constitutes a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.

3.B. Parking

3.B.1. Requirement

Off-street parking facilities shall be provided to serve all buildings or premises hereinafter erected or otherwise developed. Such parking facilities shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting or expected to use such building or premises at any one time.

3.B.2. Table of Parking Requirements

Unless otherwise specifically approved by the Zoning Commission, uses shall provide at least the minimum number of spaces set below, exclusive of driveways and ramps necessary for access. Indoor parking may be included in the required spaces.

Use	Minimum Number Of Spaces Required
Dwelling Units	2 spaces per dwelling unit
Residential dwelling units in a mixed use building	1 space per bedroom in addition to parking requirements of the principal business use
Home Enterprise	1 space for the home enterprise plus one space for every non-resident, on-site employee plus spaces for any dwelling use
Offices, financial institutions, retail stores, personal service establishments	1 space per 350 SF of gross building floor area
Places of worship, churches	1 space per 5 seats
Buildings for public assembly or public recreation	1 space per 3 people based on the occupancy limit of the building or space
Recreation Club (golf, tennis, swimming, or other sport)	1 space per member based on maximum membership
Nursing homes	1 space per patient accommodations, plus 1 space per person normally employed
Adult Day Programs	1 space per 2 program participants plus 1 per person normally employed
Restaurants	1 space per 2.5 customer seats
Craft Breweries, Distilleries and Wineries - For production facilities	1 space per 500 SF of ground floor production area, which may include accessory office space
For Tasting Room	1 space per 200 SF of tasting room floor area
Commercial not included above	1 space per 350 SF of gross building floor area
Every other use not listed above	1 space per 350 SF of gross building floor area

3.B.3. General Parking Regulations

1. Unless otherwise approved by the Zoning Commission by Special Permit, any use shall provide the number of spaces determined in accordance with this [Section 3.B](#). Handicapped accessible parking spaces shall be provided in accordance with CGS Section 14-253a.
2. Unless a “pooled parking arrangement” consistent with [Section 3.B.4](#) is provided:
 - a. Required parking facilities shall be located on the same parcel as the building or other use which they serve.
 - b. Where two or more uses are on the same premises, the minimum number of parking spaces shall be the total of the minimum number of parking spaces for each use as required by these Regulations.
3. Each parking space shall be a rectangle measuring 9’ wide by 18’ long except that a parallel parking space may be 8’ wide by 22’ long.
4. Each parking space shall be served by an access aisle of at least the following width:

Parking Angle	90°	60°	45°	30°	Parallel
1-way circulation	24’	18’	15’	12’	12’
2-way circulation	24’	20’	20’	20’	24’

5. See [Section 3.F](#) for landscaping requirements pertaining to parking areas.

3.B.4. Provisions Regarding Pooled Parking

1. Any two (2) or more contiguous properties may, with approval by the Zoning Commission, pool or group their parking facilities and, by so doing, shall only be required to install ninety percent (90%) of the number of spaces specified in [Section 3.B.2](#).
2. In deciding whether to allow a pooled parking facility, the Zoning Commission shall:
 - a. Weigh potential benefits (reduce the number of curb cuts, improve vehicular circulation / safety, enhance the appearance of the area, etc.) with possible impacts (traffic safety, traffic circulation, etc.).
 - b. If the pooled parking facility is not the subject of a permanent easement, determine whether to require that an area reserved for future parking if the pooled parking should cease. If such reserve area is to be required, the applicant shall also submit a survey indicating that parking spaces and curb cuts as required under [Section 3.G](#) could be provided if pooled parking agreement is discontinued by participating parties.

3.B.5. Electric Vehicle Charging

1. Property owners are encouraged to plan ahead for the future demand for EV chargers and to provide sufficient space and expansion capacity in underground conduits, electrical equipment, and other components of the system.
2. Electric vehicle charging stations (EVCS) are:
 - a. Allowed as an accessory use in all zones.
 - b. Required in all zones as part of new construction, expansion of parking areas, and/or significant change in use which will result in the addition of thirty (30) or more parking spaces and infrastructure for such EVCS (conduits, wiring, panel capacity, etc.) shall be provided in at least ten percent (10%) of such parking spaces. Such required EVCS infrastructure shall be "Level 2" (208 to 240 volt alternating current connected to a 40 ampere or higher capacity circuit) or higher.
3. Notwithstanding any other section of these Regulations, EVCS apparatus associated with an electric vehicle charging station shall not be required to adhere to side yard or rear yard setback requirements.
4. EVCS equipment (including cords) shall be located and installed so as not to impede pedestrian or vehicular travel or create injury hazards for pedestrians.
5. Signage - EVCS equipment may include signage or electronic displays that provide operating instructions but a Special Permit shall be required for any signage or display exceeding one square foot (144 square inches) in cumulative area per charging station or include any advertising display (video) or audible sound (audio).

Electric Vehicle Charging Station**Electric Vehicle Charging Station**

3.C. Stormwater Management

This Section of the Regulations applies to any use or activity required to obtain Site Plan approval or Special Permit approval from the Zoning Commission.

3.C.1. Purpose And Intent

This Section of the Regulations is intended to:

- Minimize water quality impacts from non-point source runoff,
- Minimize impacts from reduced groundwater recharge, flooding, stream channel erosion, and/or other negative impacts created by the volume of stormwater runoff resulting from development, and
- Promote the application of Low Impact Development (LID) strategies for the analysis and design of stormwater treatment systems.

3.C.2. Requirements

1. Unless modified by the Zoning Commission by Special Permit as provided in [Section 3.C.3](#) below, any development subject to this Section of the regulations shall implement the following provisions of Chapter 7 of the Connecticut Stormwater Quality Manual (CSQM), as amended:
 - a. Pollutant Reduction (CSQM Section 7.4).
 - b. Groundwater Recharge and Runoff Volume Reduction (CSQM Section 7.5).
 - c. Peak Flow Control (CSQM Section 7.6) for the 10-year, 25-year, and 100-year storm events.
2. In the design of a stormwater management system, design professionals may utilize low impact development techniques as contained in the Connecticut Stormwater Quality Manual, as amended.

3.C.3. Modifications

Where the requirements of [Section 3.C.2](#) cannot be met due to physical conditions on the site, the Zoning Commission may, by Special Permit, approve an alternative stormwater management approach provided that adequate information has been submitted by the applicant to evaluate the request and the Zoning Commission has received a report from a professional engineer hired by the Zoning Commission at the applicant's expense providing a positive recommendation regarding the modification.

3.D. Erosion and Sediment Control

3.D.1. Purpose And Intent

The purpose of this Section is to establish and implement a coordinated erosion and sediment control program in order to reduce the danger from storm water runoff, minimize nonpoint sediment pollution from land being developed and conserve and protect the land, water, air and other environmental resources.

3.D.2. Basic Requirement

1. Soil erosion and sediment control measures, in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control (2024), are required for all land use or development activities which may result in soil erosion or sedimentation. Alternative principles, methods and practices may be used with prior approval of the Zoning Commission or the ZEO.
2. Inspections may be made by the Zoning Commission or its designated agent at any time during development to ensure that erosion and sediment control measures and facilities are properly implemented and are being properly maintained.

3.D.3. Control Plan Requirements

1. A soil erosion and sediment control plan ("Control Plan") shall be submitted with any application for development, other than a primary dwelling or accessory dwelling unit, if the development includes, cumulatively, a disturbed area of more than one-half ($\frac{1}{2}$) acre.
2. The Control Plan shall include a map, a narrative, and any other information as necessary to demonstrate proper provision to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology (see table on following page).
3. The Zoning Commission shall either approve the Control Plan when it complies with the requirements and objectives of this Section or deny the Control Plan when it does not comply with these Regulations.

Elements Of A Soil Erosion And Sediment Control Plan

WRITTEN NARRATIVE**A narrative describing:**

1. The development;
2. The schedule for grading and construction activities including:
 - a. start and completion dates;
 - b. sequence of grading and construction activities;
 - c. sequence for installation and/or application of soil erosion and sediment control measures;
 - d. sequence for final stabilization of the project site.
3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
4. The construction details for proposed soil erosion and sediment control measures
5. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
6. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

GRAPHIC SITE PLAN**A site plan map at a sufficient scale to show:**

1. The location of the proposed development and adjacent properties;
2. The existing and proposed topography including soil types, wetlands, watercourses and water bodies;
3. The existing structures on the project site, if any;
4. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
5. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
6. The sequence of grading and construction activities;
7. The sequence for installation and/or application of soil erosion and sediment control measures;
8. The sequence for final stabilization of the development site.
9. Any other information deemed necessary and appropriate by applicant or requested by the Zoning Commission or its designated agent.

3.E. Exterior Lighting

3.E.1. Purpose And Intent

The purpose of this Section is to permit reasonable illumination of permitted uses while underway while reducing any negative impacts on the rural character (as defined in these Regulations) of Roxbury consistent with the goals of the International Dark Sky Association ("IDSA").

Guidelines

- Residents and property owners are encouraged to use lamps (bulbs) of the lowest effective wattage, and to use sensor activated fixtures whenever practical.
- Studies have shown that most security lighting is self-defeating because it creates deep shadows and blinding glare.
- Walkway lighting usually works better when it is mounted close to the ground rather than at eye level of pedestrians.
- Empty parking lots do not need to be illuminated at night.
- Turning off unnecessary exterior lighting reduces energy consumption.
- Keeping exterior lighting to a minimum is neighborly, and it helps preserve the rural character of Roxbury.

3.E.2. Requirements

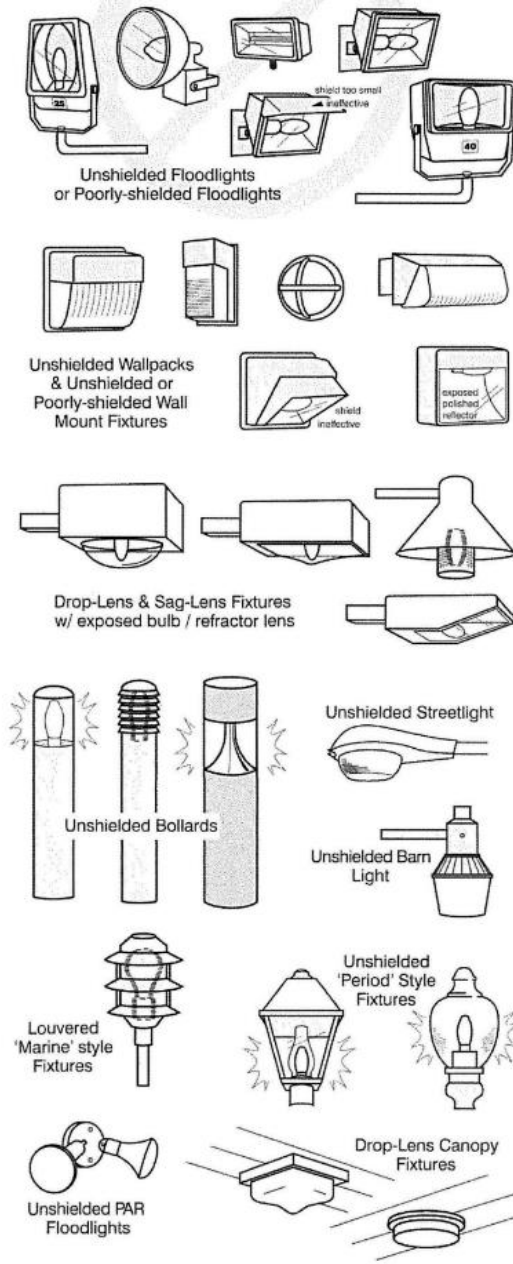
1. All exterior lighting (including, but not limited to, flood lighting and spot lighting) shall be shielded and aimed so that the lamps (bulb, filaments, lenses, etc.) or other light source will not be visible from beyond the property served, except that the ZEO may allow the use of unshielded lighting if it can be demonstrated that the type of fixture proposed will not produce glare on public highways or neighboring properties because of the light distribution characteristics of the fixture.
2. No exterior lighting may be used in a manner that produces a bloom or a direct glare visible beyond the property served.
3. Lighting installed for purposes of security of a building or building(s) or surrounding areas shall be directed toward the building (s) or toward the ground when directed at areas surrounding the building(s).
4. Nighttime outdoor activities, if permitted by these Regulations, may only be illuminated during periods when the activities are underway.
5. No light fixture may be:
 - a. Aimed at the sky or toward any area, structure, or surface that is not situated on the property (including search lights).
 - b. Directed upward at such an angle that neither buildings, trees, shrubs, nor site surfaces are lighted.
 - c. Mounted on, or attached to, a tree or other vegetation.
6. Lights producing varying intensities, changing colors, or moving lights are prohibited.
7. Any LED lighting shall have a bulb temperature of 3000 degrees Kelvin or less unless a higher bulb temperature is specifically allowed by the Zoning Commission.

The above requirements can be met by using "Dark Sky Friendly" exterior fixtures approved by the IDSA (see next page).

Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



3.F. Landscaping and Environment

This Section of the Regulations applies to any use or activity required to obtain Site Plan Approval or Special Permit approval from the Zoning Commission.

3.F.1. Purpose And Intent

This Section of the Regulations is intended to maintain and enhance the natural environment in Roxbury by:

- Minimizing the removal of existing vegetation,
- Discouraging / preventing the use of non-native vegetation, and
- Encouraging the use of native species.

3.F.2. Standards

Unless modified or waived by the Zoning Commission due to the retention of existing vegetation or excellence in landscaping on the site as a whole:

1. **Front Yard Landscaping** - A planting strip along the frontage of the site shall be provided to a depth of not less than twenty (20) feet. Such strip shall be sodded or seeded to grass and may be planted with trees or shrubs, provided they do not interfere with visibility from driveways in both directions along the street.
2. **Side / Rear Yard Landscaping** - Side and rear yards shall be planted with evergreens, shade trees and/or other plant materials with a minimum of one tree for every twenty-five (25) feet of yard length. Trees may be planted in groups. Planting strips shall be at least five (5) feet in width along the property line.
3. **Parking / Driveway Landscaping**
 - a. All parking areas ten (10) spaces and larger shall have one shade tree for every ten parking spaces. The trees shall be evenly distributed throughout the parking area and shall be set in squares at least four feet (4') on a side which are flush with the pavement. All trees shall be at least 3.5" in caliper.
 - b. All landscaping, trees and screening material contiguous to parking areas or driveways shall be properly protected from vehicular damage by adequate curbing or any other means prescribed by the Zoning Commission.

Front Yard Landscaping



Parking Lot Landscaping



4. **Buffer Strips** - The Zoning Commission may require planted buffer strips not less than twenty (20) feet wide along a property line where the adjoining property contains or may contain an incompatible or dissimilar land use. Such a strip shall be sodded, seeded or planted with at least two staggered rows of evergreen trees placed approximately on twelve (12) foot centers. Acceptable existing trees shall be preserved and supplemented by additional plantings as deemed necessary by the Zoning Commission to meet the requirement of privacy of adjacent properties and to eliminate noise, dust and objectionable lighting. The Zoning Commission may vary the above requirements as to the planting in accordance with the effectiveness of screening proposed and the characteristics of the area in which the use is located.
5. **Other Site Areas** - The remaining area of the parcel not occupied by buildings, loading and unloading areas, parking, storage areas, vehicular access, sidewalks and landscape screening shall be well maintained, and any areas disturbed from their natural condition and which are not used for structures, parking or streets shall be covered with four (4) inches of topsoil and planted with grass or other suitable ground cover.

3.F.3. Plant Materials

1. All plant materials used to carry out the intent of these Regulations shall be of species and varieties (native, non-invasive) as approved by the Zoning Commission.
2. Landscaping trees and screening plants required by these Regulations shall be kept in a healthy growing condition. Any landscaping, trees and screening plants in a condition that does not fulfill the intent of these Regulations shall be replaced by the property owner during the planting season most imminent.

3.G. Vehicular Access And Circulation

This Section of the Regulations applies to any use or activity establishing or modifying vehicular access and/or internal circulation.

3.G.1. Purpose And Intent

This Section is intended to guide the establishment of vehicular access and circulation in order to help protect public safety and welfare.

3.G.2. General Provisions

1. Safe, adequate, and convenient vehicular access and internal circulation shall be provided without significantly affecting the capacity, level of service, or safety of streets.
 - a. The streets serving the proposed use shall be adequate to safely carry the vehicular traffic generated by the proposed activity.
 - b. There shall be provision for entrance and exit points which will not create a traffic hazard or undue traffic congestion.
2. Adequate visibility and sight distance shall be provided:
 - a. For vehicles travelling along the street in both directions to see a vehicle entering or exiting the site, and
 - b. For vehicles exiting the site to see a vehicle traveling on the street.
3. All buildings and uses shall be located and configured so as to be accessible by emergency vehicles.

3.G.3. Driveways

1. **Driveway Ordinance** - All driveways shall be constructed in accordance with the design standards and other provisions set forth in the Town Ordinance entitled "Driveways, Utility Crossings and Gated Property Emergency Access Ordinance" adopted December 14, 2000 as may be amended.
2. **Common Driveways** - Common driveways serving two or more parcels are not permitted except that such driveways may, with Special Permit approval from the Zoning Commission, have a common bridge and may then share any portion of the driveway. This Section shall not be construed to require the modification of any driveway existing on the date of adoption of this provision (December 23, 2001).

3. Additional Provisions for Driveways in Business Zone D

- a. There shall be a maximum of one driveway for each parcel in Business Zone D fronting on a Town road unless the Zoning Commission finds that more than one driveway is desirable for safety reasons.
- b. Interconnection of parking areas via access drives within and between adjacent parcels in Business Zone D shall be encouraged in order to provide maximum efficiency, to minimize curb cuts, and to encourage safe and convenient traffic circulation. Applicants are encouraged to arrange common accesses with adjoining properties, and the Zoning Commission may approve temporary access designs when a more desirable permanent access serving more than one property appears achievable in the future.
- c. Driveways in Business Zone D shall:
 - Be clearly defined and provided with a paved surface.
 - Be a maximum of thirty (30) feet wide for two-way traffic and fifteen (15) feet wide for one-way traffic.
 - Not be closer than forty (40) feet to another driveway or fifty (50) feet from a street corner.
- d. In Business Zone D, consideration should be given to the following:
 - The location, arrangement and adequacy of truck loading and unloading facilities;
 - Patterns of vehicular and pedestrian circulation both within the boundaries of the development in relation to the adjoining street and sidewalk system;
 - The location, arrangement and adequacy of facilities for the physically handicapped such as handicapped parking spaces in accordance with State requirements, ramps, depressed curbs, and other facilities.

3.G.4. Accessways

1. Any accessway leading to another parcel shall, unless it abuts a property line, be deemed to divide the parcel through which it passes into two or more parcels, each of which shall conform to the requirements of the zone in which it is located.
2. A cul-de-sac at the end of an accessway shall have a radius of not less than sixty (60) feet and shall provide for the easy movement of vehicular traffic, the convenient access of emergency vehicles, and parking provisions to avoid congestion.

3.H. Pedestrian Access

This Section of the Regulations applies to any use or activity in Business Zone D.

1. Unless modified by the Zoning Commission during the approval process, safe, adequate and convenient pedestrian circulation shall be provided within the site and along the street frontage.
2. Where pedestrian traffic is likely, the Zoning Commission may require a paved walkway the full width of the front planting strip, four (4) feet wide and set back ten (10) feet from the edge of the roadway.

3.I. Fire Ponds

This Section of the Regulations applies to any use or activity required to obtain Special Permit approval from the Zoning Commission.

1. To protect the public health and safety, fire ponds / dry hydrants and/or underground cisterns may be required for Special Permit Uses in any zone where deemed necessary by the Zoning Commission in consultation with the Roxbury Volunteer Fire Department and the Fire Marshal.
2. Unless an alternative location is acceptable to the Roxbury Volunteer Fire Department , a fire pond / dry hydrant or underground cistern shall be located:
 - a. Within approximately 175 feet of a road.
 - b. Be designed to provide a minimum of 60,000 gallons of usable water whether by an adequate and reliable recharge of a fire pond or by other method acceptable to the Roxbury Volunteer Fire Department for an underground cistern.
3. The design and construction of a fire pond / dry hydrant or underground cistern shall be designed in accordance with NFPA 1142 - Standard on Water Supplies for Suburban and Rural Firefighting and accomplished with the advisory assistance of the Roxbury Volunteer Fire Department .
4. The location of a fire pond / dry hydrant or underground cistern may require review and approval by the Roxbury Inland Wetlands Commission.

3.J. Material Storage and Loading

1. The exterior bulk storage of materials shall be located at the rear or side of the proposed or existing buildings.
2. All storage areas shall be screened on all sides by a wall or fence of approved materials and be not less than six (6) feet high and/or by a planted evergreen strip so as not to be visible from adjacent properties or public streets.
3. All loading facilities shall be located at the rear or side of the proposed or existing buildings.

3.K. Utility Equipment

1. Any Electrical Supply Meter Pod and/or Utility Box may be located within the applicable front setback provided it shall be screened from view of any road on which the property fronts or abuts. The screening must be of natural type, i.e. evergreen trees or shrubs that will not lose their effectiveness throughout the year.
2. In Business Zone D, consideration shall be given to the location and/or screening of any Electrical Supply Meter Pod and/or Utility Boxes wherever located on the property.

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4. SPECIAL STANDARDS

4.A. Non-Conformity

4.A.1. General Intent

It is the general intent of these Regulations that:

- Non-conformities shall not be expanded, enlarged or moved except as may be specifically authorized by these Regulations and approved by the Zoning Commission,
- Non-conformities should be changed to conformity as quickly as the fair interest of the parties permits, and
- The existence of a non-conformity shall not in itself be considered grounds for the issuance of a variance.

4.A.2. Non-Conforming Parcels

1. A non-conforming parcel may be continued in the form and to the extent existing when the legally created parcel became non-conforming.
2. No non-conforming parcel, if once changed to conform or to more nearly conform to these Regulations shall thereafter be changed back to a more non-conforming parcel.
3. A non-conforming lot or parcel may be built upon for any purpose permitted in the zone in which it is located without a variance, despite its failure to comply with the area, shape, or frontage requirements of these Regulations, provided:
 - a. Adequate information is submitted to the ZEO to document the legal non-conforming status.
 - b. The use and building on the parcel shall conform to all other requirements of these Regulations.
 - c. Since the effective date of the regulation which rendered the parcel non-conforming, no owner of the parcel shall have simultaneously owned any adjoining land to make a conforming, or more nearly conforming, parcel.

4.A.3. Non-Conforming Uses

1. A non-conforming use of land and/or building(s) may be continued in the form and to the extent existing when the legally created use became non-conforming.
2. Except as may be provided in Section 4.A.5, no non-conforming use of land shall be:
 - a. Enlarged, extended, or altered if the result would be an increase in non-conformity.
 - b. Moved to another part of the same parcel of land or to another parcel unless it would become a conforming or more conforming use.
 - c. Changed to any use which is substantially different in nature or purpose from the existing non-conforming use unless such use is permitted by right in the zone in which the land, building or other structure is located.

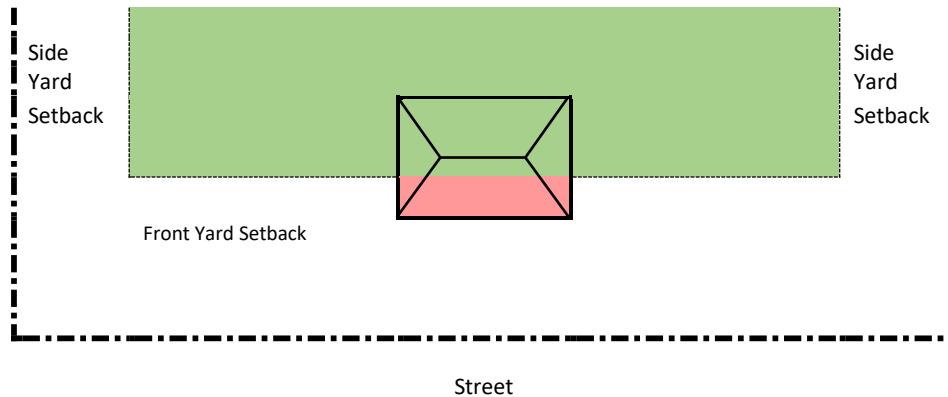
3. Except as may be provided in Section 4.A.5, no building or other structure or part thereof utilized by a non-conforming use shall be:
 - a. Enlarged, extended, constructed, reconstructed, or structurally altered if the result would be an increase in non-conformity of the use.
 - b. Moved or extended to any part of the building or other structure unless the result of any such move is to end the non-conformity.
 - c. Changed to any use which is substantially different in nature or purpose from the existing non-conforming use unless such use is permitted in the zone in which the land, building or other structure is located and has received any required approvals from the Zoning Commission.
4. No non-conforming use of land, buildings or other structures which is changed to conform or to more nearly conform to these Regulations shall thereafter be changed to a more non-conforming use.
5. No non-conforming use of land, buildings or other structures which shall have been abandoned by one property owner shall thereafter be resumed by the same or a subsequent property owner.

4.A.4. Non-Conforming Buildings Or Structures

1. A non-conforming building or other structure may be continued in the form and to the extent existing when the legally created building or other structure became non-conforming.
2. Provided that such work does not increase non-conformity, nothing in these Regulations shall be deemed to prohibit:
 - a. Ordinary repair and maintenance of any non-conforming building or other structure,
 - b. Reconstruction of any non-conforming building or other structure necessitated by fire or other casualty to the extent it legally existed prior to the date of casualty,
 - c. Replacement of existing materials, or
 - d. Work ordered by the Building Official, Fire Marshal, or Director of Health to protect public health or safety.
3. Except as may be provided in [Section 4.A.5](#):
 - a. No non-conforming building or structure shall be enlarged, extended, constructed, reconstructed, or altered if the result would be an increase in or an extension of the non-conformity.
 - For clarification, where a building or structure is non-conforming with respect to a setback, an increase in the building's height (including a change in roof height or roof pitch) within the setback which does not conform with the required setback shall constitute such an extension of the non-conformity.
 - For clarification, where a building or structure is non-conforming with respect to height, a lateral extension of the building height within the setback which does not conform with the height limitation shall constitute such an extension of the non-conformity.
 - b. No non-conforming building or other structure shall be moved unless the result of such moving is to reduce or eliminate its non-conformity.
4. No non-conforming building or other structure, if once changed to conform or to more nearly conform to these Regulations, shall thereafter be changed so as to be less conforming.

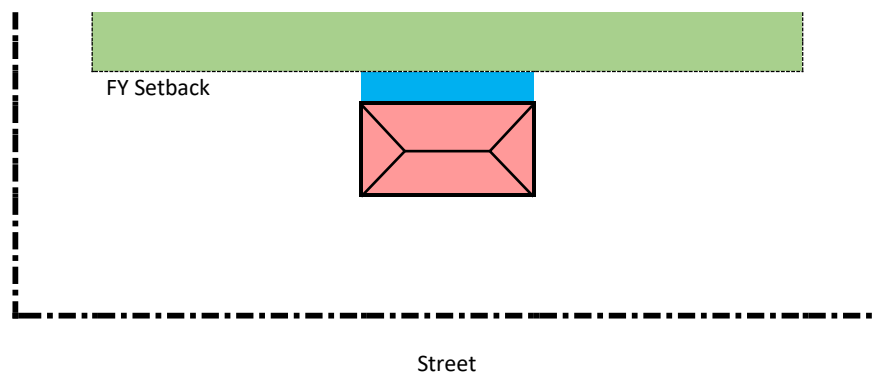
4.A.5. Exception To Non-Conforming Limitations

1. The Zoning Commission, upon due notice and public hearing as required by law, may grant a Special Permit authorizing:
 - a. Construction, reconstruction, enlargement, extension, moving or structural alteration of principal buildings and/or barns and/or site development on a parcel having existing improvements that fail to conform to the standards of this Section,
 - b. Modification, expansion extension, enlargement of a non-conforming use, and/or
 - c. Continuation, enlargement, extension, moving or reconstruction of site improvements that fail to so conform.
2. Prior to granting any such Special Permit, the Zoning Commission shall find that the following standards are met:
 - a. Within a setback which is non-conforming, there shall be no further intrusion toward the property line, laterally, or vertically within that setback except that the Zoning Commission may, as part of the Special Permit, allow for roofline modifications to the existing building if they determine that such modification is for aesthetic harmony of the overall building rather than for floor area expansion.



	No expansion forward toward the property line, laterally, or vertically in this area (possible roofline exception)
	Expansion allowed rearward, laterally and vertically in this area subject to height, parcel coverage, floor area, and other limits

- b. If a building or structure is located **entirely** within the required setback, a building extension (i.e., away from the property line) may be authorized by the Zoning Commission as part of the Special Permit but the footprint of such extension **within the required setback** shall not exceed 25 percent of footprint of the existing building and the overall size of the resulting structure shall comply with any coverage or floor area limitations. The Zoning Commission may, as part of the Special Permit, allow for roofline modification in the extension area if they determine that such modification remains below the existing ridgeline and is for aesthetic harmony of the overall building rather than for floor area expansion. Once the permitted expansion, alteration, or enlargement reaches a location where it complies with all setback requirements, such portion of the expansion, alteration, or enlargement is not restricted as to percentage of floor area but the overall size of the resulting structure shall comply with the coverage or floor area limitations in the zone. This allowance for expansion, alteration, or enlargement shall not be used more than once.



	No expansion toward the property line, laterally, or vertically in this area (possible roofline exception)
	Expansion allowed rearward only in this area but limited to 25% of building footprint (pink area) (possible roofline exception)
	Expansion allowed rearward, laterally and vertically in this area subject to height, parcel coverage, floor area, and other limits

- c. The proposed modifications shall result in a general improvement of the property with regard to safe access, suitable drainage, and building design.
- d. Non-conforming signs and lighting shall be brought into a conforming or more nearly conforming condition.
- e. Adequate provisions shall be made for landscaping and buffering, especially to adjacent residential uses and in any area required for setback from a residential zone boundary line.
- f. The overall result of the modifications shall result in a situation whereby, in the Zoning Commission's sole opinion, the architectural and site improvements or operational changes will result in a net reduction in the overall impact of the non-conformity of buildings and other structures and site improvements.

4.B. Reasonable Accommodations

1. Certain provisions of state or federal law or regulations may, under certain circumstances, be deemed to supersede the requirements of these Regulations (Americans with Disabilities Act, etc.). If an applicant for any form of zoning approval claims a right under any such law or regulation to approval of a use, building, structure, or location / configuration thereof that would not or does not conform to the requirements of these Regulations, the Zoning Commission or the ZEO may grant such approval if the landowner or applicant provides sufficient evidence to establish:
 - a. That a provision or provisions of state or federal law or regulations apply to the proposed use, building, structure, or location / configuration thereof;
 - b. That a departure from the requirements of these Regulations is appropriate to address such provisions of state or federal law or regulations;
 - c. That any departure from the requirements of these Regulations is no more than reasonable or necessary to address such provisions of state or federal laws or regulations;
 - d. That reasonable strategies have been employed to mitigate any impacts to abutting properties.
2. The Zoning Commission may, at its discretion, impose such reasonable conditions as it deems appropriate including, without limitation, requiring submission of a financial guarantee to secure the obligation to comply with these Regulations in the event the circumstances giving rise to the departure from the regulations no longer apply.

4.C. Earth Removal

4.C.1. Purpose

These Regulations are designed to allow, subject to granting of a Temporary Special Permit for Earth Material Removal, the extraction of earth, sand, stone, gravel, minerals, loam, clay, peat moss and other earth products as a temporary operation in Zones B and C. These Regulations are intended to:

1. Regulate and control the operation of earth removal.
2. Prevent conditions detrimental to the public safety, health and general welfare, including but not limited to erosion, creation of dangerous open pits, stagnant water bodies, nuisances and permanent damage to the landscape.
3. To conserve and preserve storage of water wetlands and flood plains.
4. Preserve the value of adjacent properties and the land itself for future use.
5. Preserve the rural character (as defined in these Regulations) and prevent further congestion of the town center.
6. Earth removal and filling as separate, for profit-uses of land are not permitted in any zone under these Regulations. Earth removal and filling may be allowed only where such activities are incidental to and necessary for the conduct of another use otherwise permitted in the zone, and only in accordance with these Regulations. No excavation or removal of sand, gravel, clay, soil, humus, quarry stone, rock, or other earth materials, and no filling of land shall be allowed in any zone.

4.C.2. Applicability

These Regulations shall be applicable to all excavations, extractions and depositions of earth materials except in instances which qualify under the following:

1. Necessary excavation and removal of up to one thousand (1,000) cubic yards of earth materials in direct connection with the construction on the premises for which a Zoning Permit has been issued.
2. Necessary excavation in direct connection with the construction of streets, drainage and all other required improvements, and the altering of pre-existing contours, provided the same is carried out in accordance with the construction and grading plans approved by the Roxbury Planning Commission or the Roxbury Zoning Commission.
3. Excavation of material in direct connection with a bona fide farming or agricultural operation, provided that such operation is in conformance with all other regulations of the Town of Roxbury, may be exempt provided that an application is made to the Zoning Commission and a written waiver is issued by same. Such excavation, grading or deposit shall clearly be in support of the raising of crops, forest products and/or livestock and poultry.
4. Necessary excavation, grading, deposit or removal of earth materials, not to be in excess of 2,000 cubic yards, in connection with incidental and bona fide grading, landscaping, drainage, pond construction or water course improvement for which a Zoning Permit is not required.
5. There shall be no removal of topsoil from any parcel. However, topsoil excavated from under the site of buildings, driveways, sidewalks, patios and other paved areas may be removed from the parcel only if the remainder of the parcel has a topsoil cover of not less than four (4) inches and after written notice has been given to the ZEO prior to such removal; and a Zoning Permit for such buildings as well as a Building Permit has been issued.

4.C.3. Conditions for Operations

The operations listed under Section 4.C.2 shall be subject to the following restrictions:

1. The extent of excavation, grading, deposition or removal of materials shall be only that which is reasonably necessary to establish a permitted use of land and buildings or to construct permitted buildings, structures and site improvements.
2. The operation shall not be located in a flood plain unless specifically authorized.
3. The operation shall not be located on a wetland or watercourse or within fifty (50) feet thereof unless written approval has been given by the Inland-Wetlands Commission.
4. The Town of Roxbury shall observe all safety precautions and conditions as specified elsewhere in these Regulations when undertaking necessary excavation, grading, deposit or removal on land in public use and when in connection with public buildings, uses, facilities or services for the Town of Roxbury.
5. All uses permitted under Section 4.C.2 shall provide adequate protection against erosion and adequate drainage to prevent the formation of stagnant pools of water.

4.C.4. Restoration

In the event of disturbance, the land area shall be restored in order that the minimum amount of exposed soil loss shall occur at any given time. The procedure for restoration shall be:

1. Such area shall be evenly graded to slopes having a gradient of 4 horizontal to 1 vertical. In addition, the area shall be evenly graded with sufficient slopes to assure adequate drainage of the area, so that stagnant pools of water will be avoided.
2. Adequate drainageways or gradual slope shall be provided to assure drainage.
3. There shall be no excavation, grading, deposit or removal below an elevation of seven (7) feet above any ledge, unless otherwise approved by the Zoning Commission as suitable for reasonable reuse of the site.
4. All debris and all loose boulders shall be buried or removed from the parcel.
5. The top layer of any arable soil, to the extent available or to a depth of twelve (12) inches, whichever is greater, shall be retained on the parcel and stabilized, and upon completion shall be spread over the entire area with any large stones removed. The area shall then be seeded with a perennial grass and maintained until the ground shall be completely stabilized with a dense cover of grass and there exists no danger of erosion, but this provision shall not apply to the area of ponds nor to exposed areas of ledge existing prior to the work.
6. In addition to seeding and as deemed necessary by the Zoning Commission, the work area of the parcel shall be planted with sufficient trees and shrubs so as to provide transition to any adjacent residential property and to hasten the return to a natural appearance to the parcel.

4.C.5. Application

An application for a Temporary Special Permit for Earth Material Removal shall be made to the Zoning Commission by the property owner or his / her / their authorized agent on forms provided by the Zoning Commission. The application shall be accompanied by:

1. Three (3) sets of maps and plans drawn at a scale of 1"=40 feet showing the following and bearing the original signature and seal of a licensed Land Surveyor as required by Section 20-300-10 and 20-300-10b of the Regulations of Connecticut State Agencies.
 - a. Location and exterior limits of the area to be excavated or graded;
 - b. Property lines and streets, adjoining property owners including those directly across the street or road from the proposed excavation area;
 - c. Topographic contour lines at five (5) foot intervals except that where excavation is proposed, contour lines for both existing and proposed excavation shall be at two (2) foot intervals;
 - d. Existing and proposed drainage on the parcel; existing rivers, streams, watercourses, ponds and other Inland Wetlands as shown on the Inland Wetlands and Watercourses Map of Roxbury within two hundred (200) feet of the permit area;
 - e. Proposed truck access to the excavation and the off-site haul route;
 - f. Location of any wooded areas, rock outcrops, and existing structures within two hundred (200) feet of the area.
2. A Conservation Plan reviewed by the United States Department of Agriculture Soil Conservation Service (SCS) or similar entity. If any ponds are planned to remain on the site, a final grading of the pond area shall be reviewed by the SCS to insure that the pond will not be a health hazard. The Conservation Plan shall include an erosion and sediment control plan, a final regrading and revegetation plan.
3. A calculation of the number of cubic yards of earth material to be excavated, graded, or removed.
4. Number and types of trucks to be used and an inventory of all equipment to be used to carry out proposed work, hours of operation as well as the location and types of any buildings to be erected.
5. A statement of the provisions to be made to prevent and control any nuisance conditions.
6. The Zoning Commission may require any additional information deemed necessary to evaluate adequately the application and to carry out the purposes set forth in Section 4.C.1 of these Regulations.

4.C.6. Administration

1. The applicant shall obtain and maintain liability insurance with a limit of not less than \$300,000 as to bodily injury and \$50,000 as to property damage or such greater amounts as from time to time may be deemed customary for such activity as determined by a licensed insurance professional and shall furnish a certificate of insurance to the Zoning Commission. The insurance shall be for the protection of the applicant and the Town of Roxbury against any and all claims brought by a third party for bodily injury or property damage,
2. The applicant shall file with the Zoning Commission a cash, savings account, or surety bond, in a form acceptable to Town Counsel, in such amount as the Zoning Commission deems sufficient to insure the faithful performance of the work in accordance with this Section. The Zoning Commission shall require a portion of such bond to be in cash to be able to remedy any emergency condition.
3. In the event of cancellation of insurance, the applicant or the insurer shall notify the ZEO no later than ten (10) days after said event. The ZEO shall suspend the permit and issue a stop work order. The ZEO shall not withdraw such order and reinstate the permit until proof of insurance coverage in the form of a new certificate of insurance has been received.
4. The Temporary Special Permit for Earth Material Removal shall be valid for a period of two (2) years if the Zoning Commission finds that no violations have occurred. Application for a renewal shall be made to the Zoning Commission at least 65 days before its expiration.
5. Upon completion of the earth removal operation and in accordance with the terms of the Temporary Special Permit for Earth Material Removal and after any area to be graded and seeded has become established, the applicant may request the Zoning Commission to return the bond. If the Zoning Commission is not satisfied with the work completed, the bond shall be held until the restoration is completed to the satisfaction of the Zoning Commission.
6. **Exemption for Town Operation** - Upon written request by the Board of Selectmen of the Town of Roxbury, the following requirements are not applicable:
 - a. Paragraph 4.C.6.1 (insurance).
 - b. Paragraph 4.C.6.2 (bond).

4.C.7. Stop Work Order

The ZEO is authorized to issue Stop Work Orders and orders to remedy any conditions found in violation of this Section 4.C in the same manner as provided in Section 6.F of these Regulations. The ZEO shall issue a Stop Work Order for all or part of an operation that is incapable of being carried out in accordance with the Permit and the standards of this Section 4.C, such as due to unforeseen soil, ledge rock or groundwater conditions.

4.D. Land Filling

4.D.1. Purpose

The purpose of this Section is to conserve and preserve water storage areas by helping to maintain the ground water level and stream flow, to secure the safety from flood dangers, and to control any land filling operations that may create a safety or health hazard to the public or adjacent property owners, or be detrimental to the immediate neighborhood or the Town of Roxbury.

4.D.2. Approval

Approval shall be required by the Roxbury Zoning Commission for any filling of earth, regrading of earth, and extensive cutting of trees, when in the opinion of the ZEO, the filling, regrading and cutting shall cause erosion, sedimentation, and flooding problems to neighboring properties. The Zoning Commission shall give approval only after a site plan of development has been submitted in accordance with [Section 5.C](#) of the Zoning Regulations.

1. Approval from the Zoning Commission will not be required under the following conditions:
 - a. A land filling operation carried on by the Town of Roxbury.
 - b. Construction of a building for which a Building Permit has been duly issued.
 - c. Agricultural or landscaping operations, including farm pond operations, providing a report approving the operation is provided to the ZEO from the United States Department of Agriculture Soil Conservation Service (SCS) or similar entity.
 - d. Where such filling, grading or removal operations have been approved by the Zoning Commission as a part of a subdivision or a site plan of development.
 - e. Within the rights-of-way of the State of Connecticut.
 - f. The amount of land filling, excluding mulch or top soil for garden maintenance and gravel for driveway maintenance is less than 100 cubic yards in any 12-month period.

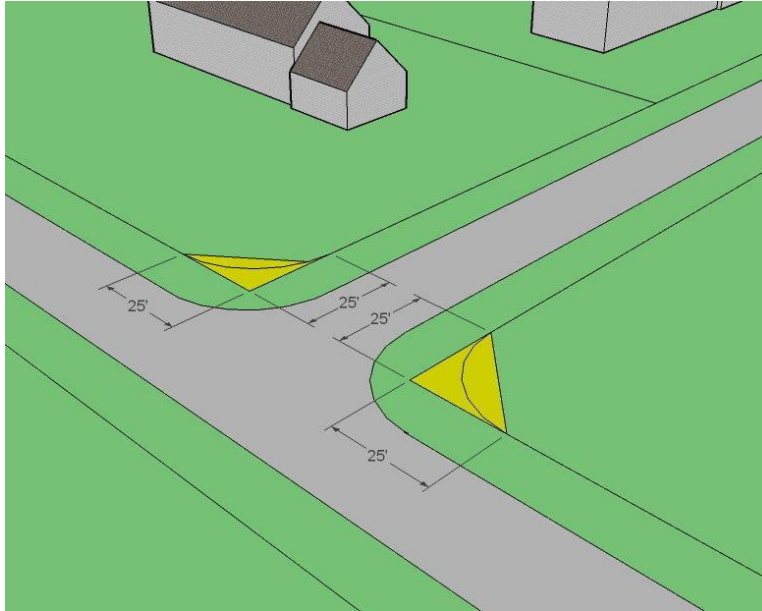
2. The Zoning Commission may, by Special Permit, regulate land filling operations under the following conditions:
 - a. The applicant shall submit a plan showing existing grades in the area drawn to a two (2) foot contour level, showing the area which it is proposed to fill, together with finished grades at the conclusion of the operation. This map shall be drawn to a scale of not less than one inch equals 200 feet, shall include a key map showing property owners within a five hundred (500) foot distance of the proposed operation, such as the map required by subdivision regulations.
 - b. In the case of filling operations which abut or include natural bodies of water such as ponds, streams, lakes or swamps, the plan shall be accompanied by a report prepared by a professional Engineer, licensed to practice in the state of Connecticut. Such report shall include an analysis of the effect of the filling on up and down stream flow of water. This report may be waived at the discretion of the ZEO.
 - c. The plan shall provide for proper drainage of the operation, during and after completion. No bank shall exceed a slope of one foot of vertical rise in two feet of horizontal distance. Necessary precaution against erosion shall be shown.
 - d. At the conclusion of the operation or any substantial portion thereof, the whole area where the filling takes place shall be covered with not less than four (4) inches of topsoil and seeded with suitable cover crop.
 - e. Safety measures necessary to protect vehicular and pedestrian traffic may be required, including but not limited to pavement of access roads to reduce dust and relieve traffic problems and paths to insure pedestrian safety.
 - f. A financial guarantee may be required to be filed with the Town Treasurer satisfactory to him and in the amount approved by the ZEO securing the completion of work shown on the final plan, in accordance with the provisions of the permit.
 - g. At the discretion of the Zoning Commission, any applications may be submitted to other Town boards or commissions for comment.
 - h. A permit shall be issued for a period not to exceed one year from the effective date of approval.

4.D.3. Stop Work Orders

The ZEO is authorized to issue Stop Work Orders and orders to remedy any conditions found in violation of this Section in the same manner as provided in Section 6.F of these Regulations. The ZEO shall issue a Stop Work Order for all or part of an operation that is incapable of being carried out in accordance with the permit and the standards of this Section, such as due to unforeseen soil, ledge rock or groundwater conditions.

4.E. Corner Visibility

On any corner parcel there shall be no building, fence, wall or planting located within a triangular space on the parcel bounded by the two intersecting street lines and a straight line connecting a point on one street line twenty-five feet (25') from the intersection with a point on the other street line twenty-five feet (25') from the intersection, so as not to obstruct a clear line of sight anywhere across such a triangle between an observer's eye at an elevation of three and half (3 ½) feet above one street line and an object one (1) foot above the other street line.



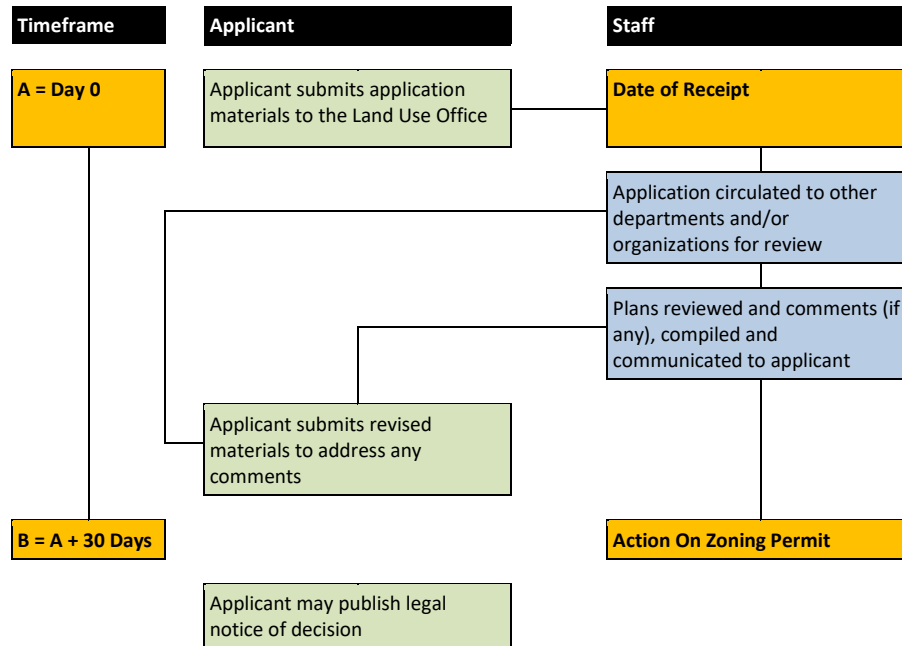
5. PROCEDURES

5.A. Staff Procedures

5.A.1. Zoning Permit

1. A Zoning Permit shall be required from the Zoning Enforcement Officer (ZEO) whenever:
 - a. A building, structure or part thereof will be constructed, reconstructed, altered, extended, enlarged, moved, or occupied; or
 - b. A Building Permit will be issued unless the ZEO determines that a Zoning Permit is not required, or
 - c. Land will be developed, or
 - d. These Regulations provide that a Zoning Permit is required.
2. Application for such permit shall be made on the form provided by the ZEO and shall be accompanied by plans and/or other information that comply with the requirements in the Appendix of these Regulations.
3. No Zoning Permit shall be issued for any building, structure or land use unless the parcel for which the permit is sought has the required frontage on:
 - a. A street as defined in these Regulations, or
 - b. A street as defined in these Regulations which is under construction and which has been approved by the Planning Commission and has a financial guarantee on file for the construction of such road.
4. Pursuant to CGS Section 8-3(f), no Building Permit shall be issued until a Zoning Permit has been issued.
5. A Zoning Permit shall be issued when the ZEO has determined that the activities proposed are in conformance with these Regulations and/or any relevant application approved by the Zoning Commission and/or any variance granted by the ZBA. The ZEO may seek advice of the Zoning Commission for interpretation of the Regulations in a particular instance.
6. **Location Verification**
 - a. After a foundation has been completed and prior to any additional construction thereon, the ZEO may require the submission of a Class A-2 Existing Building Location Survey, Zoning Location Survey or Improvement Location Survey prepared by a Land Surveyor licensed to practice in Connecticut showing the exact location of the foundation on the site.
 - b. If an as-built drawing has been required, no building or structure shall thereafter be constructed above the foundation walls until the certified survey has been approved by the ZEO or the Zoning Commission as complying with the Zoning Permit and all applicable provisions of the Zoning Regulations.

Zoning Permit Application - Conceptual Flowchart

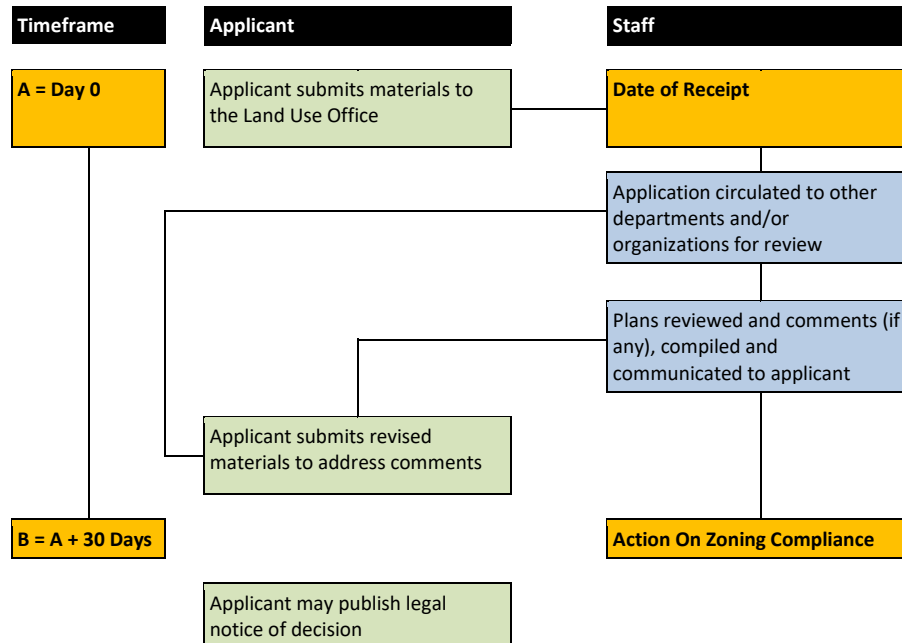


DISCLAIMER – This graphic is a generalized overview of the application process and the provisions in the Connecticut General Statutes and the text of these Regulations shall control.

7. In accordance with CGS Section 8-3(f), the recipient of a Zoning Permit may publish notice of issuance of the Zoning Permit in a newspaper with general availability in Roxbury in order to establish the appeal period per CGS Section 8-7. 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 ZBA in accordance with the provisions of CGS Section 8-7.
8. Any Zoning Permit issued under these Regulations shall expire twelve months from the date of issuance unless:
 - a. A valid Building Permit for the use, construction and site development authorized by the Zoning Permit is in effect, or
 - b. The ZEO renews the Zoning Permit for periods not to exceed twelve months, when the building and/or site development authorized by the Zoning Permit is in conformity with these Regulations and any amendments made subsequent to the date of original issuance of the Zoning Permit.
9. In the event that any Zoning Permit is issued based on incorrect information or the specific conditions of approval are not strictly adhered to, such Zoning Permit shall be null and void.

5.A.2. Determination Of Zoning Compliance

1. Before any land or any structure is occupied or used for any purpose, a Determination of Zoning Compliance shall be obtained from the ZEO indicating:
 - a. Conformance of the building, structure or use with these Regulations,
 - b. Conformance with a variance granted by the ZBA, or
 - c. That the building, structure or use is a valid nonconforming building, structure or use under these Regulations.
2. Pursuant to CGS Section 8-3(f), no Certificate of Occupancy shall be issued until a Determination of Zoning Compliance has been issued.
3. In the case of new construction, the ZEO may require submission of a Class A-2 Existing Building Location Survey, Zoning Location Survey or Improvement Location Survey prepared by a Land Surveyor currently licensed to practice in Connecticut showing the exact location of the improvements on the site prior to the issuance of a Determination of Zoning Compliance. In the event of substantial deviations from any plan approved by the Zoning Commission, the ZEO shall submit such "as built" drawings to the Zoning Commission for its determination of acceptance or need for plan amendment.
4. Before issuing such Determination of Zoning Compliance, the ZEO may require a written certification from an Architect and/or a Professional Engineer properly licensed by the State of Connecticut that the building, structure or use as developed or established fully conforms to the provisions of any Zoning Permit, Special Permit or final Site Plan.
5. No permanent Determination of Zoning Compliance shall be issued until all documents required under the Zoning Permit or Special Permit which grant easements or other rights to the Town of Roxbury have been recorded in the Roxbury land records and/or filed with the appropriate agencies and proof thereof has been submitted to the Zoning Commission.
6. If the site improvements cannot be completed because of weather or for other pertinent reasons, a conditional Determination of Zoning Compliance may be issued by the ZEO for a period not to exceed 180 days, provided that a financial guarantee shall be posted in an amount sufficient to cover the cost of completing the remaining site improvements. Upon satisfactory completion of the remaining site improvements and the written request of the applicant, the ZEO and/or the Zoning Commission shall then release the financial guarantee.

Determination Of Zoning Compliance - Conceptual Flowchart

DISCLAIMER – This graphic is a generalized overview of the application process and the provisions in the Connecticut General Statutes and the text of these Regulations shall control.

7. In accordance with CGS Section 8-3(f), the recipient of a Determination of Zoning Compliance may publish notice of issuance of the Determination of Zoning Compliance in a newspaper with general availability in Roxbury in order to establish the appeal period per CGS Section 8-7. Any such notice to be published by the recipient shall contain:
 - a. A sufficient description of the approved building, use or structure and its location to comply with the notice requirements of Connecticut law,
 - b. The identity of the applicant, and
 - c. A statement that an aggrieved person may appeal to the ZBA in accordance with the provisions of CGS Section 8-7.
8. In the event that any Determination of Zoning Compliance is issued based on incorrect information or the specific conditions of approval are not strictly adhered to, such Determination of Zoning Compliance shall be null and void.

5.A.3. Responsibility For Other Permits

A Zoning Permit or Determination of Zoning compliance indicates compliance with the provisions of these Regulations. However, other permits may be required before the applicant can begin the related building or use, such as those concerned with driveways, wetlands, water and sewer facilities, fire protection, building code and health code. Determining what other permits are required and obtaining such other permits is the responsibility of the applicant.

5.B. Pre-Application Reviews (Staff / ZC)

5.B.1. Pre-Application Review By Staff

1. Prior to the submission of an official application, it is recommended that the applicant meet with appropriate Town Staff to discuss the proposed application in order to:
 - a. Suggest possible enhancements and identify areas of concern,
 - b. Identify the potential need for third party consultants in accordance with [Section 5.H.5](#) of these Regulations, and
 - c. Minimize delay, expense and inconvenience to the applicant.
2. This meeting is recommended in order to facilitate consideration of factors that may be associated with a particular proposal before the applicant proceeds with preparation of detailed maps, plans and documents required for formal consideration.
3. Neither the pre-application plan nor the informal consideration by Town Staff (such as the ZEO) shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General Statutes.

5.B.2. Pre-Application Review By Zoning Commission

As provided in CGS Section 7-159b, the Zoning Commission may conduct a pre-application review of a proposed project with the applicant at the applicant's request. Such pre-application review and any results or information obtained from it may not be appealed under any provision of the general statutes and shall not be binding on the applicant or the Zoning Commission.

1. Any potential applicant may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Zoning Commission for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern.
2. For larger or more complex applications, it is recommended that the applicant present a pre-application plan for informal consideration by the Zoning Commission prior to the submission of an official application in order to:
 - a. Facilitate consideration of factors that may be associated with a particular proposal before the applicant proceeds with preparation of materials required for formal consideration by the Zoning Commission, and/or
 - b. Identify the potential need for third party consultants in accordance with [Section 5.H.5](#) of these Regulations.
3. Such pre-application submission shall, at a minimum, include the following:
 - a. A plan providing sufficient information for the Zoning Commission to visualize the proposed development, to identify the location of significant natural features, and other relevant information; and
 - b. A written summary of the project the Zoning Commission is being asked to address.
4. The pre-application materials shall be submitted to the Land Use Office for scheduling on a future Zoning Commission agenda.

5. In accordance with CGS Section 7-159b, neither the proponent nor the Zoning Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Zoning Commission upon the future receipt, if any, of a formal application.
6. Neither the pre-application plan nor the informal consideration by the Zoning Commission shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General Statutes.
7. While the meeting and optional pre-application plan should benefit any formal application, neither the applicant nor the Zoning Commission shall be bound by any statement made during such informal review, nor shall the statement of any Zoning Commission member be deemed to be an indication of prejudgment or prejudice, it being acknowledged by the applicant that the Zoning Commission response, like the request itself, is preliminary and subject to further refinement.
8. Following any informal discussion, the Zoning Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application.

5.C. Site Plan Application

5.C.1. Purpose

The purpose of a Site Plan Application is to enable a detailed review of all proposed development for which such approval shall be specified in order to ensure compliance with these Regulations and promote the health, safety, and general welfare of the community.

5.C.2. Application Requirements

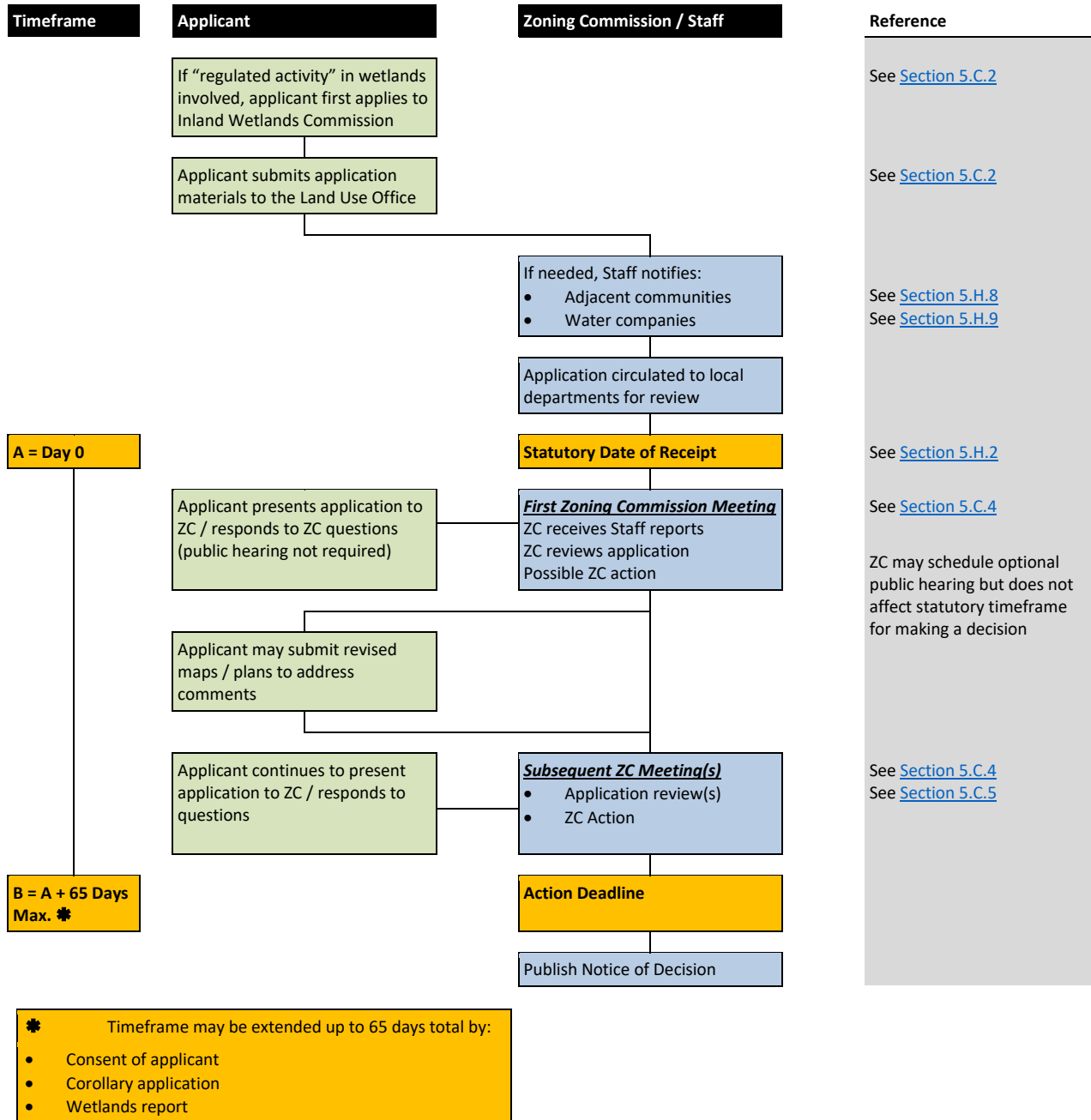
1. A Site Plan Application shall be submitted to the Land Use Office for any activity designated in the Regulations as requiring such approval and no building, structure, parking lot, sign or outdoor use of land, except those designated as a permitted use in a Zone, shall be established, used, constructed, enlarged, modified or moved until a Site Plan Application meeting the requirements of this Section has been submitted and approved by the Zoning Commission.
2. A Site Plan Application shall be accompanied by an adequate number of each of the following:
 - a. Full-size (24" by 36") sets of detailed plans, signed and sealed by an appropriate professional, for review by the Zoning Commission and its designees that comply with Appendix D to these Regulations,
 - b. Reduced size (11" by 17") set of the same materials, and
 - c. Electronic set of the same materials in PDF format.
3. The application shall be accompanied by a fee, as indicated in the fee schedule adopted by the Town.
4. In accordance with the Appendix to these Regulations, the Zoning Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
5. If a Site Plan Application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such Site Plan Application is filed with the Zoning Commission.

5.C.3. Proceedings

A site plan submitted with a Special Permit is an integral part of the Special Permit Application and will be processed in accordance with the application timeframes specified in CGS Section 8-3c.

1. The date of receipt for the Site Plan Application shall be determined in accordance with [Section 5.H.2.](#)
2. An incomplete Site Plan Application shall be denied in accordance with [Section 5.H.3.](#)
3. Notification to adjoining municipalities may be required in accordance with the requirements of [Section 5.H.8.](#)
4. The Zoning Commission may require the applicant provide proof of a written inquiry to:
 - a. The Connecticut Department of Energy and Environmental Protection (DEEP) regarding the Natural Diversity Database in accordance with the requirements of [Section 5.H.11.](#)
 - b. The Connecticut Office of State Archeology regarding the potential archeological significance of the property.
5. The Zoning Commission may request reports on the application from Town Departments and/or any other agency deemed appropriate by the Zoning Commission.
6. Whenever approval of a Site Plan Application is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan Application, regardless of whether a public hearing is held, except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.
7. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive and the time for a decision by the Zoning Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
8. The applicant may withdraw such application at any time prior to action by the Zoning Commission.

Site Plan Application - Conceptual Flowchart



DISCLAIMER – This graphic is a generalized overview of the application process and the provisions in the Connecticut General Statutes and the text of these Regulations shall control.

5.C.4. Decision Considerations

1. On a Site Plan Application involving an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the Zoning Commission shall give due consideration to any report of the Inland Wetlands Commission when making its decision.
2. On a Site Plan Application involving notice to adjoining municipalities under [Section 5.H.8](#) or notice to water companies under [Section 5.H.9](#), the Zoning Commission shall give due consideration to any report received.
3. A Site Plan Application shall be evaluated by the Zoning Commission under the requirements of these Regulations.
4. In acting upon a Site Plan Application, the Zoning Commission may take into consideration the recommendations of any Town official, Town agency, or outside specialist with which it consults.
5. In reviewing a Site Plan Application, the Zoning Commission shall consider the following:
 - a. The application shall contain all information required by this Section
 - b. The information shall have been prepared by persons possessing the necessary expertise to prepare it.
 - c. Information shall be presented with adequate clarity to permit the Zoning Commission to understand it and determine compliance.
 - d. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet these criteria shall be grounds for denial without prejudice to future applications.
 - e. The application shall conform in all respects with the requirements in these Regulations that may apply, unless a certified copy of a variance from any such provision is submitted with the application, or the ZEO has issued a finding that the nonconformance is a legal, pre-existing nonconformity in accordance with these Regulations.
6. Upon review of the application and determination of compliance with these regulations, the Zoning Commission may approve, modify and approve, or disapprove the application. If the Zoning Commission determines that the application is incomplete, the same may be denied without prejudice to any future complete application.
7. In approving a Site Plan Application, the Zoning Commission may impose modifications deemed necessary to ensure compliance with these Regulations as well as protect the public health, safety, and/or welfare.
8. In accordance with CGS Section 8-3(g), the Zoning Commission may require that a financial guarantee be posted before any permits are issued for the activities shown on the approved plan, in an amount and form acceptable to the Zoning Commission, to ensure:
 - a. The implementation of any erosion and sediment controls required during construction activities,
 - b. The timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality, and/or
 - c. The maintenance of pavement areas, retention or detention basins or other improvements approved with such site plan for up to one year after the date on which such improvements have been completed to the reasonable satisfaction of the Zoning Commission or its agent or accepted by the Town.

5.C.5. Action Documentation

1. The Zoning Commission shall, whenever it grants or denies a Site Plan Application, state upon its record the reason(s) for its decision.
2. The Zoning Commission shall send, by Certified Mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
3. The Zoning Commission shall cause notice of the approval or denial of a site plan to be published in a newspaper having a general circulation in the community within fifteen (15) days after such decision is rendered.

4. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.

5.C.6. Following Approval

1. When an approval has been granted by the Zoning Commission, the applicant shall, within sixty (60) days after approval, submit final plans on which all modifications imposed by the Zoning Commission as part of the approval have been clearly indicated and noted in the revision block for signature by the Chairman of the Zoning Commission as follows:
 - a. One (1) set of paper copies of the approved plan(s).
 - b. One (1) set of plans and associated documents in PDF digital format.
2. Following signature by the Chairman, the ZEO shall be authorized to issue a Zoning Permit in accordance with [Section 5.A.1](#) for work to commence. No development shall be permitted except in conformity with the approved plan. All site improvements including all modifications required by the Zoning Commission shall be installed to the satisfaction of the Zoning Commission or its agent, before final approval is given and a Determination of Zoning Compliance issued.
3. Minor Changes –
 - a. The ZEO shall have the authority to approve minor changes to an approved Site Plan if such changes do not alter the character, quality, density, intensity, types of uses, amenities or other major features of the Site Plan Application as approved, and such changes are in conformity to the requirements of these Regulations.
 - b. Any such change shall be reported to the Zoning Commission and shall be reflected on an amended site plan or as-built plan.
 - c. If the Zoning Commission determines that changes in the Site Plan Application, or any change of Use within a building or structure or on a parcel, may alter overall character, quality, density, intensity, uses, amenities, traffic generation, parking facilities or other major features of the Site Plan Application as approved, said modification shall require a new application.
4. In accordance with CGS Section 8-3(g), no Certificate of Occupancy shall be issued before a required financial guarantee is posted and/or the approved site improvements are completed to the reasonable satisfaction of the Zoning Commission or the ZEO.
5. If an “as-built” plan is required by the ZEO, no Determination of Zoning Compliance shall be issued until such “as-built” plan has been submitted and found acceptable.

5.C.7. Expiration And Completion

1. Unless otherwise provided by CGS Section 8-3k or other provision of State law, all work in connection with a site plan shall be completed within five (5) years after the approval of the plan and failure to complete all work within such five-year period shall result in automatic expiration of the approval of such site plan unless the Zoning Commission shall have granted an extension of the time to complete work in connection with such site plan.
2. Unless otherwise provided by State law, the Zoning Commission may grant one or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten years from the date such site plan is approved.
3. The Zoning Commission may condition the approval of such extension on a determination of the adequacy of any financial guarantee.

5.D. Special Permit Application

5.D.1. Purpose

It is recognized that there are certain uses which because of their unique characteristics cannot be distinctly classified or regulated so as to be uniformly permitted in a particular zone without careful consideration in each case of the impact of such uses upon neighboring uses and the surrounding area. Such uses, therefore, shall be treated individually through the use of Special Permits.

The purpose of a Special Permit Application is to review the appropriateness of certain uses or activities in a specific location or configuration in order to evaluate overall impacts of the specific application, ensure compliance with these Regulations, and promote the health, safety, and general welfare of the community.

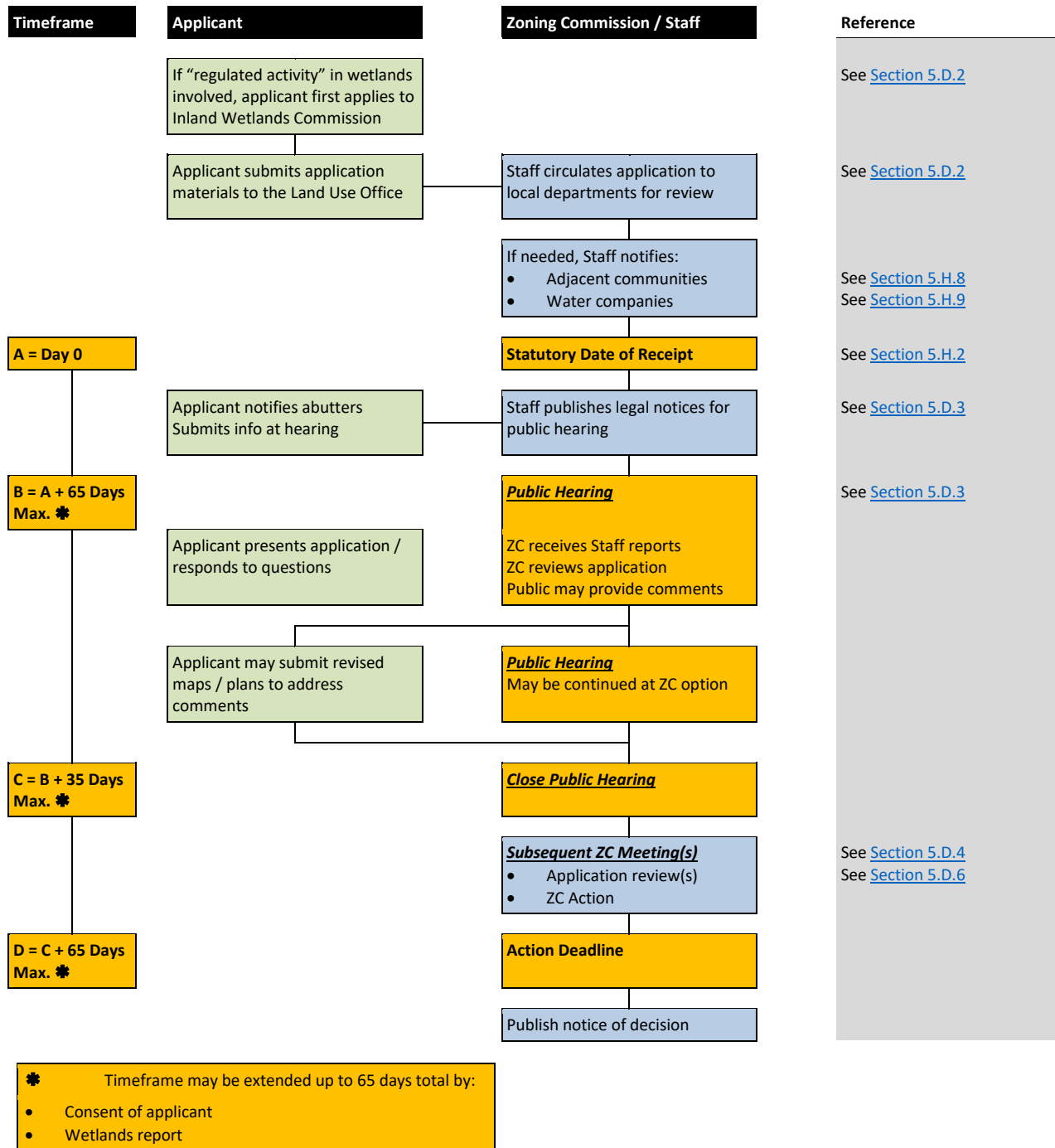
5.D.2. Application Requirements

1. A Special Permit Application shall be submitted to the Land Use Office in the form prescribed by the Zoning Commission for any activity designated in the Regulations as requiring approval of a Special Permit.
2. Since such plans and drawing are integral to the Special Permit Application, each application for a Special Permit shall, unless waived by the Zoning Commission or in writing by the ZEO, be accompanied by:
 - a. A Site Plan Application, or
 - b. Appropriate plans and drawings including the information required for a Site Plan Application.
3. An adequate number of copies of the Special Permit Application shall be made and such application shall include the following information:
 - a. A detailed statement describing the existing and proposed use or uses,
 - b. A detailed statement describing how the Special Permit criteria in [Section 5.D.5](#) are addressed, and
 - c. Any approval from any local, regional, state, or federal agency or department having jurisdiction over any aspect of the application, and
 - d. A list of all property owners, together with addresses, required to be notified by [Section 5.H.7](#) or other section of these Regulations.
4. All Special Permit Applications shall be accompanied by a fee, as indicated in the fee schedule adopted by the Town.
5. The Zoning Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
6. If a Special Permit Application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such Special Permit Application is filed with the Zoning Commission.
7. The Zoning Commission shall not be required to hear the same Special Permit Application, or substantially the same Special Permit Application for a period of 12 months after a decision by the Zoning Commission or by a Court on an earlier such application.

5.D.3. Proceedings

1. The date of receipt of the Special Permit Application shall be determined in accordance with [Section 5.H.2](#).
2. An incomplete Special Permit Application shall be denied in accordance with [Section 5.H.3](#).
3. The Zoning Commission shall hold a public hearing on the Special Permit Application and:
 - a. Publish a legal notice in accordance with the requirements of [Section 5.H.6](#), and
 - b. Require that the applicant give notice to property owners within 100 feet in accordance with the requirements of [Section 5.H.7](#).
4. Prior to the date assigned for a public hearing, the Zoning Commission may refer any application for a Special Permit to the Planning Commission for a report.
5. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the ZEO or the application shall be considered incomplete:
 - a. A copy of the complete package of information sent to abutters,
 - b. A list of the abutters to whom the notices were sent,
 - c. Proof of mailing to property owners required to be notified by [Section 5.H.7](#) or other section of these Regulations.
6. Notification to adjoining municipalities may be required in accordance with the requirements of [Section 5.H.8](#).
7. Notification to water companies may be required in accordance with the requirements of [Section 5.H.9](#).
8. The Zoning Commission shall process the Special Permit Application within the period of time permitted under CGS Section 8-7d:
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the application.
 - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - d. The applicant may consent to one or more extensions of any period specified in this Section provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
9. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive and the time for a decision by the Zoning Commission would elapse prior to the thirty-fifth day after a decision by the Inland Wetlands Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
10. The applicant may, at any time prior to action by the Zoning Commission, withdraw such application.
11. It is the responsibility of the applicant to provide plans and reports which describe the proposed development's conformance with the requirements of these Regulations, including all of the information in this Section.

Special Permit Application - Conceptual Flowchart



DISCLAIMER – This graphic is a generalized overview of the application process and the provisions in the Connecticut General Statutes and the text of these Regulations shall control.

5.D.4. Decision Considerations

1. On a Special Permit Application involving an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the Zoning Commission shall:
 - a. Wait to render its decision until the Inland Wetlands Commission has submitted a report with its final decision, and
 - b. Give due consideration to any report of the Inland Wetlands Commission when making its decision.
2. On a Special Permit Application, the Zoning Commission shall give due consideration to any report received from the Planning Commission.
3. On a Special Permit Application involving notice to adjoining municipalities under [Section 5.H.8](#) or notice to water companies under [Section 5.H.9](#), the Zoning Commission shall give due consideration to any report received.
4. Before the Zoning Commission approves a Special Permit Application, it shall evaluate whether:
 - a. The Special Permit Application is in conformance with the applicable provisions of these Regulations,
 - b. The Special Permit Application has, in the sole discretion of the Zoning Commission, satisfied the Special Permit Criteria in [Section 5.D.5](#),
 - c. Accompanying plans are in conformance with the applicable provisions of these Regulations, and
 - d. The Special Permit Application is in harmony with the purposes and intent of these Regulations.
5. Where the Zoning Commission finds or has reason to believe that circumstances or conditions upon which a Special Permit is warranted may change over time, the Zoning Commission may limit the time during which the Special Permit shall remain valid and may cause the review and substantiation of the justifying circumstances or conditions at periodic intervals or when occupancy or tenancy of the premises changes.
6. In granting a Special Permit, the Zoning Commission may:
 - a. Stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety, and/or welfare; the environment; sound planning and zoning principles; improved land use, site planning and land development; or better overall neighborhood compatibility.
 - b. Impose additional requirements, conditions or safeguards as a prerequisite to the issuance of the Determination of Zoning Compliance by the ZEO, if it shall be found necessary in order that the intent of these Regulations may be observed, public safety and welfare secured or substantial justice done.
 - c. Set time limits on the Special Permit and/or require periodic renewal of the Special Permit.
7. Whenever the Zoning Commission acts upon a Special Permit, it shall state upon its records the reason for its decision.
8. In the event an appeal is taken from the Zoning Commission approval of a Special Permit, then the time period shall commence on the date of final disposition of such litigation.
9. An expired Special Permit shall be considered null and void.

5.D.5. Special Permit Considerations**A. Compliance with The Zoning Regulations**

Whether the Zoning Commission finds that the proposed use and the arrangements of proposed buildings, structures, facilities and other site improvements will comply with all applicable provisions of these Zoning Regulations.

B. Orderly Development

1. Whether the Zoning Commission finds that the location, type, characteristics, size, and intensity of the use and of any building or other structure in connection therewith will be in harmony with the appropriate and orderly development of the Town and the neighborhood and will not hinder or discourage the appropriate development and use of adjacent property.
2. Whether the Zoning Commission finds that the design, layout and operation of the proposed buildings, structures or uses will be compatible with nearby properties and/or have negative impacts on the enjoyment and usefulness of nearby property.

C. Appropriate Location

Whether the Zoning Commission finds that the proposed use will be appropriate for the location proposed and whether the size and height and intensity of all proposed buildings and activities and the extent of all proposed site improvements will reasonably harmonize with the characteristics of the neighborhood in which such use is to be established with consideration of:

1. the degree of care and attention taken to protect the adjacent area, and
2. the balance between allowing the use versus any adverse impact to the adjacent area and the impact on the general welfare of the community.

D. Public Safety

Whether the Zoning Commission finds that there will be adequate provision for the purpose of fire protection, police protection and emergency equipment after considering the nature and location of the proposed use and of any building or other structure in connection therewith.

(continued on next page)

Special Permit Considerations (continued)**E. Traffic Safety**

Whether the Zoning Commission finds that the traffic impacts resulting from the proposed use will adversely impact public safety and/or whether adequate provision will be made for traffic entering and leaving the site so that no undue hazard to vehicular and/or pedestrian traffic or undue traffic congestion will be created.

F. Protection of Important Resources

1. Whether the Zoning Commission finds that the proposed development adequately protects important natural resources and community resources (such as scenic views).
2. Whether the Zoning Commission finds that the proposed development will enhance community characteristics and not detract from the overall ambience of the community.
3. Whether the Zoning Commission finds that the proposed use will not negatively affect existing or future public drinking supply sources.

G. Landscaping and Buffers

1. Whether the Zoning Commission finds that suitable landscaping and buffers will be provided in conformance with these Regulations on the site on which the proposed use is to be located.
2. Whether the Zoning Commission finds that appropriate landscaping /buffers between the subject use and adjacent properties will be maintained and/or provided.

H. Utilities

1. Whether the Zoning Commission finds that subject site will have adequate water and sewerage systems to service the proposed use.
2. Whether the Zoning Commission finds that adequate provisions for storm water drainage will be provided without adversely affecting neighboring properties, or adjacent public drainage systems.

5.D.6. Action Documentation

1. The Zoning Commission shall send, by Certified Mail, a copy of any decision on a Special Permit Application to the applicant within fifteen days after such decision is rendered.
2. The decision shall:
 - a. State the name of the owner of record,
 - b. Contain a description of the premises to which it relates,
 - c. Identify the Section of the Regulations under which the Special Permit was granted or denied, and
 - d. Specify the nature of the Special Permit.
3. The Zoning Commission shall cause notice of the approval or denial of the Special Permit Application to be published in a newspaper having a general circulation in the community within fifteen (15) days after such decision is rendered.
4. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

5.D.7. Following Approval

1. A Special Permit shall expire:
 - a. Three years following its issuance if the construction, development or other activity allowed under such permit has not been actually commenced (site preparation alone shall not be deemed to be the actual commencement of the construction, development or activity under this section), and
 - b. Five years following its issuance if the construction or development allowed thereunder has not been completed.

The Zoning Commission, upon written request and for good cause shown, may extend either or both of these periods one or more times, but the total period of such extension or extensions shall not exceed one additional year.
2. No Special Permit shall become effective until a copy thereof, certified by the Zoning Commission, is filed in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.
3. A Special Permit shall only authorize the particular use or uses specified in the Zoning Commission's approval.
4. All requirements of a Special Permit Application shall apply, unless waived in accordance with [Section 5.D.8](#) below.
5. Failure to adhere strictly to the documents, plans, terms, conditions, and/or safeguards approved by the Zoning Commission or its staff shall be a violation of these Regulations.
6. Any conditions or safeguards attached to the granting of a Special Permit shall remain with the property as long as the Special Permit use shall be in operation. These condition and safeguards shall continue in force regardless of any change in ownership of the property.
7. Any authorized Special Permit shall be subject to revocation by the Zoning Commission if any condition or safeguard imposed by the Zoning Commission upon buildings, structures, land or uses for said permit shall not be strictly adhered to by the applicant, user and/or owner. Notification thereof shall be filed in the Office of the Town Clerk.

5.D.8. Amendments Or Modifications

1. Subject to 5.D.8.3, an approved Special Permit may be amended or modified provided that an application for such amendment or modification shall be made in the same manner as the original application and subject to and in accordance with the provisions of these Regulations authorizing the granting of the original Special Permit.
2. Any application for an amendment shall include a copy of any and all prior Certificate of Decision(s) as recorded in the Roxbury Land Records.
3. Minor Modification - An amendment or modification of a Special Permit may be granted without a public hearing for minor modifications to the building or site plan where the Zoning Commission finds that each of the following is true:
 - a. Alterations to the building or site do not materially affect the basic size, form, style, ornamentation and appearance of the structures as shown on the approved plans;
 - b. The proposed modification does not materially reduce the effectiveness of the approved landscaping, screening or buffering of the site;
 - c. The proposed modification does not materially impact the number of parking spaces or vehicular circulation; and
 - d. The proposed modification does not materially alter drainage patterns.
4. Any proposed modification must continue to comply with the original approval action of the Zoning Commission except those items specifically modified and all other applicable requirements.

5.E. Text Amendment Petition

5.E.1. Application Requirements

1. A Text Amendment Petition shall be submitted to the Land Use Office for any proposal to amend, change, or repeal any Section of these Regulations.
2. Any such petition shall be accompanied by an appropriate number of copies of the precise wording of the existing and proposed text and any other supporting information.
3. The petition shall be accompanied by a fee, as indicated in the fee schedule adopted by the Town.
4. The Zoning Commission may require the submission of additional information as deemed necessary to make a reasonable review of the petition.
5. A Text Amendment [Application](#) Petition shall only be submitted by:
 - a. An owner of real property affected, or
 - b. By the Zoning Commission.
6. The Zoning Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of twelve months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

5.E.2. Proceedings

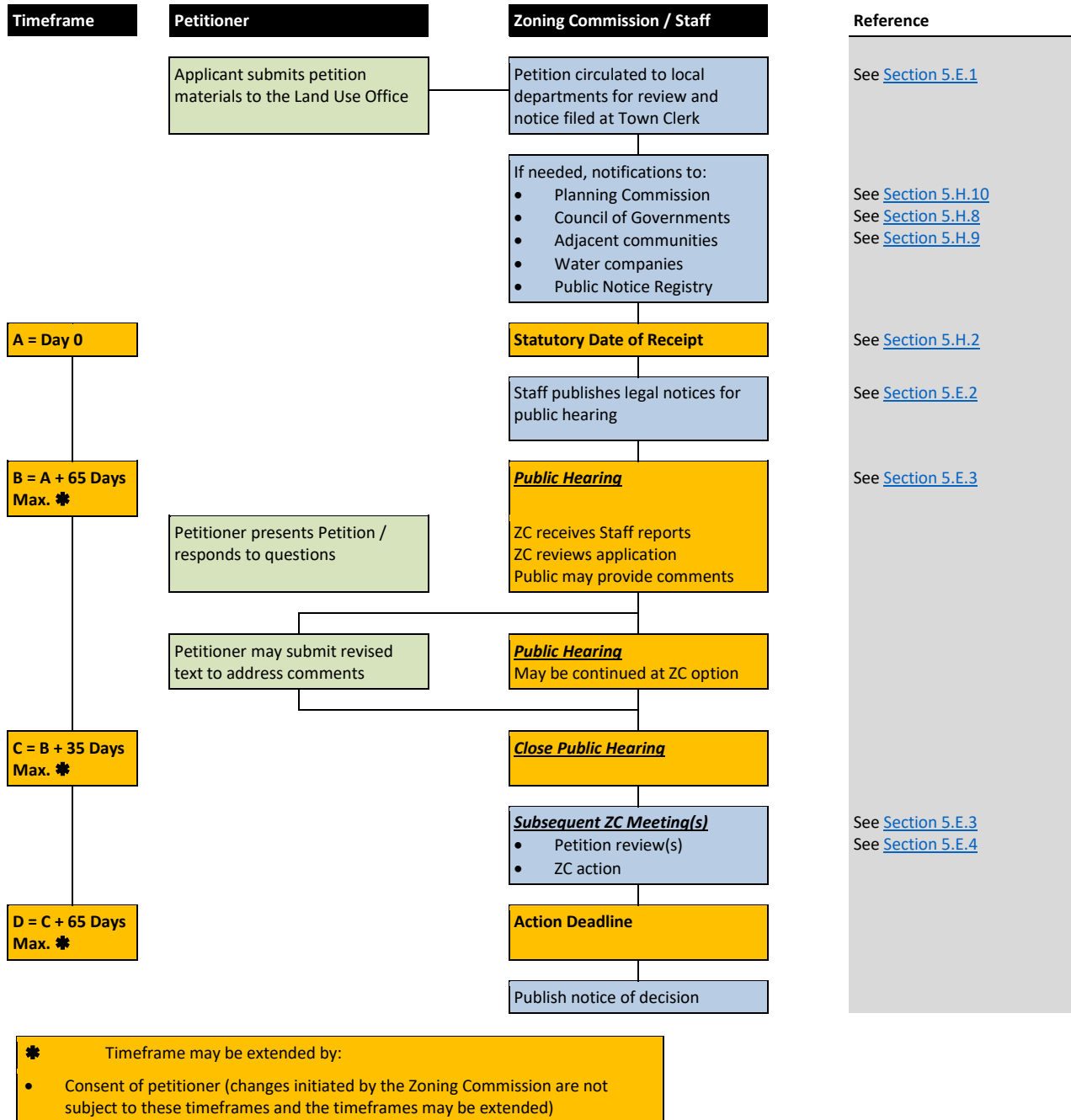
1. The date of receipt for the Text Amendment [Application](#) Petition shall be determined in accordance with [Section 5.H.2](#).
2. An incomplete Text Amendment [Application](#) Petition shall be denied in accordance with [Section 5.H.3](#).
3. The Zoning Commission shall hold a public hearing on the Text Amendment [Application](#) Petition and:
 - a. Shall cause a legal notice to be published in accordance with the requirements of [Section 5.H.6](#).
 - b. May publish the full text of such proposed regulation in such notice.
4. For any proposed amendment to these Regulations initiated by the Zoning Commission:
 - a. Any fees shall be waived,
 - b. The notice requirements of [Section 5.H.6](#) shall be sufficient.
5. The Zoning Commission shall refer any petition to amend these Regulations to the Planning Commission for a report at least thirty-five (35) days prior to the date assigned for a public hearing.
6. The Zoning Commission may request input from any Town department or other agency it deems appropriate on an petition to amend these Regulations.
7. Notification to regional councils of governments may be required in accordance with the requirements of [Section 5.H.10](#).
8. Notification to adjoining municipalities may be required in accordance with the requirements of [Section 5.H.8](#).
9. Notification to water companies may be required in accordance with the requirements of [Section 5.H.9](#).
10. A copy of the proposed regulation shall be filed by the applicant in the Office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
11. In accordance with CGS Section 8-7d(g), the Zoning Commission shall notify any person or organization on the public notice registry at least seven (7) days prior to the commencement of the public hearing on the Text Amendment Petition.

12. The Zoning Commission shall process the Text Amendment Petition within the period of time permitted under CGS Section 8-7d:
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the application,
 - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences,
 - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing,
 - d. The applicant may consent to one (1) or more extensions of any period specified in this Section provided the total extension of all such periods shall not be for longer than sixty-five (65) days, and
 - e. These provisions shall not apply to any action initiated by the Zoning Commission regarding adoption or change of any Regulation.
13. The applicant may, at any time prior to action by the Zoning Commission, withdraw such petition.

5.E.3. Decision Considerations

1. The Zoning Commission shall act upon the changes requested in such Text Amendment Petition.
2. Any report from an adjacent municipality or a regional council of governments shall be made a part of the record of such hearing.
3. In making its decision, the Zoning Commission shall give due consideration to any report or testimony received from the Planning Commission. As per CGS Section 8-3a, the failure of the Planning Commission to report prior to or at the hearing shall be taken as approval of such proposal.
4. On a Text Amendment Application involving notice to adjoining municipalities under [Section 5.H.8](#), notice to water companies under [Section 5.H.9](#), notice to a regional council of governments under [Section 5.H.10](#), or any reports received in response to a request as per Section 5.E.2.6, the Zoning Commission shall give due consideration to any report or testimony received.
5. Before approving any Text Amendment Application, the Zoning Commission shall evaluate whether the proposed regulation change:
 - a. Is consistent with the recommendations in the Plan of Conservation and Development, and
 - b. Will aid in accomplishing the provisions contained in Section 8-2 of the Connecticut General Statutes.
6. Any proposed Text Amendment shall only be adopted as a result of a majority vote of all the members of the Zoning Commission except that any proposal disapproved by the Planning Commission shall only be adopted by the Zoning Commission by a vote of not less than two-thirds of all the members of the Zoning Commission.
7. In making any decision to approve, the Zoning Commission shall state on the record the reasons for its decision and its findings on consistency of the proposed establishment, change, or repeal of such Regulations with the Plan of Conservation and Development.
8. As part of approving a Text Amendment Application, the Zoning Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Zoning Commission shall have been published in a newspaper having a general availability in the community before such effective date.

Text Amendment Petition - Conceptual Flowchart



DISCLAIMER – This graphic is a generalized overview of the Petition process and the provisions in the Connecticut General Statutes and the text of these Regulations shall control.

5.E.4. Action Documentation

1. The Zoning Commission shall send, by Certified Mail, a copy of any decision on a Text Amendment Petition to the applicant within fifteen (15) days after such decision is rendered.
2. The Zoning Commission shall cause notice of the approval or denial of the Text Amendment Petition to be published in a newspaper having a general circulation in the community within fifteen days after such decision is rendered.
3. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the person who submitted such petition may provide for the publication of such notice within ten (10) days thereafter.

5.E.5. Following Approval

1. A text amendment approved by the Zoning Commission shall be filed in the Office of the Town Clerk before the effective date.

5.F. Zoning Map Amendment Petition

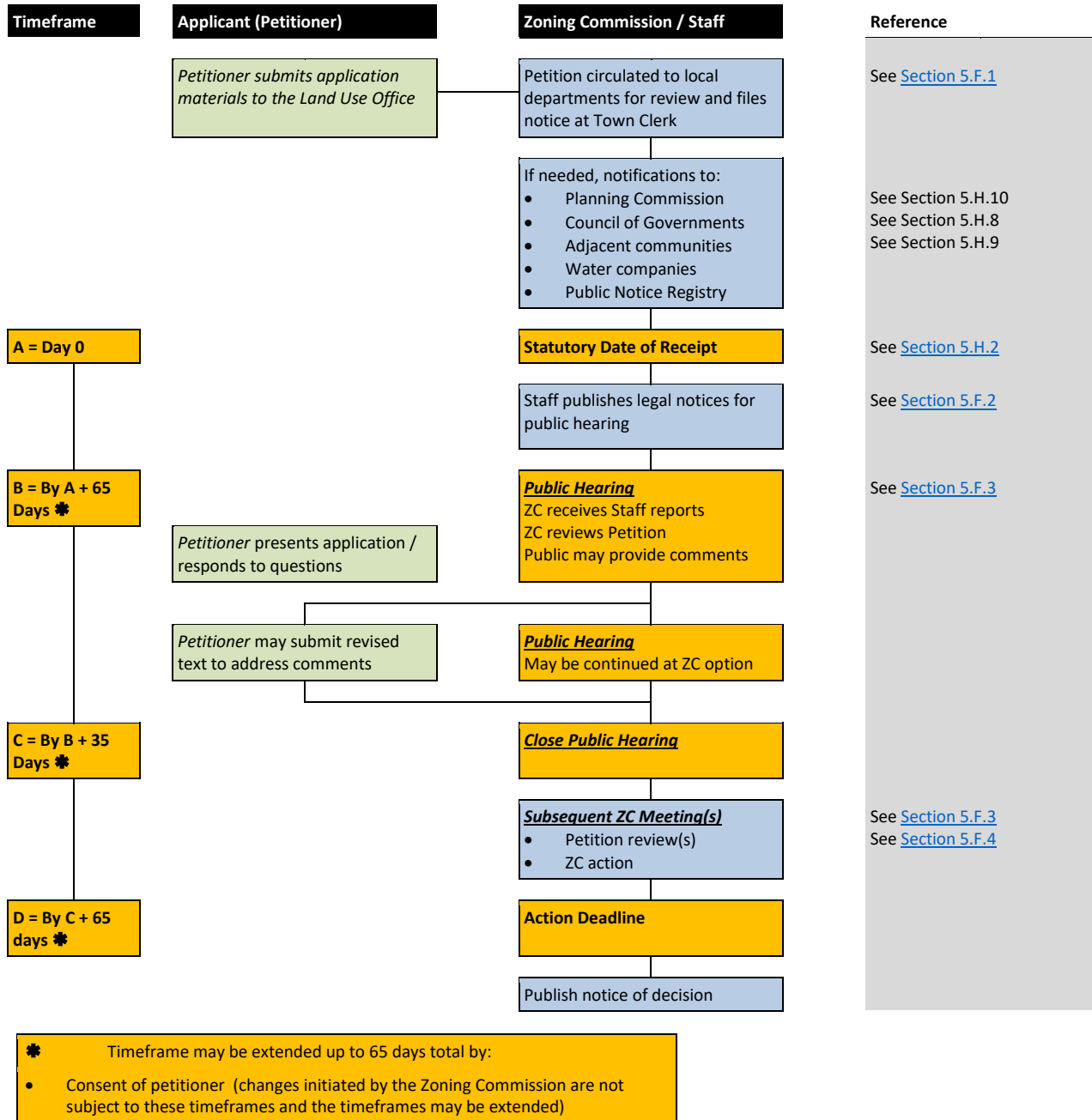
5.F.1. Application Requirements

1. A Zoning Map Amendment Petition shall be submitted in writing to the Land Use Office on forms provided by the Zoning Commission for any proposal to alter the zoning designation of any parcel of land or part thereof.
2. A Zoning Map Amendment Petition shall be:
 - a. Initiated by the affected property owner(s), or
 - b. Initiated by the Zoning Commission.
3. Unless such change is initiated by the Zoning Commission, the petition shall include:
 - a. Written reason(s) for the proposed amendment,
 - b. A map at a scale that clearly shows the area to be reclassified and the present classification and proposed new classification including existing and proposed boundaries,
 - c. A metes and bounds description of the land to be included in the amendment,
 - d. An adequate number of maps, accurately drawn at an appropriate scale and bearing the original signature and seal of a Land Surveyor licensed in the State of Connecticut showing existing and proposed zoning for the subject property and land within five-hundred (500) feet of the subject property, and any other information considered pertinent by the applicant.
 - e. The names, addresses, tax map and parcel numbers of all owners of property subject to the proposed amendment.
 - f. A list of all property owners required to be notified as per [Section 5.H.7](#);
 - g. A list of all owners of property within 500 feet of the proposed zone change including the address of the property, the area of the property, and that property's percentage of the entire area within 500 feet of the proposed zone change.
 - h. A fee, as indicated in the fee schedule adopted by the Town.
4. The Zoning Commission shall not be required to hear a Zoning Map Amendment Petition that has been denied within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

5.F.2. Proceedings

1. The date of receipt of the Zoning Map Amendment Petition shall be determined in accordance with [Section 5.H.2](#).
2. The Zoning Commission shall hold a public hearing on the Zoning Map Amendment Petition and:
 - a. Shall cause a legal notice to be published in accordance with the requirements of [Section 5.H.6](#).
 - b. Require that an applicant other than the Zoning Commission give notice to property owners within 100 feet in accordance with the requirements of [Section 5.H.7](#).
3. The Zoning Commission shall refer any Petition to amend the Zoning Map to the Planning Commission for a report at least thirty-five (35) days prior to the date assigned for a public hearing.
4. The Zoning Commission may request input from any Town department or other agency it deems appropriate on a Petition to amend the Zoning Map.
5. In accordance with [Section 5.H.10](#) of these Regulations, any proposed change of zone affecting any properties within 500 feet of a Town line shall be referred to the regional councils of governments.
6. Notification to adjoining municipalities may be required in accordance with the requirements of [Section 5.H.8](#).
7. Notification to water companies may be required in accordance with the requirements of [Section 5.H.9](#).

Zoning Map Amendment Petition - Conceptual Flowchart



DISCLAIMER – This graphic is a generalized overview of the Petition process and the provisions in the Connecticut General Statutes and the text of these Regulations shall control.

8. A copy of the proposed zone change shall be filed by the petitioner in the Office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
9. The Zoning Commission shall process the Zoning Map Amendment Petition within the period of time permitted under CGS Section 8-7d:
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the Petition,
 - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences,
 - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing,
 - d. The petitioner may consent to one or more extensions of any period specified in this Section provided the total extension of all such periods shall not be for longer than sixty-five (65) days, and
 - e. These provisions shall not apply to any action initiated by the Zoning Commission regarding a Zoning Map Amendment.
10. In accordance with CGS Section 8-7d(g), the Zoning Commission shall notify any person or organization on the public notice registry at least seven (7) days prior to the commencement of the public hearing on the Zoning Map Amendment.
11. The applicant may at any time prior to action by the Zoning Commission, withdraw such petition.

5.F.3. Decision Considerations

1. On a Zoning Map Amendment Petition involving referral to the Planning Commission under Section 5.F.2.3, notice to adjoining municipalities under [Section 5.H.8](#), notice to water companies under [Section 5.H.9](#), or notice to a regional councils of governments under [Section 5.H.10](#), or any reports received in response to a request as per Section 5.F.2.4, the Zoning Commission shall give due consideration to any report or testimony received.
2. In making its decision the Zoning Commission shall take into consideration the report from the Planning Commission including consistency with the Plan of Conservation & Development. As per CGS Section 8-3a, the failure of the Planning Commission to report prior to or at the hearing shall be taken as approval of such proposal.
3. Before approving any Zoning Map Amendment Petition, the Zoning Commission shall evaluate whether the proposed zone change:
 - a. Is suitable for the intended location,
 - b. Will not negatively affect public health, safety, and/or welfare,
 - c. Will aid in attaining the purposes of these Regulations, and
 - d. Will help accomplish the provisions contained in Section 8-2(a) of the Connecticut General Statutes.

4. Any proposed Zone Change shall only be adopted as a result of a majority vote of all the members of the Zoning Commission except that:
 - a. A proposal disapproved by the Planning Commission shall only be adopted by the Zoning Commission by a vote of not less than two-thirds (2/3) of all the members of the Zoning Commission.
 - b. If a protest against a proposed change is filed at or before a hearing with the Zoning Commission, signed by the owners of twenty percent (20%) or more of the area of the parcels affected by such proposed change or of the parcels within five-hundred (500) feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds (2/3) of all the members of the Zoning Commission.
5. Whenever the Zoning Commission acts upon a Zoning Map Amendment Petition, it shall state upon the record:
 - a. The reason for any decision approving the change and
 - b. Its findings on consistency of the proposed zone change with the Plan of Conservation and Development.
6. As part of approving a Zoning Map Amendment Petition, the Zoning Commission shall establish an effective date for the zone change provided a notice of the decision of the Zoning Commission shall have been published in a newspaper having a general availability in the community before such effective date.

5.F.4. Action Documentation

1. Unless the applicant is the Zoning Commission itself, the Zoning Commission shall send, by Certified Mail, a copy of any decision on a Zoning Map Amendment Petition to the applicant within fifteen (15) days after such decision is rendered.
2. The Zoning Commission shall cause notice of the approval or denial of the Zoning Map Amendment Petition to be published in a newspaper having a general circulation in the community within fifteen (15) days after such decision is rendered.
3. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such Petition may provide for the publication of such notice within ten days thereafter.

5.F.5. Following Approval

1. A Zone Change approved by the Zoning Commission shall be filed in the Office of the Town Clerk before the effective date.

5.G. Zoning Board Of Appeals (ZBA)

5.G.1. General Provisions

1. **Appointment** - The Zoning Board of Appeals (ZBA) has been established pursuant to the provisions of CGS Chapter 124 and the Roxbury Code of Ordinances.
2. **Powers And Duties** - The ZBA have the following powers and duties:
 - a. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the ZEO.
 - b. To vary the application of the Zoning Regulations 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 these Regulations would result in exceptional difficulty or unusual hardship and only when such variance shall result in substantial justice being done and the public safety and welfare secured
 - c. To hear and decide all matters referred to it and upon which it shall be required to pass under any provision of these Regulations or State law.
3. **Meetings**
 - a. All meetings of said ZBA shall be held in accordance with the meeting schedule on file with the Town Clerk or at the call of the Chairman or Secretary.
 - b. All meetings of said ZBA shall be open to the public.
 - c. The ZBA shall keep minutes of its proceedings, showing the vote of each member upon each matter.
 - d. Each order, requirement or decision of the ZBA shall be filed in the Land Use Office and shall be a public record.
 - e. If a regular member of the ZBA is absent, the Chairman of the ZBA shall designate an alternate from such panel choosing in rotation so that they shall act as nearly equal a number of times as possible and, if any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.
4. **Disqualification** - A member of the ZBA shall disqualify himself / herself / theirself to act in a given case and shall state the reason for such disqualification which could include his / her / their relationship to any party involved or of financial interest in the matter before the ZBA.

5.G.2. Variances

1. **Authority** - In accordance with CGS Section 8-6, the ZBA shall have the power and duty to determine and vary the application of the Regulations 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 these Regulations would result in exceptional difficulty or unusual hardship and in such manner as shall, in the interests of public welfare and in fairness to individuals, best carry out the general purpose and intent hereof.
2. **Application Requirements**
 - a. A Variance Application shall be submitted to the Land Use Office and shall be accompanied by a statement setting out the grounds for the variance and sufficiently detailed plans for review by the ZBA and its designees.
 - b. An accurate and detailed plan drawn to scale is required showing the type and the degree of the variance requested, however, the ZBA may require the submission of a Class A-2 Zoning Location Survey or Improvement Location Survey prepared by a Land Surveyor licensed in the State of Connecticut when the variance is dimensional in nature or such survey is integral to the understanding of the application.
 - c. An application to the ZBA shall be accompanied by a fee as indicated in the fee schedule adopted by the Town.
 - d. If a Variance Application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands Commission not later than the day such application is filed with the ZBA.
 - e. The ZBA 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 ZBA or by a court on an earlier such application.
3. **Nature of Variance**
 - a. Any variance granted by the ZBA shall run with the land and shall not be personal in nature to the person who applies for and receives the variance.
 - b. 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. A variance shall only authorize the particular activity specified in the ZBA's approval.

4. Proceedings

- a. The date of receipt for the Variance Application shall be determined in accordance with [Section 5.H.2](#).
- b. The ZBA shall hold a public hearing on the Variance Application and:
 - Publish a legal notice in accordance with the requirements of [Section 5.H.6](#),
 - Not less than fifteen (15) days before the subject hearing, the applicant shall mail a copy of the legal notice of the hearing to the owners of each parcel or property within 100 feet of the appellant's property, as determined from the latest real estate Grand List of the Town in the Tax Assessor's Office, and
 - At the hearing, the applicant, or his / her / their legal representative, shall submit evidence of the required mailing in the form of U.S. Postal Service Certificates of Mailing, a list showing the names and address of the owners of all such properties, and a copy of the notification (including attachments) which were mailed.
- c. At such hearing, any party may appear in person or may be represented by agent or by attorney.
- d. Notification to adjoining municipalities may be required in accordance with the requirements of [Section 5.H.8](#).
- e. Notification to water companies may be required in accordance with the requirements of [Section 5.H.9](#).
- f. An incomplete Variance Application shall be denied in accordance with [Section 5.H.3](#).
- g. The ZBA shall process the Variance Application within the period of time permitted under CGS Section 8-7d:
 - The public hearing shall commence within sixty-five (65) days after receipt of the application.
 - The public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - The applicant may consent to one or more extensions of any period specified in this Section provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
- h. The applicant may, at any time prior to action by the ZBA, withdraw such application.

5. Decision Considerations

- a. Whenever a Variance Application is joined with an appeal by any person alleging to be aggrieved by any order, requirement, or decision made by the ZEO, the ZBA shall first decide the issues presented by such appeal before acting on the Variance Application.
- b. The application of a regulation which substantive requirements are mandated by statute shall not be subject to variance.
- c. In order to approve an application for a variance, the ZBA shall find that a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship:
 - Solely with respect to the parcel of land that is the subject of the application,
 - Owing to conditions especially affecting such parcel but not affecting generally the zone in which it is situated, and
 - Shall not be based upon the non-conforming use of neighboring lands, structures, or buildings.
- d. Minor infractions in the location or height of a structure or the dimension or area of a parcel, caused by human error, may be considered sufficient cause for an affirmative finding of this Section, unless, in the opinion of the ZBA of Appeals, such infractions can be repaired without impairing the use of land or structure.
- e. The ZBA shall only grant the minimum variance necessary to alleviate the exceptional difficulty or unusual hardship:
 - In harmony with the general purpose and intent of these Regulations.
 - With due consideration for conserving the public health, safety, and/or welfare, and
 - So that substantial justice shall be done and the public safety and welfare secured.
- f. Whenever the ZBA grants or denies any variance in the Zoning Regulations applicable to any property it shall state upon its records:
 - The reason for its decision,
 - The Regulation which is varied in its application, and
 - When a variance is granted, a specific description of the exceptional difficulty or unusual hardship on which its decision is based.
- g. The concurring vote of four (4) members of the ZBA shall be necessary to vary the application of the Zoning Regulations.

6. Special Considerations For Use Variances

- a. As provided in CGS Section 8-6(a), these Regulations hereby state that the ZBA shall not permit any use by variance which is not otherwise allowed in that zone.
- b. Where a use of land, building or other structures is permitted by variance by the ZBA, if a Special Permit is also required, approval of a Special Permit by the Zoning Commission shall be required before issuance of a Zoning Permit.

7. Action Documentation

- a. The ZBA shall, whenever it grants or denies a Variance Application, state upon its record the reason(s) for its decision.
- b. Notice of the decision of the ZBA shall be sent by Certified Mail to any applicant to the ZBA within fifteen (15) days after such decision has been rendered. Such notice shall:
 - State the name of the owner of record,
 - Contain a description of the premises to which it relates,
 - State the nature of the hardship claimed, and
 - Specify the nature of such variance including the Regulation which is varied in its application.
- c. Notice of the decision of the ZBA shall be published in a newspaper having a general availability in the community within fifteen (15) days after such decision has been rendered.
- d. In any case in which such notice is not published within such fifteen (15) day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

8. **Following Approval** - A variance granted by the ZBA shall only become effective upon the filing of a copy, certified by the ZBA, in the Office of the Town Clerk, in accordance with the provisions of CGS Section 8-3d.

5.G.3. Appeals Of Zoning Enforcement Officer (ZEO) Orders

1. **Authority** - In accordance with CGS Section 8-7, an appeal may be taken to the ZBA by any person alleging to be aggrieved by any order, requirement, or decision made by the ZEO, the Zoning Commission Chairman acting as ZEO, or the Zoning Commission acting in an enforcement capacity.
2. **Application Materials**
 - a. Any such appeal shall be taken within fifteen (15)-days of the issuance of the order, requirement, or decision by filing a notice of appeal on the application forms provided by the Town with the ZEO and the ZBA specifying the grounds thereof.
 - b. An appeal shall be accompanied by:
 - A statement identifying the specific provision of the Regulations involved, the interpretation that is claimed by the person appealing, and the grounds on which it is claimed that the same should be granted.
 - A fee as indicated in the fee schedule adopted by the Town.
 - c. The ZEO shall forthwith transmit to the ZBA all the papers constituting the record upon which the appeal was taken.
 - d. The ZBA may require the filing of a Class A-2 Zoning Location Survey or Improvement Location Survey prepared by a Land Surveyor licensed in the State of Connecticut when warranted by the proximity of the proposed change of use or construction or alteration of a structure to any property line or when the location of an activity or improvement is an issue in the appeal.
3. **Effect of Appeal**
 - a. Where such order by the ZEO prohibits further construction or expansion of a use in violation of the Zoning Regulations, an appeal shall not be cause for such construction or expansion to continue except to such extent that the ZBA may allow when ruling on the appeal.
 - b. An appeal shall not stay zoning enforcement and proceedings with regard to such order, requirement or decision unless the ZEO certifies to the ZBA after the appeal has been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.
 - c. If the ZEO certifies to the ZBA that a stay would cause imminent peril to life or property, enforcement and proceedings shall only be stayed by a restraining order granted by a court of record, on notice to the ZEO and on due cause shown.

4. Proceedings

- a. The ZBA shall fix a prompt and reasonable time for a public hearing on the appeal and publish a legal notice in accordance with the requirements of [Section 5.H.6](#).
- b. Not less than fifteen (15) days before the subject hearing, the appellant shall mail a brief description of the petition along with the date, time, and location of the public hearing to the owners of each parcel or property within 100 feet of the appellant's property, as determined from the latest real estate list of the Town in the Tax Assessor's Office.
- c. The list of property owners notified shall be filed with the ZBA at or before the hearing.
- d. At or before the hearing, the applicant, or his / her / their legal representative, shall submit evidence of the required mailing in the form of U.S. Postal Service Certificates of Mailing, a list showing the names and address of the owners of all such properties, and a copy of the notification (including attachments) which were mailed.
- e. The appeal shall be deemed incomplete until such Certificates of Mailing to all such property owners and the list of all property owners notified are filed with the ZBA, and if not so filed, the ZBA may deny the application on that basis.
- f. At such hearing, any party may appear in person or may be represented by agent or by attorney.
- g. Notification to adjoining municipalities may be required in accordance with the requirements of [Section 5.H.8](#).
- h. Notification to water companies may be required in accordance with the requirements of [Section 5.H.9](#).
- i. The ZBA shall process the appeal within the period of time permitted under CGS Section 8-7d:
 - The public hearing shall commence within sixty-five (65) days after receipt of the appeal.
 - The public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
- j. The applicant may consent to one or more extensions of any period specified in this Section provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
- k. The applicant may, at any time prior to action by the ZBA, withdraw such application.

5. Considerations

- a. The ZBA shall have all the powers of the ZEO from whom the appeal has been taken but only in accordance with the provisions of this Section.
- b. The ZBA shall make such order, requirement or decision as in its opinion should be made in the circumstances presented.
- c. The ZBA may reverse, affirm wholly or partly, or may modify any order, requirement, or decision from which an appeal has been taken.
- d. The concurring vote of four (4) members of the ZBA shall be necessary to reverse, affirm partly, or modify any order, requirement, or decision of the official charged with the enforcement of the Regulations.

6. Action Documentation

- a. Whenever the ZBA sustains or reverses wholly or partly any appeal, it shall state upon its records the reason for its decision and the Regulation affected.
- b. Notice of the decision of the ZBA shall be sent by Certified Mail to any person who appeals to the ZBA within fifteen (15) days after such decision has been rendered.
- c. Notice of the decision of the ZBA shall be published in a newspaper having a general availability in the community within fifteen (15) days after such decision has been rendered.
- d. In any case in which such notice is not published within such fifteen (15) day period, the person who took such appeal may provide for the publication of such notice within ten (10) days thereafter.

5.H. Procedural Requirements

5.H.1. Application Submittal Requirements

1. Applications to the Zoning Commission or the ZBA shall be submitted to the Land Use Office.
2. Applications shall be submitted on forms obtained from the Land Use Office for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) as indicated in the fee schedule adopted by the Town except that the Zoning Commission or the Town shall be exempt from any application fee.
4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
5. Applications shall be signed by the applicant and by the owner of the property affected unless a signed consent of the owner has been provided.

5.H.2. Date Of Receipt

For the purposes of calculating statutory time frames for processing applications, the date of receipt of an application to the Zoning Commission or the ZBA shall be:

1. The day of the next regularly scheduled meeting of the Zoning Commission or the ZBA immediately following the day of submission of the application to the ZEO, or
2. Thirty-five (35) days after submission, whichever is sooner.

5.H.3. Incomplete Applications

1. Each application shall be reviewed by the ZEO to determine whether the application is substantially complete.
2. An application shall not be considered actually complete until all of the information as required by these Regulations has been received by the Zoning Commission or the ZBA at a regularly scheduled meeting.
3. An application considered by the Zoning Commission to be incomplete or an application submitted without the requisite fee shall be denied.

5.H.4. Sequence Of Hearings

Where a proposed development or activity requires multiple applications, the Zoning Commission may conduct any public hearings simultaneously or in the order they deem appropriate.

5.H.5. Consultations

On any application, the Zoning Commission or ZBA may:

1. Seek the advice and opinion of other officials, boards, or Zoning Commissions to assist it in evaluating applications,
2. Retain an Engineer, Architect, Landscape Architect, Professional Land Use Planner, Attorney, or other consultant to review, comment, and guide its deliberations on any application, and
3. Require that the applicant, to the extent authorized by any Town Ordinance (See Chapter 10, Article 3 of the Code of Ordinances):
 - a. Deposit funds with the Zoning Commission or ZBA for the costs of any consulting review fees, or
 - b. Reimburse the Zoning Commission or ZBA for the cost of such consulting review.

5.H.6. Notice By Newspaper

1. When a public hearing is required by these Regulations or scheduled by the Zoning Commission, the ZEO shall cause notice of the hearing to be published in a newspaper having a general circulation in the community.
2. Such notice shall be published at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date of the hearing.

5.H.7. Notice By Mail To Nearby Property Owners

1. Applicants or their representatives shall be responsible for notifying owners of property within 100 feet of the subject property of any pending application for Special Permit, Zoning Map Amendment Petition, or Variance or whenever else required by these Regulations.
2. As part of any such application, the applicant shall submit:
 - a. A list of the names and addresses of owners of property within 100 feet of the subject property utilizing the latest records of the Town Tax Assessor to determine the owner of each property,
 - b. A map showing the subject property, the surrounding properties and the approximate location of structures within 100 feet of the subject property, including tax parcel numbers.
3. The applicant shall notify at least one (1) owner of each of the properties within 100 feet of the subject property of the time, place, date, and purpose of the hearing by sending a copy of the legal notice to each such property owner not less than ten (10) days prior to the scheduled hearing.
4. Notices from the applicant to the property owners within 100 feet shall be sent via U.S. First Class Mail and proof of mailing shall be evidenced by Certificates of Mailing from the U.S. Postal Service.
5. Prior to the date of the Zoning Commission's Public Hearing regarding the application, the applicant shall submit:
 - a. A list of the property owners to whom the notices were sent,
 - b. A copy of the material sent to the property owners, and
 - c. The Certificates of Mailing.

5.H.8. Notification Of Adjoining Municipalities

1. In accordance with CGS Section 8-7d(f), the Zoning Commission or ZBA shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
 - a. Any portion of the property affected by a decision is within five hundred (500) feet of the boundary of the adjoining municipality,
 - b. A significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site,
 - c. A significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or
 - d. Water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.
2. Such notice shall be made by Certified Mail return receipt requested and shall be mailed within seven (7) days of the day of the submission to the ZEO of the application, petition, request, or plan.
3. No hearing shall be conducted on any application, petition, request, or plan unless the adjoining municipality has received the notice required under this Section.
4. Such adjoining municipality, through a representative, may appear and be heard at any hearing on any such application, petition, request, or plan.

5.H.9. Notification Of Water Companies

1. In accordance with CGS Section 8-3i, an applicant shall provide written notice to a water company and to the Commissioner of the Department of Public Health when an application, petition, request or plan is filed with the Zoning Commission or ZBA concerning any project on any site which is within:
 - a. An aquifer protection area, provided such area has been delineated in accordance with CGS Section 22a-354c, or
 - b. The watershed of a water company, as defined in CGS 16-1, provided such water company has filed a map with the Zoning Commission or the ZBA or on the land records showing the boundaries of the watershed.
2. Such notice shall be made by Certified Mail return receipt requested and shall be mailed within seven (7) days of the date of the day of the submission to the ZEO of the application, petition, request, or plan.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the ZEO or the application shall be considered incomplete:
 - a. A copy of the complete package of information sent to a water company and to the Commissioner of the Department of Public Health,
 - b. Proof of mailing, and
 - c. The return receipt.
4. Such water company may, through a representative, appear and be heard at any hearing on any such application, petition, request, or plan.

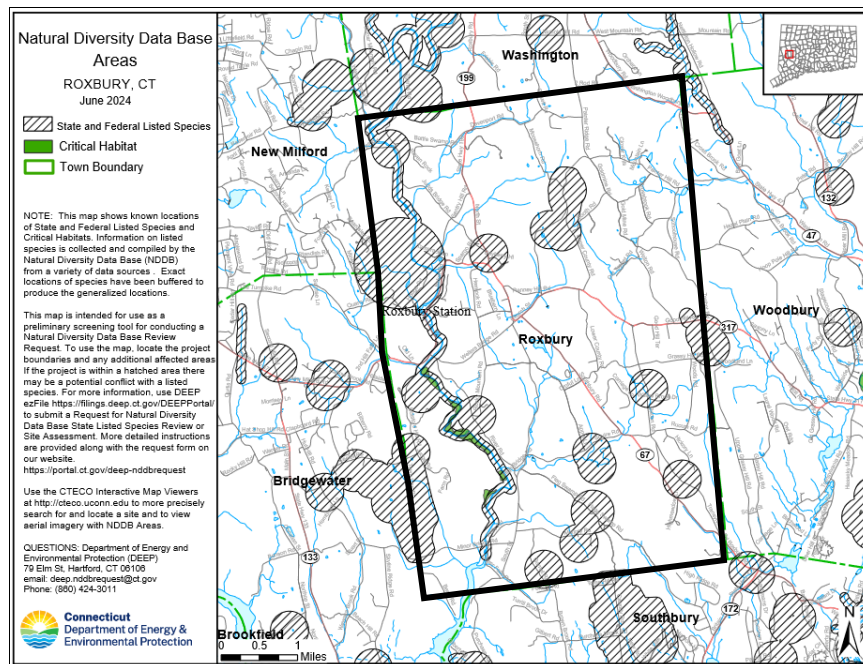
5.H.10. Referrals To Councils Of Governments

1. The Zoning Commission shall give written notice to the Council of Governments when any portion of the land affected by a Zoning Regulation or boundary change affecting the use of a zone is located within five hundred (500) feet of the boundary of another municipality.
2. Such notice shall be made not later than thirty (30) days before the public hearing and shall be made by electronic mail or by Certified Mail, return receipt requested.
3. The Council of Governments may submit advisory findings and recommendations to the Zoning Commission at or before the hearing.
4. The Zoning Commission shall read any comments submitted by the Council of Governments into the record of any public hearing or public meeting held on the application.
5. The lack of a response from any such Council of Governments shall not delay the processing of the application.

5.H.11. Notice To DEEP

1. If any portion of the property which is the subject of a Site Plan or Special Permit Application is located within a “shaded area” identified on the most current Natural Diversity Database maps for Roxbury, the applicant shall notify the Connecticut Department of Energy and Environmental Protection (DEEP) of the pending project at least 30 days prior to the official date of receipt for the application. (see <https://portal.ct.gov/DEEP/NDDDB/Natural-Diversity-Data-Base-Maps>)
2. Evidence of such notification shall be provided to the Zoning Commission or ZBA as part of the application.

Example of Map (check DEEP website for most current information)



5.H.12. Beneficiaries Of A Trust

In accordance with CGS Section 8-7c, any person who makes an application to the Zoning Commission or ZBA pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner(s) of such real property or the beneficiary(ies) of the trust.

5.H.13. Conservation Restriction

1. In accordance with CGS Section 47-42d, any person filing a zoning application for property that is subject to a conservation restriction or a preservation restriction shall provide proof that the applicant has, at least sixty days prior to the filing of the permit application, provided written notice of such application, by Certified Mail, Return Receipt Requested, to the party holding such restriction, including, but not limited to, any state agency that holds such restriction.
2. In lieu of such notice, the applicant may submit a letter from the holder of such restriction or from the holder's authorized agent, verifying that the application is in compliance with the terms of the restriction.
3. Such notice shall not be required if the application is only for interior work in an existing building or for exterior work on an existing building that does not expand or alter the footprint of such existing building.
4. If the holder of the restriction provides proof that granting of the Permit, Application, or Petition will violate the terms of the restriction, such agency, official or director shall not grant the Permit, Application, or Petition.
5. If the applicant fails to comply with the notice provisions of CGS Section 47-42d, the applicant and/or any successor entity may be subject to the penalties or other enforcement provisions contained in CGS Section 47-42d.

5.H.14. Financial Guarantee Requirements

1. Where a financial guarantee is required by any section of these Regulations, the ZEO shall require evidence of compliance with the following standards before accepting any financial guarantee.
2. Where a financial guarantee is required, no Zoning Permit shall be issued until such financial guarantee has been accepted by the Zoning Commission or its agent.
3. The required amount of the financial guarantee will be established by the Zoning Commission based on a listing provided by the applicant of the type and estimated quantities of materials needed to complete the approved site improvements that will be conveyed to or controlled by the Town. The amount of the financial guarantee shall be sufficient to cover the cost plus ten percent (10%) of any proposed or required site improvements, including but not necessarily limited to:
 - a. Street grading, roadway paving, and street plantings;
 - b. Installation of curbs, storm drainage facilities, landscaping, sidewalks, monuments, bridges, and culverts; and
 - c. Erosion and sedimentation control measures.
4. The Zoning Commission may require a separate financial guarantee for all erosion and sedimentation controls required as part of an approval.
5. All financial guaranties shall be posted prior to the issuance of a Zoning Permit or a Determination of Zoning Compliance and any Zoning Permit or Determination of Zoning Compliance issued shall be null and void if the required financial guaranties are not posted as required.

6. **Acceptable Forms of Financial Guaranties** - Financial guaranties shall be in one or more of the following forms:
- Cash deposited with the Town;
 - Certified check(s) payable to the Town, when the amount of any check is fully insured by the FDIC;
 - Bank deposit(s) assigned solely and irrevocably to the Town, when the amount of any deposit is fully insured by the FDIC; and/or
 - An irrevocable letter of credit naming the Town as sole beneficiary provided that:
 - Such letter of credit shall be issued by a branch of a bank in Connecticut or by a branch of a bank in the United States provided that:
 - Such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, "NAIC") as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes, or
 - The long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service;
 - The terms and conditions of such letter of credit shall be acceptable in form and substance to the Town; and
 - When through the passage of time, such letter of credit shall have less than thirty (30)-days remaining until its expiration or lapse date, and such expiration date has not been extended, the Town may draw the full amount under said letter of credit and the proceeds may be retained by the Town as a cash deposit form of financial guarantee.
7. A financial guarantee required in the amount of \$10,000 or less shall be posted in cash or certified check only.
8. Upon completion of the proposed and required improvements, the applicant may be required to submit to the Zoning Commission:
- A Class A-2 Existing Building Location Survey, Zoning Location Survey or Improvement Location Survey of the improvements prepared by a Land Surveyor licensed in the State of Connecticut;
 - A Boundary Stakeout Survey prepared by a Land Surveyor licensed in the State of Connecticut confirming the location of monuments set;
 - Easements (if required) in a form satisfactory to the Zoning Commission; and
 - Proof of fulfillment of any other requirements or conditions.
9. At the written request of the applicant to release or reduce the financial guarantee, the ZEO shall, not later than sixty-five days after receiving such request:
- Authorize release or reduction of the guarantee, or
 - Provide the person posting such financial guarantee with a written explanation as to the additional improvements that must be completed before such financial guarantee or portion thereof may be released.
10. To promote public health and safety and to safeguard the Town in regard to the future maintenance of said improvement, the Zoning Commission may retain a financial guarantee for maintenance, in cash or certified check, in the amount of ten percent (10%) of the total required financial guarantee for a period of one (1) year following completion of all proposed and required improvements.
11. If all work associated with an application approved by the Zoning Commission is not completed within the prescribed amount of time, the approval shall expire and become null and void. Any financial guarantee may be used by the Town to complete the site improvements.

6. REGULATORY FRAMEWORK

6.A. Authority And Title

These Zoning Regulations (“Regulations”) have been adopted by the Zoning Commission of the Town of Roxbury, Connecticut, pursuant to authority granted by Chapter 124 and Section 7-148 of the Connecticut General Statutes (CGS), as amended.

6.B. Purposes

The purposes of these Regulations, with reasonable consideration of the physical site characteristics of a zone and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land throughout Roxbury, are as follows:

1. To promote the health, safety, and general welfare;
2. To lessen congestion in the streets;
3. To secure safety from fire, flood, panic and other danger;
4. To provide adequate light and air;
5. To protect the state's historic, tribal, cultural and environmental resources;
6. To facilitate adequate provision of transportation, water, sewage, schools, parks, and other public requirements;
7. To regulate the percentage of the area of the parcel that may be occupied;
8. To regulate the density of population and the locations and use of buildings, structures and land for trade, industry, dwelling, or other purposes;
9. To regulate the height, number of stories, and size of buildings and other structures;
10. To regulate and determine the size of yards, courts, and other such areas;
11. To protect Historic Resources, including homes, monuments, schools, barns and other structures of historic interest. The loss of such resources would detract from the character (as defined in these Regulations) of the Town, which highly values the preservation of its Historic Resources;
12. To provide proper sedimentation control and the control of erosion caused by wind or water;
13. To promote energy efficient patterns of development, the use of distributed generation or freestanding of solar, wind, and other renewable forms of energy, and energy conservation;
14. To retain the rural character (as defined in these Regulations) of Roxbury which includes: Natural Features: Land, water, and biological resources including, but not limited to soil types, terrain, slopes, ridgetops, rock outcroppings, watercourses, ponds, rivers, flood plains, wetlands, stream belts and riparian corridors, endangered species, wildlife habitat, prime and important farmland soils, pastures, and other unique and fragile features - including stone walls, tree-lined roads and dirt roads;

15. To consider the impact of permitted land uses on contiguous municipalities and regional planning area in which Roxbury is located;
16. To address significant disparities in housing needs and access to educational, occupational and other opportunities;
17. To provide for the development of housing opportunities, including opportunities for multi-family dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which Roxbury is located, as designated by the Secretary of the Office of Policy and Management under CGS Section 16a-4a;
18. To promote housing choice and economic diversity in housing, including housing for both low and moderate-income households;
19. To allow for the development of housing which will meet the housing needs identified in the state's consolidated plan for housing and community development prepared pursuant to CGS Section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to CGS Section 16a-26;
20. To provide reasonable consideration for the impact on agriculture, as defined in CGS Section 1-1 (q);
21. To affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et as amended from time to time;
22. To the extent consistent with soil types, terrain, infrastructure capacity and the Plan Of Conservation And Development for the community, provide for cluster development in residential zones (as defined in CGS Section 8-18);
23. To provide that proper provisions be made for soil erosion and sediment control pursuant to CGS Section 22a-329;
24. To reasonably consider the protection of existing and potential public surface and ground drinking water supplies;
25. To regulate the height, size, location, brightness and illumination of advertising signs and billboards; and
26. To promote efficient review of proposals and applications.

6.C. Establishment of Zones

6.C.1. Zones And Zoning Map

In order to accomplish the purposes of these Regulations, the Town of Roxbury, Connecticut is hereby divided into zones as enumerated within these Regulations and as shown on the most current Zoning Map adopted by the Zoning Commission and on file in the office of the Town Clerk. The Zoning Map is hereby declared to be a part of these Regulations.

The boundaries of the zones are shown on the Zoning Map entitled “Town of Roxbury, Connecticut Zoning Map” approved by the Zoning Commission and on file in the Town Clerks Office.

The official Zoning Map is on file in the office of the Town Clerk. For convenience, a PDF version of the Zoning Map may be found here:

https://www.roxburyct.com/DocumentCenter/View/820/Roxbury_zoning2024

6.C.2. Boundaries of Zones

Where any uncertainty exists with respect to the boundary of any zone as shown on the Zoning Map, the following rules shall apply:

1. Where a zone boundary is indicated as a street, watercourse or other body of water, it shall be construed to be the centerline or middle thereof.
2. Where a zone boundary is indicated as approximately following a street, watercourse or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning Map.
3. Where a zone boundary approximates a town boundary, it shall be construed to extend to the limits of the town boundary.
4. Where a zone boundary coincides with, or is within ten (10) feet of, a property line, the boundary shall be construed to be the property line.
5. Where a question arises as to the exact boundary of a zone, the Zoning Commission, by resolution, shall determine the location of the boundary, giving due consideration, among other factors, to the indicated location of the boundary on the Zoning Map, the scale of the Zoning Map, and the expressed intent and purpose of these Regulations.

6.C.3. Parcels In More Than One Zone

1. Where the boundary between Zone A and Zone C divides a parcel, the use of the entire parcel shall be governed by the more restrictive conditions applicable to each of the zones.
2. Where the boundary between Zone B and Zone C divides a parcel, the use of the entire parcel shall be governed by the more restrictive conditions applicable to each of the zones.
3. Where the boundary between Zone C and Zone D divides a parcel, the Zoning Commission, upon application to it, may grant a Special Permit, in accordance with the provisions of [Section 5.D](#) to authorize a use of land, building and structures permitted in Zone D, to be extended into Zone C for a distance of not more than twenty (20) feet.

6.D. Regulatory Framework

6.D.1. Prohibited If Not Allowed

1. Any use not specified in these Regulations as allowed within a zone shall be deemed to be prohibited within such zone.

6.D.2. Minimum Requirements

1. In their interpretation and application, these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, and general welfare unless the context clearly indicates that the provision is intended to be a maximum limitation.

6.D.3. Conflicting Standards

1. If these Regulations require a greater setback, greater width or size of yards, or a lower height of building or a fewer number of stories or a greater percentage of parcel area to be left unoccupied or impose other and higher standards than are required in any other statute, by-law, ordinance or regulation, the provisions of these Regulations shall govern.
2. If the provisions of any other statute, bylaw, ordinance, or regulation require a greater setback, greater width or size of yards, courts, or a lower height of building or a fewer number of stories or a greater percentage of parcel area to be left unoccupied or impose other and higher standards than are required by these Regulations, the provisions of such statute, bylaw, ordinance or regulation shall govern.
3. These Regulations do not repeal or annul or in any way impair any statutory provisions, and in the event of any conflict between any of such provisions and these Regulations, the statutory provisions shall be controlling.

6.E. Compliance With Regulations**6.E.1. Use Of Land Or Buildings**

1. No building or other structure including those on Town property shall be used or occupied or changed in use except in conformity with these Regulations, and without first obtaining any required approval from the ZEO or the Zoning Commission in accordance with Section 5.
2. No land shall be used or occupied or changed in use, in whole or in part, except in conformity with applicable Sections of these Regulations and without first obtaining any required approval from the ZEO or the Zoning Commission in accordance with Section 5.

6.E.2. Creation Or Alteration Of Building Or Structure

1. No building or other structure including those on Town property shall be erected, converted, enlarged, reconstructed, materially altered, rebuilt or moved except in conformity with these Regulations and without first obtaining any required approval from the ZEO or the Zoning Commission in accordance with Section 5.

6.E.3. Property Division Or Reduction Of Parcel Area Or Dimension

1. No land area shall hereafter be divided or subdivided unless all resulting parcels and all buildings thereon shall comply with all of the applicable provisions of these Regulations.
2. No parcel shall be so reduced, divided, or created such that the area, width or other dimensions of the parcel or any of its required yards or setbacks, or required open areas shall be less than prescribed by these Regulations.
3. The parcel or yard areas required for a particular building shall not be included as part of the required parcel or yard areas for any other building.
4. No Zoning Permit shall be issued for any parcel requiring:
 - a. Subdivision or resubdivision approval under the Subdivision Regulations until the approved subdivision map plan has been endorsed by the Chairman or the Secretary of the Planning Commission and filed in the Office of the Town Clerk.
 - b. Approval of a regulated activity under the Inland Wetland Regulations until such regulated activity has been approved by the Inland Wetlands Commission.

6.E.4. Exceptions

1. Nothing in these Regulations shall be deemed to require any change in plans, construction, or designed use of a building or structure or premises for which:
 - a. A Building Permit was issued and the construction of which shall have commenced prior to the effective date of these Regulations or any pertinent amendment thereof and been diligently prosecuted; or
 - b. Plans shall have been approved by the Zoning Commission and the completion of improvements shall have been diligently prosecuted within the time frame established by CGS 8-3(i).

6.F. Enforcement

6.F.1. Enforcement Authority

1. The Zoning Commission shall have the authority to enforce these Regulations and may adopt administrative rules and procedures necessary to do so.
2. The Zoning Commission may designate one or more ZEOs and/or agents who shall have the responsibility and authority to enforce these Regulations.
3. The ZEO is authorized to inspect or cause to be inspected any building, structure, or premises in the Town of Roxbury to determine compliance with these Regulations.
4. The ZEO shall keep records of all notices of violations, municipal fine citations and all stop orders and permit suspensions issued by him / her / they and the action taken thereon.

6.F.2. Enforcement Orders / Penalties

1. Any official charged with the enforcement of these Regulations, in addition to other remedies, may institute an action or proceeding to prevent the unlawful erection, alteration, maintenance, or use of a building or to restrain, correct, or abate such violation, or to prevent the occupation of buildings or land or to prevent any illegal acts, conduct, business, or use in and about such premises.
2. The ZEO is authorized to issue a cease-and-desist order and/or a stop order if, in his / her / their judgment, the use of any land, building or other structure or the construction, reconstruction, enlargement, extension, moving or structural alteration of a building or other structure is not being carried out in compliance with these Regulations. The ZEO shall withdraw such order when he / she / they determines that corrective action has been taken to comply with these Regulations.
3. The ZEO and/or the Zoning Commission shall have the authority to file a cease-and-desist order and/or a stop work order on the land records. Such order shall be rescinded when corrective action has been completed or in the event such action is overturned by a court of competent jurisdiction.
4. If any building or structure has been erected, constructed, altered, converted, or maintained or any building, structure or land has been used in violation of any provision of these Regulations or of Chapter 124 of the Connecticut General Statutes, the ZEO or other official acting in the capacity of the ZEO may take any action or seek any remedy or penalty provided under:
 - a. Section 8-12 of the Connecticut General Statutes, as it may be amended from time to time,
 - b. Town of Roxbury ordinance for "Violation of Zoning Violations" (Chapter 10, Article 1) as it may be amended from time to time.
5. Any of the following parties who take part or assist in any violation of these Regulations or who shall maintain any building or premises in which such violations shall exist may be subject to enforcement pursuant to CGS Section 8-12:
 - a. The owner or agent of a building or premises where a violation or any provision of said Regulations shall have been committed or shall exist,
 - b. The lessee or tenant of an entire building or an extra premises where such violations shall have been committed or shall exist;
 - c. The owner, agent, lessee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist; or
 - d. The agent Architect, builder, contractor or any other person who shall take part or assist in any violation.

6.F.3. Revocation Of Permits**1. Revocation of Zoning Permits.**

- a. If work permitted by Zoning Permit is not in accordance with the application or permit issued thereon, or if any permit holder denies a right to inspect such work, the ZEO or the Zoning Commission may order the applicant to cease the operation and provide a written undertaking to allow inspections and/or as applicable, bring the property in compliance with the permit requirements and plans.
- b. If such remedial plan and undertaking is not presented and approved, or inspections are not allowed, the ZEO or the Zoning Commission may revoke the Zoning Permit and institute such enforcement action and penalties as provided for zoning violations under these Regulations.
- c. Notice of the revoked permit may be filed on the Town land records.

2. Revocation of Special Permits

- a. Whenever the Zoning Commission shall find, in the case of any Special Permit granted pursuant to the provisions of these Regulations, that any of the terms, conditions or restrictions upon which such approval was granted are not being complied with, including the right of the ZEO to inspect same, the Zoning Commission shall notify the applicant in writing of such right to inspect, of the specifics of the noncompliance and shall provide reasonable opportunity for the applicant to comply.
- b. If, after such notification and specified time period for compliance, unless there is full compliance with the Zoning Commission's notification, the Zoning Commission may rescind and revoke such Special Permit after giving due notice by certified mail to the owner of record of the property involved and if different, the applicant of record for said Special Permit.
- c. Continuation of a use for which a Special Permits approval has been rescinded and revoked shall constitute a violation of these Regulations and shall subject the owner and or applicant to enforcement as set out in these regulations.

6.G. Validity / Invalidity

1. If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully effective.
2. If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid as such provision applies to a particular building, other structure or parcel, the effect of such decision shall be limited to the particular building, other structure or parcel, and the general application of such provision to other buildings, structures or parcels shall not be affected.

6.H. Effective Date

1. Zoning Regulations were originally adopted in Roxbury in 1932.
2. These Zoning Regulations were comprehensively reorganized with an effective date of January 11, 2025.

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7. WORDS AND TERMS

7.A. Overall Framework

1. In the use, interpretation, application, and enforcement of these Regulations, the rules, terms, and definitions contained in this Section shall be observed and applied, except where the context clearly indicates otherwise.
2. The meaning of words or terms not defined in this Section shall be determined by Land Use Staff and/or the Zoning Commission after consulting one or more of the following:
 - a. The Connecticut General Statutes.
 - b. The Illustrated Book of Development Definitions (Rutgers University, Center for Urban Policy Research (Piscataway, NJ).
 - c. The State Building Code.
 - d. Black's Law Dictionary.
 - e. A comprehensive general dictionary.

7.B. Basic Rules

In the use, interpretation, application, and enforcement of these Regulations and when not inconsistent with the context, the following rules shall apply:

1. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
2. Words used in the singular include the plural, and the plural the singular.
3. Words used in the present tense include the future tense.
4. Words which are specifically masculine or feminine shall be interchangeable and shall be interpreted to include other gender and non-gender identities.
5. In case of any difference of meaning or implication between the text of these Regulations and any caption, illustration, or illustrative table, the text shall control.
6. All distances shall be measured horizontally unless otherwise indicated.

7.C. Common Terms

In the construction, interpretation, application, use and enforcement of these Regulations, commonly used terms shall be interpreted as follows:

1. The words “parcel”, “lot”, “site”, “piece”, and “property” have the same meaning.
2. The word “premises” shall include land and buildings thereon.
3. The words “zone”, “zoning district”, and “district” have the same meaning.
4. The phrase “used for” includes the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”, and vice versa unless the natural construction of the sentence indicates otherwise.
5. The word “person” shall include any individual, firm, partnership, corporation, association, organization, or other legal entity.
6. The phrase “these Regulations” refers to the entire Zoning Regulations of the Town of Roxbury as may, from time to time, be amended.
7. The word “Section” refers to all paragraphs starting with the same sequence of numbers and/or letters of these Regulations, unless otherwise specified.
8. The word “building” shall include the word “structure” and vice versa, as well as any part of a building or other structure.
9. The word “built” includes the words “erected”, “constructed”, “reconstructed”, “altered”, “enlarged”, or “occupied.”
10. The “Town” means the Town of Roxbury, Connecticut.
11. The “State” means the State of Connecticut.
12. The “Zoning Commission” or the “Commission” means the Zoning Commission of the Town of Roxbury, unless otherwise specified.
13. Any agency, Zoning Commission, ZBA, board, or department is that of the Town of Roxbury, unless otherwise specified.
14. The phrase “Zoning Map” means the latest officially adopted Zoning Map of the Town of Roxbury.
15. The word “original” means the conditions existing at the effective date of these Regulations or applicable amendments to these Regulations.

7.D. Specific Terms

Abandonment or To Abandon –

- The replacement of a nonconforming use or building by a conforming use or building, or
- The visible or otherwise apparent intention of an owner to discontinue a non-conforming use of a building or premise, or
- The removal of the characteristic equipment or furnishing used in the performance of the non-conforming use, without its replacement by similar equipment or furnishings.

Accessory – See “Principal and Accessory.”

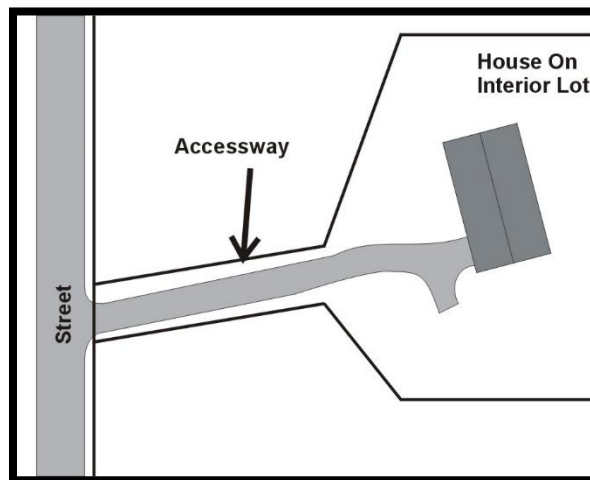
Accessory Building – See “Building, Accessory” within this Section 7.D.

Accessory Dwelling Unit – See “Dwelling Unit, Accessory.” within this Section 7.D.

Accessory Structure – See “Structure, Accessory” within this Section 7.D.

Accessory Use – See “Use, Accessory” within this Section 7.D.

Accessway - A part of the parcel, owned in fee simple by the parcel owner, used as an extended driveway to a single interior parcel.



Acre - For the purpose of these Regulations, an acre is defined as 43,560 square feet.

Adult Day Program - A program of employment opportunities and day services for adults with intellectual disability provided by contract with the State of Connecticut Department of Developmental Services pursuant to CGS Section 17a-226 and including the following programs operated or funded by the Department of Developmental Services for adults: supported employment, sheltered employment, community experience, adult day treatment and opportunities for adults.

Agriculture – As provided in CGS Section 1-1(q), the words “agriculture” and “farming” include:

- cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, the production of honey, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish;
- the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations;
- the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes;
- handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale, farming operations, the sale of agricultural or horticultural commodities.

The terms “agriculture” and “farming” do not include the cultivation of cannabis, as defined in section 21a-420.

Aircraft - Any contrivance used or designed for navigation of or flight in air, including: (a) airplanes, meaning power driven fixed-wing aircraft, heavier than air, supported by the dynamic reaction of the air against its wings, (b) gliders, meaning heavier than air aircraft, the free flight of which does not depend principally upon a power-generating unit, and (c) rotor craft, meaning power driven aircraft, heavier than air, supported during flight by one or more rotors.

Alcoholic Liquor - "Alcoholic liquor" or "alcoholic beverage" as defined at CGS Section 30-1.

Alteration - Any construction, reconstruction, or other action resulting in a change in the structural parts or height, number of stories, size, use or location of a building or other structure.

Bar – Except for Craft Breweries, Distilleries and Wineries as defined in these Regulations, a specialized counter or other area in which Alcoholic Liquor is served by a bartender directly to patrons sitting or standing at a counter or dedicated area and where the Alcoholic Liquor is consumed at said counter or dedicated area without the simultaneous consumption of a meal.

Barn - Structures that are or have been primarily committed to agriculture uses although the agricultural used may become inactive.

Bed and Breakfast – A transient lodging facility consisting of a room or rooms in a dwelling provided for compensation to visitors and offering breakfast for such visitors only.

Buildable Area - That portion of a parcel of land which is not categorized as wetland, watercourse, steep slope (in excess of 25%), or 100-year floodplain.

Building – Any structure, fixed or portable, having a roof or awning or any similar covering, whether or not permanent in nature, supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or any other property. Solar energy collector systems mounted on the ground shall not be considered buildings. (*Also see “Structure”*)

Building, Accessory – See *“Principal and Accessory.”*

Building, Principal – See *“Principal and Accessory.”*

Building Coverage – See *“Coverage, Building.”*

Business / Commercial - The sale of goods and services.

Campers - A mobile unit on a chassis, permanently mounted on wheels, or a mobile unit capable of being mounted on and moved by another vehicle such as a pickup camper unit, and intended for seasonal or short duration use; length of unit not more than twenty-seven (27) feet, width not more than eight (8) feet.

CCC - See *“Child Care.”*

CGS – Connecticut General Statutes.

Character: Where the Regulations refer to the “character” or retaining the character of a zone, neighborhood, community or surrounding area, “character” is defined by the rural and other physical site features that provide a sense of place including natural features such as soil types, terrain, slopes, ridgetops, horizon lines, rock outcroppings, watercourses, ponds, rivers, flood plains, wetlands, stream belts and riparian corridors, endangered species, wildlife habitat, prime and important farmland soils, pastures, and other unique and fragile features including stone walls, tree-lined roads, dirt roads, scenic views, hillsides and valleys, forests, meadows and by streetscapes, historic structures, features and settings and other architectural elements of the particular area or zone; where these Regulations refer to the “character” of a proposed use and harmony of that use with the Town, district or neighborhood, character is defined by the location, type, size, scale, proportion, appearance and intensity (as per legal definition) of the proposed use.

Child Care – Provision of a program of supplementary care to children outside their own homes on a regular basis.

Child Care Center (CCC) - A facility which offers or provides child care to thirteen (13) or more related or unrelated children.

Family Child Care Home (FCCH) - As defined in CGS Section 19a-77, as amended. (also see Group Child Care Home).

Group Child Care Home (GCCH) - A facility which offers or provides child care:

- To not less than seven (7) nor more than twelve (12) children in a private family home, or
- That meets the definition of a family child care home (FCCH) except that it operates in a facility other than a private family home.

Clinic - A place used for the care, diagnosis and treatment of sick, ailing, or injured persons or animals and those who are in need of medical or surgical attention but who are not provided with board or room or kept overnight on the premises.

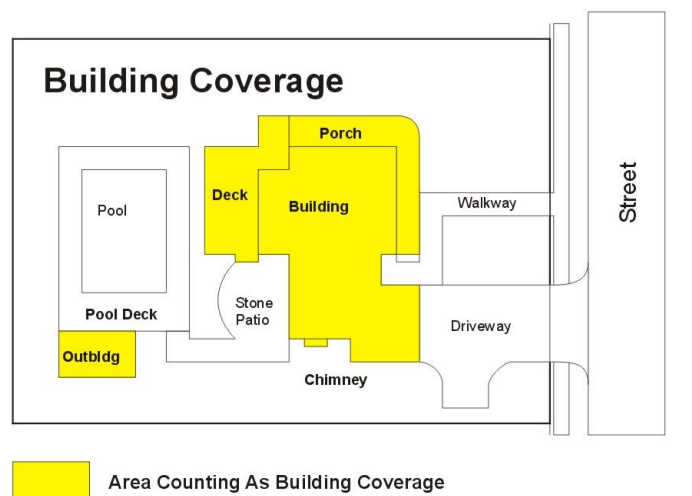
Commercial Kennel - A commercial kennel is one which provides, for compensation, services for dogs not owned by the kennel proprietor. Such services include but are not limited to boarding, training or grooming.

Commission - The Zoning Commission of the Town of Roxbury.

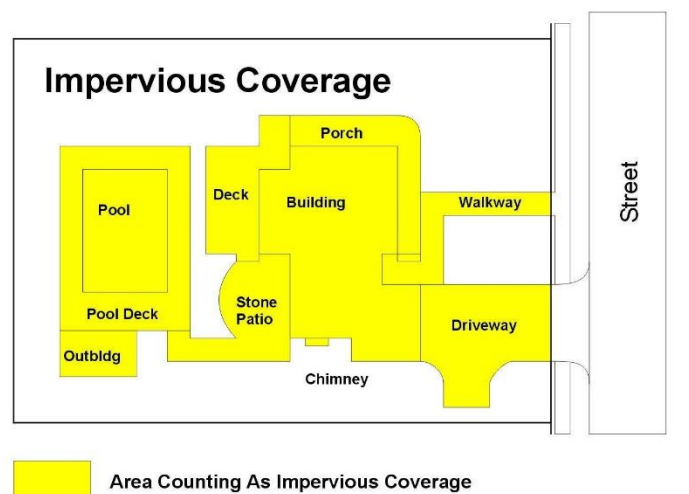
Compatibility – A determination of whether a proposed development is generally reflective of the architectural form and landscape style (including predominant plant material) within visual site distance or two thousand (2,000) feet, whichever is less, of the site.

Contiguous - In contact, touching, adjoining.

Coverage, Building - That portion of a parcel which is covered by a projection of the outermost limits of a building or structure onto the ground surface, but not including solar energy collection systems mounted on the ground.



Coverage, Impervious - The maximum land coverage for all buildings and structures (principal and accessory uses) including paved, impervious, or traveled surfaces.



Craft Breweries, Distilleries and Wineries - A business primarily engaged in the small scale (volume not to exceed 100,000 gallons per calendar year) on-site production of alcoholic liquors or beverages including alcohol, beer, wine, spirits, mead and cider as those beverages are defined under CGS Section 30-1. This use includes on-site mashing, fermentation, processing, blending, aging, bottling, storage, packaging and distribution with finished product to be sold at wholesale and/or retail sales for consumption off-premises and sales of related merchandise; further, alcoholic beverages produced on-site may be provided as free tastings with or without a nonalcoholic beverage, sold for off-site consumption, and sold for on-site consumption provided that eighty percent (80%) of gross sales revenues of alcoholic beverages are derived by Alcoholic Beverages produced on-site. Accessory uses may include related offices, tours, tastings in Tasting Rooms and events, as defined in these Regulations.

Customary – See *“Principal and Accessory.”*

Disturbed Area - An area where vegetative or other cover is destroyed or removed leaving the land subject to accelerated erosion.

Dwelling - A building in which living, cooking and sleeping accommodations are provided.

Dwelling Unit - A building or portion thereof containing the complete housekeeping facilities (living, cooking, sleeping, bathing, sanitation) for one family (as defined in these Regulations).

Dwelling Unit, Accessory - A secondary dwelling unit located either within part of a building used as a principal dwelling or in an accessory building.

Erosion - The detachment and movement of soil or rock fragments by water, wind, ice and gravity.

Event - An activity sponsored by the Town of Roxbury, Town Commissions, Roxbury Volunteer Fire Department, Roxbury Ambulance Association, or Roxbury School or an activity authorized by an Event Permit issued by the Town.

Family - Any number of individuals living and cooking together as a single housekeeping unit, including lodgers or roomers taken for hire.

Family Child Care Home - See *“Child Care.”*

Farm - As provided in CGS Section 1-1(q), the term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

Farming - See *“Agriculture.”*

FCCH - See *“Child Care.”*

Fence - A barrier constructed of wood, stone, or any other material or combination of materials that is erected to enclose, screen or separate an area. The height of a fence is measured from the existing ground level, prior to any excavation or filling, to the top of the fence. See *“Wall”*

First Lot Exception – A special provision of these Regulations which applies to a lot or parcel existing on May 9, 2008 which was developed with primary dwelling that was completed prior to said date and that has at least six (6) acres in area. In such case, two (2) lots (one with the existing dwelling and one new lot) with a minimum area of three (3) acres each shall be permitted to be created from such lot or parcel by first cut or subdivision providing that all other requirements of these Regulations are met and any other lot(s) created from said lot or parcel shall have a minimum of four (4) acres each.

Flood Plain - The nearly level alluvial plain that borders a stream that is subject to flooding. *See also Chapter 5 of the Roxbury Code of Ordinances*

Floor Area - All the floor space contained within a building but shall not include areas below grade devoted to one or more of the following uses:

- Mechanical spaces,
- Parking, or
- Storage (when related to principal use of the building).

Floor Area/Ratio - The ratio of the floor area of a building to the total parcel area on which the building is located. The following structures shall not count to Floor Area Ratio but shall be subject to setback and yard regulations:

- Ground-mounted mechanical units such as air conditioning compressors, propane tank, and generators,
- Patios or terraces but only if less than three (3) feet above adjacent grade at all points.

Frontage - That part of the perimeter of a parcel which abuts a public road. Calculation of frontage to meet the minimum frontage requirements of these Regulations shall be measured along the front property line and shall:

- Only include contiguous feet on a public road,
- Not include any accessways or rights-of-way, and
- Not include frontage which is shallower than the front setback requirement unless such area is less than 25 feet wide.

Garage (Commercial) - A building or structure for the storage or parking for profit of motor vehicles and related equipment, motor powered boats, or commercial motor vehicles, and for the repairing of, or dispensing fuel to motor vehicles.

Garage (Private) - A garage for motor vehicles without provision for repairing or servicing such vehicles for profit.

GCCH - *See “Child Care.”*

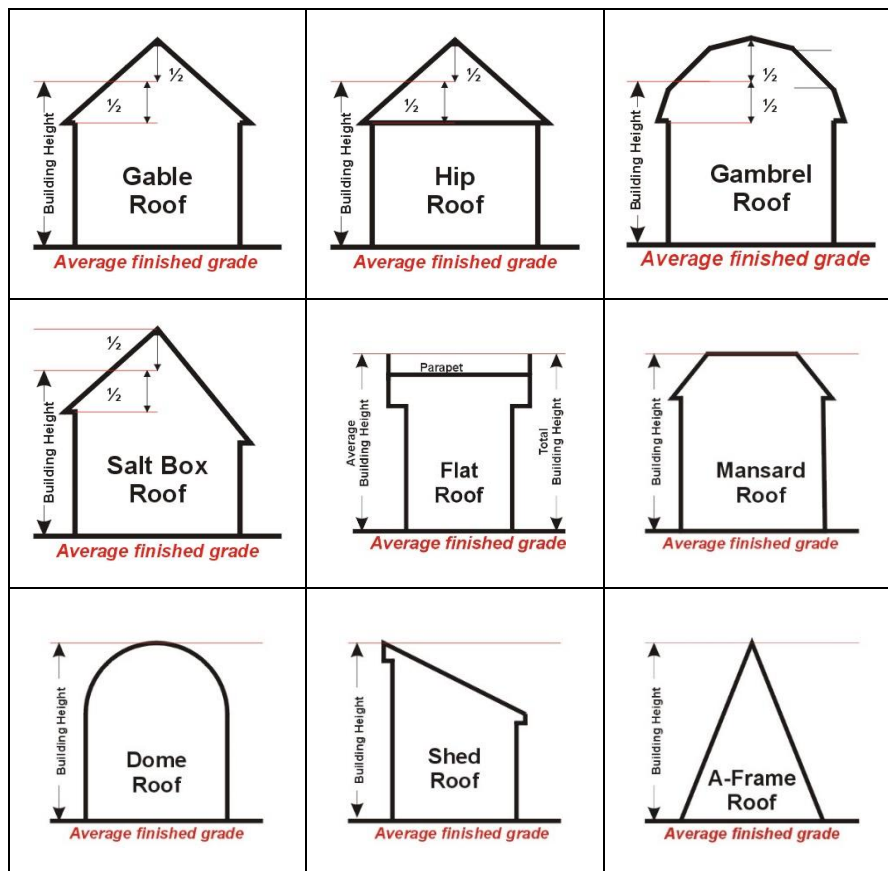
Grade Plane - A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the property line or when the property line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

Group Child Care Home - *See “Child Care.”*

Half-Story - *See “Story-Related Terms.”*

Height - The vertical distance from the "grade plane" of the building or structure to:

- The mean level between the highest eaves and the ridges for a gable, hip, gambrel, or salt box roof, or
- The highest point of a flat, mansard, dome, shed, or A-frame roof.



Historic Resource(s) - Any structure that has historic significance evidenced by age (built before 1963) architecture, cultural value, notable occupants, or important events, including any house, barn, or other structure cited in the Historical and Architectural Resource Survey of the Town of Roxbury, Connecticut, by Jan Cunningham and Elizabeth Warner; Barn Stories From Roxbury, Connecticut: A Survey and Oral History, by Rachel D. Carley and James Sexton; the Connecticut State Register of Historical Places; the National Register of Historic Places, or any structure that is under the jurisdiction of the Roxbury Historic District Commission. To be deemed a Historic Resource, a structure should contribute to the character (as defined in these Regulations) of the Town and represent a cultural benefit to the community if preserved.

Home Enterprise - An accessory use conducted for financial gain within a dwelling or accessory building on the same parcel by the residents of the dwelling unit, which use is incidental and subordinate to the dwelling use.

Impervious Coverage– See “Coverage Impervious.”

Incidental – See “Principal and Accessory.”

Industrial - Except for Craft Breweries, Distilleries and Wineries as defined in these Regulations and allowed under Section 2.J of these Regulations, a category of uses involving assembly, production, storing, transferring and disposal of goods or products, and which may also include associated facilities such as offices, maintenance facilities, and fuel pumps and both indoor and outdoor activities and storage of goods.

Interior Lot – See *Lot, Interior*.

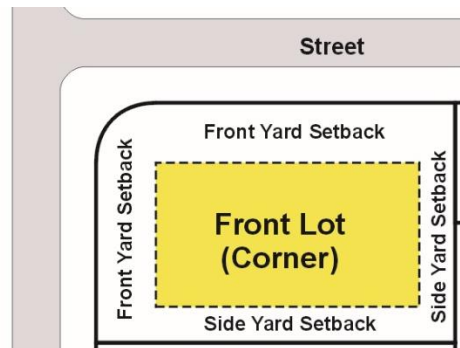
Junk yards - As defined in the Connecticut General Statutes.

Lot - A single parcel of land lawfully occupied or capable of being lawfully occupied by a building(s) and appropriate accessory uses.

Lot, Corner - A lot at the point abutting on two or the angle of more than 135

Lot, Interior - A lot located to where such rear lot:

- Does not meet for the particular and
- Is served by an owner of the interior lot.



of intersection of and more intersecting streets, intersection being not degrees.

the rear of another lot

the frontage requirement zone where it is located,

accessway owned by the

Lot, Nonconforming - A lot lawfully existing at the effective date of these Regulations, or any subsequent amendment thereto, which is not in conformity with all provisions of these Regulations.

Lot Area - The actual area in square feet enclosed by the boundaries of the lot.

Lot Depth - The mean horizontal distance between the front line and the rear lot line.

Lot Line - A property line dividing one parcel from another parcel.

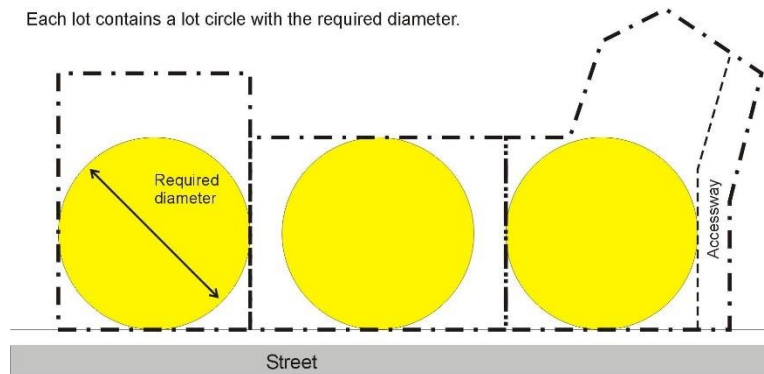
Front Lot Line - The property line dividing a lot from a street (right of way).

Rear Lot Line - The line bounding a lot at the rear and approximately parallel to and at the maximum distance from the front lot line.

Side Lot Line - Any lot line not a front or rear lot line.

Lot Shape – A requirement that each lot contain a circle of the required diameter inside the lot lines.

Each lot contains a lot circle with the required diameter.



Lot Width - The horizontal distance between the side lot lines as measured at the required front yard depth which may or may not coincide with the actual front setback line.

Manufactured Home – Housing built in a dedicated manufactured facility and transported to the site. Since 1976, such housing must conform to the National Manufactured Home Construction and Safety Standards Act.

Mobile Home – A manufactured home, generally built before 1976, which may have been moved via a chassis and wheels and sited without a permanent foundation.

Modular Home – A manufactured home, generally built after 1976, which may involve the on-site assembly of multiple building components on a permanent foundation.

Manufacturing - Except for Craft Breweries, Distilleries and Wineries as defined in these Regulations and allowed under Section 2.J of these Regulations, a use involving the production of goods from raw materials or the assembly of finished products.

Membrane Structures - An accessory structure, also commonly known as a hoop house, composed of a membrane material, such as canvas, plastic, or other fabrics, that is supported by a rigid framework of metal, plastic, or other material, and that is used for temporary events, as defined in these Regulations, such as weddings, parties, charitable events, garden tours, and similar activities, and to provide non-commercial storage for vehicles, boats, recreational vehicles, and other personal property.

Mobile Home– See “*Manufactured Home*”.

Mobile Home Park - Privately owned land upon which two or more mobile homes are, or are intended to be, used and occupied as sleeping or living quarters on a temporary or permanent basis.

Modular Home – See “*Manufactured Home*”.

Motor Vehicle - Any vehicle that is self-propelled by a battery-powered, electric, or internal combustion engine, and that is permitted and requires a valid registration legally issued by a governmental authority in order to be operated on a public way, and that is consistent with the definition of "motor vehicle" at CGS Section 14-1(50). A motor vehicle shall include but not be limited to automobiles, trucks, buses, motor homes, motorized campers, and motorcycles.

Motor Vehicle for Hire - Any motor vehicle operated upon any street or highway or on call or demand accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported, or any motor vehicle used by any person, association or corporation which represents itself to be in the business of transporting passengers for hire. A Motor Vehicle for Hire includes the terms "taxicab" and "motor vehicle in livery service" as those terms are defined in the Connecticut General Statutes.

Non-Conforming Related Terms

Non-Conforming – A situation where a use, structure or parcel does not conform with the regulations for the zone in which it is situated.

Non-Conforming Use – The use of land or use of a building or structure which does not conform to the applicable use provisions of these Regulations for the zone in which it is located.

Non-Conforming Lot – A parcel of land that does not meet the requirements of the zone in which it is located (such as, but not limited to, area, shape, frontage, etc.).

Non-Conforming Building Or Structure – A building or structure that does not conform to one or more of the standards required in the zone in which it is located, such as setback, coverage, floor area, and height.

Legal Non-Conforming – A situation where a use, building, structure, or lot either legally existed at the time these Regulations were first established, or which was allowed under these Regulations prior to their being amended. A use, building, structure, or lot which is permitted by variance or other legal approval shall be deemed to be a permitted non-conforming situation.

Non-Conformity - A use, structure or parcel which is Non-Conforming as defined in these Regulations.

Nonprofit Organization - An organization exempt from federal Income Tax under Section 501(c) of the Internal Revenue Code.

Package Store - Any premises or portion thereof involving the retail sale of Alcoholic Liquor only in sealed bottles or other containers and not be consumed on the premises and any use of a premises which would require a Package Store Permit under CGS Section 30-20.

Parking Area – An area used for parking motor vehicles exclusively, in which no gasoline or motor vehicle accessories are sold or no other business is conducted.

Political Sign – See “Sign, Political”

Principal And Accessory

Principal – That which is most important. The main or primary condition.

Accessory – That which is customary, subordinate, and incidental to the principal condition.

Building – See definition of “Building.”

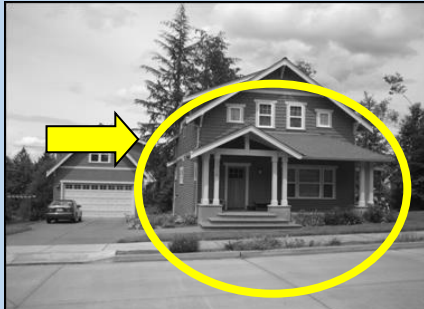
Structure – See definition of “Structure.”

Principal Building / Structure – The primary or predominant building or structure on a parcel or a building or structure in which is conducted the principal use of the parcel on which it is situated. Any portion of a principal building or structure devoted or intended to be devoted to an accessory use is still part of the principal structure and shall not be considered an accessory structure. See also “Accessory Building.”

Accessory Building / Structure – A detached building or structure that is customary, incidental, and subordinate (smaller in ground area and volume) to the principal building on the same property except that a building used in connection with an agricultural use does not need to be smaller in ground area and volume. See also “Principal Building”, “Customary”, “Subordinate”, and “Incidental.”

In order to assist in the interpretation of this definition, trailers, cargo containers, crates, railroad cars, pleasure craft, and the like are not customarily incidental to buildings and uses on a residential parcel or a commercial parcel.

Principal Building (Dwelling)



Accessory Building (Detached Garage)



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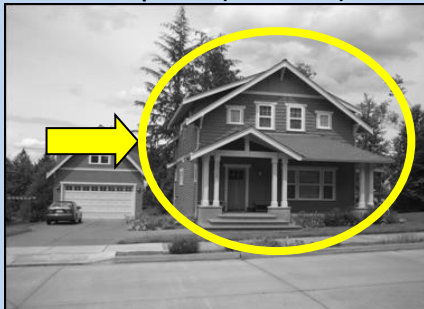
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Use – See definition of “Use.”

Principal Use – The primary or predominant use or activity of a parcel, building, structure, or property. See also “Accessory Use.”

Accessory Use – A use of a parcel, building or other structure or other activity that is subordinate and customarily incidental to a principal use or activity on the same property as the principal use or on a contiguous parcel under the same ownership with the principal use. See also “Principal Use”, “Customary”, “Subordinate”, and “Incidental.”

Principal Use (Residential)



Accessory Use (Vehicle Parking)



Customary – Something commonly practiced, used, or observed such that it is considered conventional and typical rather than unusual. Also see “Incidental” and “Subordinate.”

Incidental – Something likely to ensue as a minor consequence of another activity or something that happens as a minor part or result of something else. Also see “Customary” and “Subordinate.”

Subordinate – Something inferior, smaller (in ground area and volume), fewer, and of less importance or impact or something placed in or occupying a lower class, rank, or position. Also see “Customary” and “Incidental.”

Private Airport - An area licensed by the Connecticut Department of Transportation for the takeoff, landing and storage of aircraft, and covering the terms "airstrip", "landing strip" and similar terms designating an area for the uses mentioned above; for private, non-commercial purposes.

Private Road – See “Road, Private.”

Professional Office – Offices for attorneys, accountants, medical doctors, dentists, licensed psychologists, veterinarians, Architects, Surveyors. Professional Engineers and similar professions.

Public Interest Sign – See *“Sign, Public Interest”*

Public Road (Street) – See *“Road, Public.”*

Recreation Vehicle – A portable vehicle built on a chassis, designed to be used as a temporary dwelling for travel, camping, recreation and vacation uses. The term shall include a travel trailer, pickup camper, motorized camper, or tent trailer.

Restaurant - A business, located within a building that primarily serves meals and beverages to the public.

Retail Business - Stores and shops which sell commodities to the ultimate consumer excluding the sale of beer for consumption on the premises.

Right-of-Way - Right of passage over a piece of land legally established by deed recorded in the office of the Town Clerk or established by custom or passage of time and susceptible to legal description or location and configuration.

Road - A vehicular way.

Road, Private - A road which is not a public road, including a road owned in fee simple by a Homeowners Association leading from a previously-accepted street, road, or State highway to one or more interior lots or accessways in a Large Lot Interior Development.

Road, Public - A legal Town and/or State Highway; including streets, avenues, boulevards, roads, lanes, highways, and any other thoroughfares which afford a principal means of access to abutting property, which are accepted by the Town or the State, and improved to a degree of traffic safety.

Rotor - The blades plus the hub to which the blades of a windmill are attached.

Sediment Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

Sign-Related Terms

Sign - Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted, goods, products, services or facilities available, either on the parcel or on any other premises, excluding window displays and merchandise. A flag, pennant or insignia of any government or governmental agency is not considered a sign.

Sign, Political - A sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state, or other local election or signs designed to exercise rights to free speech.

Sign, Public Interest – A sign of a non-commercial nature and in the public interest erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and the like.

Sign Area – The smallest rectangular area which encompasses the integral whole of the sign.

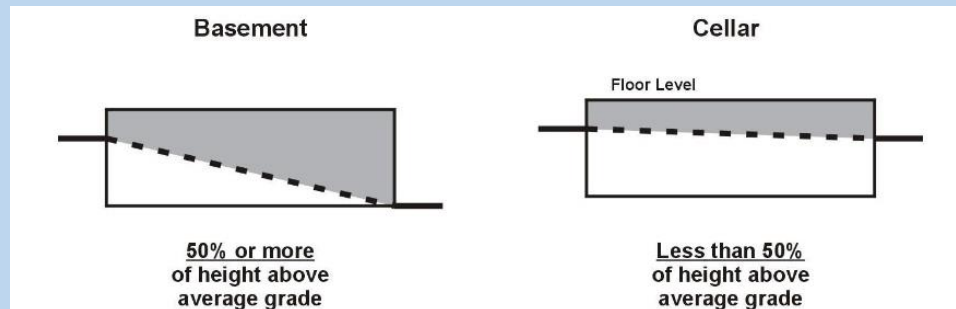
Soil - Any unconsolidated mineral and organic material of any origin.

Solar Energy System - Any system, design, assembly or device which is used to collect energy derived from the sun and convert it to electrical current (active solar) or is used for the purpose of heating the interior spaces of buildings or for heating domestic hot water or swimming pools (passive solar). Solar energy systems may include but are not limited to solar collectors, solar reflectors, heat storage tanks, south facing greenhouses utilizing double glazing and south facing double glazed window walls.

Story-Related Terms

Story - That portion of a building between the upper surface of a floor and the underside of the floor or roof next above but the following shall not be considered a full story for the purposes of determining building height:

- A cellar or basement when more than fifty percent (50%) of the volume of the space is located below the grade plane, or
- A half-story.



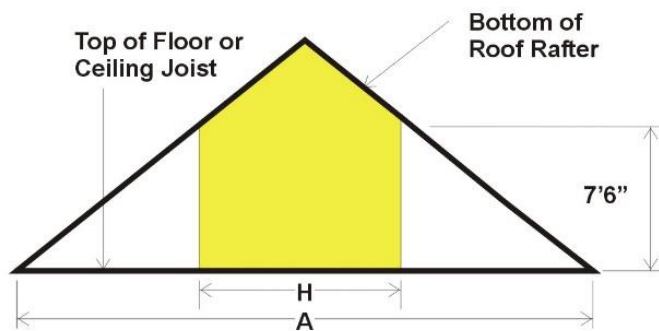
Half-Story - The highest most story of the building when:

- Such story has a clear height of seven and one-half feet (7.5 feet) or more which does not exceed fifty percent (50%) of the gross floor area of the story immediately below, and
- which has a stairway as a means of access and egress located within the wall of the building.

Half-Story

An area under a roof is considered a half-story when the floor area (H) under the rafters which is 7.5 feet or greater in height is 50% or less of the attic floor area (A).

An area under a roof is considered a full story when the floor area (H) under the rafters which is 7.5 feet or greater in height is more than 50% of the attic floor area (A).



H = The area (shaded) which has a height of 7.5 feet or more between the top of the floor (or ceiling) joists and the bottom of the roof rafters

A = The floor area of the attic

Street – See “Road.”

Street Line - The dividing line between the highway limits and the parcel.

Structure - Anything that is constructed or erected and has a fixed location on the ground or is attached to something that has a fixed location on the ground.

Structures include, but are not limited to, fences (including stone walls), ground-mounted mechanical units, central air conditioning units, generators, swimming pools and swimming pool filters, tennis courts, towers, paddle- or platform-tennis courts, gas or liquid storage tanks that are principally above-ground, satellite dishes, above-ground electric service pedestals or platforms and the like, balconies, open entries, porches, decks, signs, permanent awnings, ground-mounted antennas, ground-mounted solar panels, satellite dishes, and flagpoles.

Handicapped access ramps are not considered structures provided that such ramps are designed to limit the encroachments into the setback as much as feasible considering the intended purpose.

All structures are considered permanent and are governed by these Regulations for the purpose of determining setbacks and yard areas, unless otherwise stated.

Subordinate – See *“Principal and Accessory.”*

Swimming Pool - A structure of concrete, steel, fiberglass, plastic or other relatively impervious material intended for bathing or swimming purposes, located either indoors or outdoors and provided with controlled water supply usually exceeding two hundred and fifty (250) square feet surface area, and exceeding twenty-four (24) inches deep. The pool and surrounding area shall meet State Regulations for safety.

Tag Sale - The sale of personal household goods conducted by the Town of Roxbury, or by the owner of those goods and at the owner's residential premises, or by the owners of those goods as part of a group sale by Roxbury residents at the residential premises of one of those residents, in conjunction with the cleaning out or vacating of residential premises in Roxbury, "Tag Sale" shall also include "garage sale," "barn sale," "yard sale," "estate sale," and other similar activities with the same residential premises and ownership limitations.

Tasting Room - Areas at a Craft Brewery, Distillery or Winery which are maintained and operated for tastings by and for said business as follows: Alcoholic beverages produced on-site may be provided as free tastings with or without a nonalcoholic beverage, sold for off-site consumption and sold for on-site consumption provided that 80% of gross sales revenues of alcoholic beverages are derived by alcoholic beverages produced on-site. If a Craft Café Permit is obtained from the State for said premises, then pre-packaged food may be made available for sale on-site, providing however, if a restaurant including Craft Café with on-site food preparation or other on-site food preparation-operation is applied for, then all building, health and other regulations regarding restaurants including as set out in Section 2.V of these Zoning Regulations must be met before such activity is allowed.

Temporary Storage Container - Any container that is designed for the temporary storage of personal property and that is typically rented to owners or occupants of property for their storage use, and that is delivered and/or removed by truck trailer.

Town - The Town of Roxbury, Connecticut.

Treehouse - A structure which utilizes one or more trees for all or part of its anchoring system to the ground.

Use – The purpose or activity for which land or buildings are designed, arranged, or intended for or for which land or buildings are occupied or maintained.

Wall – A constructed barrier, generally made of stone or similar material and which may constitute a solid surface, that closes, marks, or elevates an area. See “Fence.”

Watercourse – As defined in CGS Section 22a-38, as may be amended.

“Watercourses” means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon this state or any portion thereof

Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) Evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and (C) the presence of hydrophytic vegetation ...

Wetland, Inland – As defined in CGS Section 22a-38, as may be amended.

“Inland Wetlands” means land, including submerged land, ... which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture ...

Yards versus Setbacks

Setback - The distance, measured as a straight level line, from a structure to a property line or a private right of way if such right of way encroaches into the parcel. **Front** setbacks for interior lots shall be measured from the front boundary line (excluding the access strip) not from the road right of way line. See “*Lot Line*” and “*Yard*”

Setbacks Apply To:

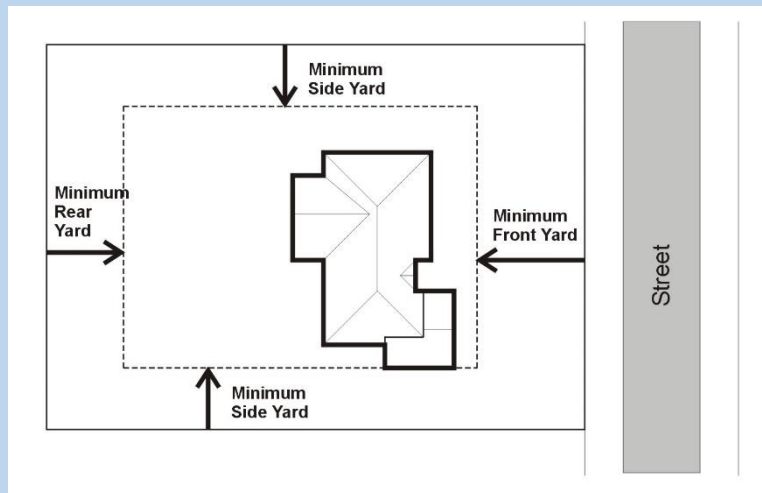
- Chimneys
- Balconies
- Bay windows
- Porches
- Decks
- Basement hatchways
- Cantilevers
- Utility pads
- Propane tanks
- Gable end projections
- Entry steps or stoops

Setbacks Do Not Apply To:

- Flagpoles
- Mailboxes
- Lampposts
- Fences, stone walls, and combinations thereof (in accordance with [Section 2.M](#))
- Meter pods and utility boxes in accordance with [Section 3.K](#), (only if they are required to be located within the Setback by the applicable utility company)

Setback, Minimum - A line parallel to a street line or a property line at a distance established by the minimum yard setback requirements of these Regulations for the zone, behind which buildings and structures may be legally erected. See “*Lot Line*”

Setbacks (defined from the property lines in)



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Yards versus Setbacks

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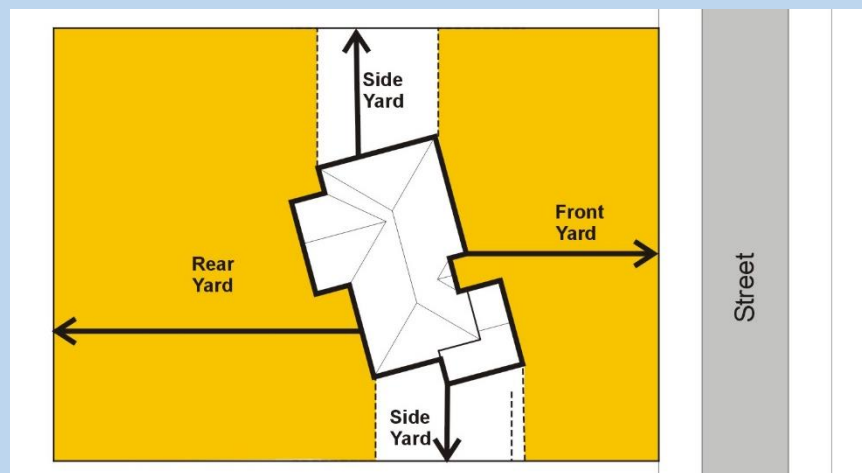
Yard – The area between the principal structure and a property line. *Also see “Setback.”*

Front Yard - The area on a parcel, extending across the full width of the parcel, lying between the principal building and the front lot line.

Side Yard - The area on a parcel lying between the principal building and the side lot line which is not a front yard or a rear yard.

Rear Yard - The area on a parcel, extending across the full width of the parcel, lying between the rear of the principal building and the rear lot line.

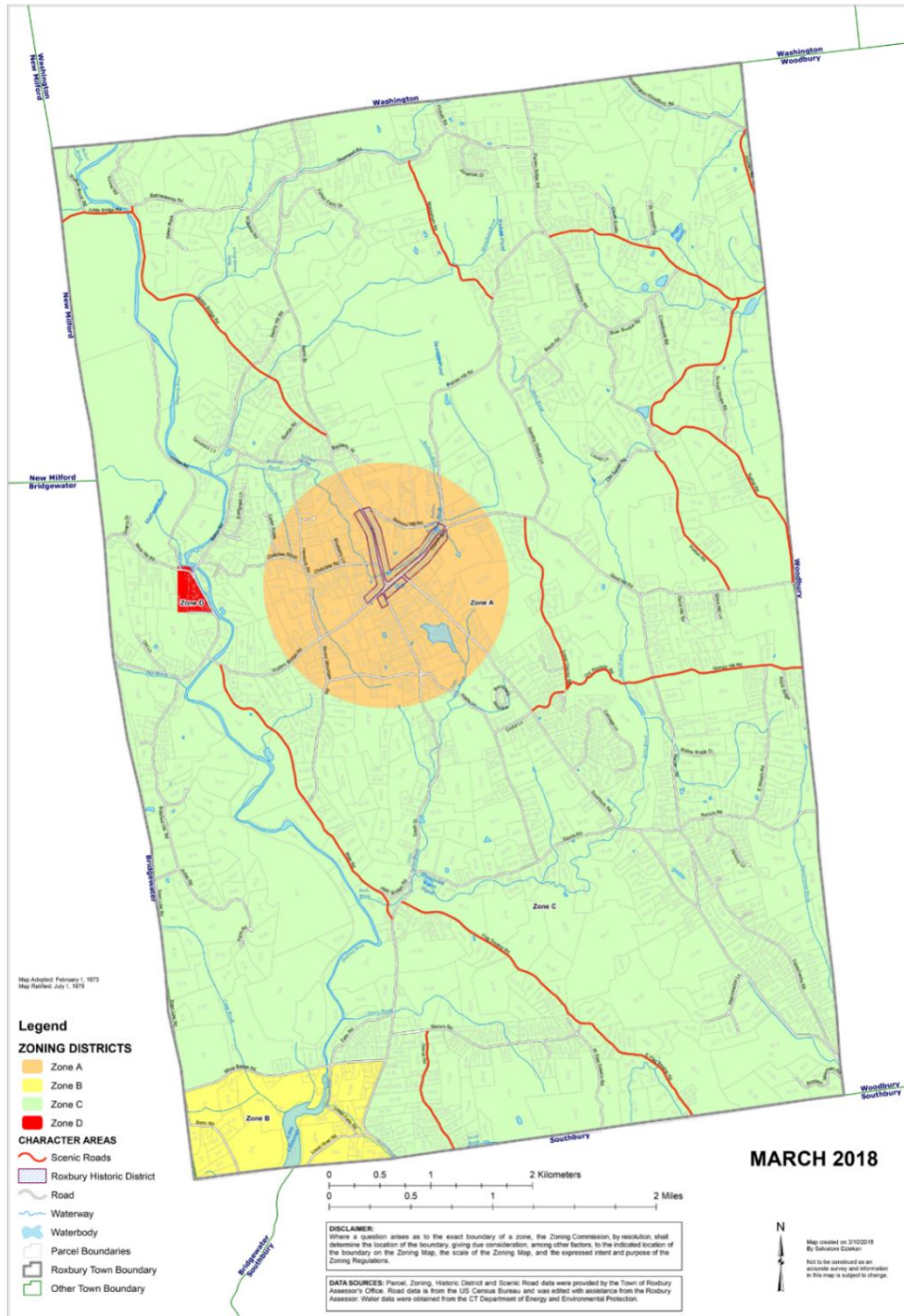
Yards (defined from the building out)



ZBA - The Zoning Board of Appeals of the Town of Roxbury, Connecticut.

ZEO - The Zoning Enforcement Officer of the Town of Roxbury and any other appointed Zoning Enforcement Official(s).

Town of Roxbury Zoning Map



APPENDIX

BASIC MAP REQUIREMENTS

1. In general, maps shall be based on an A-2 survey of the property.
2. In general, sheet size shall not exceed 24" by 36".
3. Map scale shall be appropriate for the information being displayed with a typical scale being 1 inch equals 40 feet.
4. All maps and plans shall be sealed by the appropriate professional licensed by the State of Connecticut.
5. All maps and plans shall contain the following, as applicable:
 - a. The name of the applicant and owner of the property.
 - b. A scale and North arrow.
 - c. The property boundary, dimensions, angles, area and zoning classification.
 - d. The names of owners of record of abutting properties.
6. The Site Plan shall include an approval block, as shown below, which shall include a space for the date of approval and the date of expiration.

Approved by the Roxbury Zoning Commission on _____.
(date of meeting)

Signed: _____
(Chairman or Secretary)

Pursuant to Connecticut General Statutes, Chapter 124, Section 8-3(i), this Site Plan approval shall automatically expire five years from the date of approval or on _____ (date of expiration).

MODIFICATION OF APPLICATION REQUIREMENTS

1. **For An Application To The Zoning Commission –**
 - a. Following a written request from the applicant, the Commission may, by majority vote, determine that information required by this Appendix or by these Regulations is not needed in order for the Commission to reach a decision on the application or determine compliance with the requirements of these Regulations.
 - b. The Commission may require additional information be submitted when it determines that it needs such additional information in order to determine whether the proposed use complies with the standards and requirements of these Regulations.
2. **For An Application To The ZEO –** The ZEO may determine that information required by this Appendix or by these Regulations is not needed in order to reach a decision on the application or determine compliance with the requirements of these Regulations.

APPLICATION REQUIREMENTS - ZONING PERMIT (Sketch Plan)

See page 1 of this Appendix for information regarding when the ZEO may accept less information as part of an application.

- ☐ Application Form (with original signature of owner or letter of authorization from the owner to a designated agent)
- ☐ Application fee
- ☐ A sketch plan at a scale deemed appropriate by the Zoning Enforcement Officer showing the following:
 - ☐ Boundaries, north arrow, dimensions and area of property.
 - ☐ Locations of all existing and proposed buildings and uses, including, but not limited to, driveways or parking areas and abutting streets.
 - ☐ Dimensions of all yards, as required by these Regulations.
 - ☐ Location and description of water supply and sewage disposal facilities.
 - ☐ Address of property and name and address of owner of record.
 - ☐ Location of wetlands and watercourses.
 - ☐ Names of all abutting property owners and streets.
- ☐ Additional information as required by the ZEO or as necessary to demonstrate compliance with the Zoning Regulations (which may include an A-2 survey)
- ☐ If applicable, copies of an Erosion and Sedimentation Control Plan in compliance with [Section 3.D](#) of these Regulations.
- ☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such notifications are required
- ☐ Copy of any relevant variance(s), stamped to document filing in the Office of the Town Clerk

APPLICATION REQUIREMENTS – SITE PLAN / SPECIAL PERMIT

See page 1 of this Appendix for information regarding when the Commission may require more information or accept less information as part of an application.

- ☐ Application Form (with original signature of owner or letter of authorization from the owner to a designated agent)
- ☐ Application fee
- ☐ Two (2) paper copies and one (1) PDF copy of a Site Plan of the property at an appropriate scale (such as 1" = 40') prepared and signed by a Connecticut-licensed Professional Engineer, Land Surveyor, Architect and/or Landscape Architect, whichever shall be appropriate, and stamped with an embossed seal of each, showing, as applicable:
 - ☐ On each sheet as appropriate, the graphic scale, north arrow, date of drawing and of all revisions, name of person preparing the Site Plan, address of property, and name and address of owner of record
 - ☐ A key map showing:
 - the location of the property in relation to surrounding areas, streets and other landmarks
 - the location of the lot in relation to public and/or private streets and access-ways
 - the zoning district in which the property is located
 - ☐ A Class A-2 boundary survey showing property boundaries, dimensions and area, dimensions of all yards as required by these Regulations, and including the names of abutting property owners
 - ☐ A site development plan showing:
 - Existing and proposed buildings and other structures on the site including locations, dimensions, footprint square footage, floor area, height and building coverage of all existing and proposed buildings and uses
 - Existing and proposed driveway, parking and loading areas, and other site improvements including, but not limited to, sidewalks, curbing, walkways, dumpsters, abutting streets, utility poles, hydrants and other utility appurtenances, areas to be used for exterior storage and the type of screening to be provided
 - Existing and proposed grading with contours at two-foot intervals or less
 - The location of any wetlands and/or watercourses or areas of special flood hazard including the upland review area
 - The location of any proposed signs
 - Proposed site lighting including the location, size, height, intensity and hours of operation of all lighting fixtures
 - Construction limit line identifying all those areas to remain undisturbed and in its natural state

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- ☐ A utility plan showing:
 - The locations and descriptions of water supply (well) and sewage disposal (septic) facilities
 - The location and design of existing and proposed storm drainage facilities in compliance with the Connecticut Stormwater Quality Manual, as amended
 - The location and design of refuse disposal facilities
- ☐ A landscaping plan showing existing vegetation and proposed planting showing the Latin and common name of the species used, quantity of each plant species and the size and height of the plants at the time of planting.
- ☐ Architectural plans and elevations
- ☐ Construction notes and details
- ☐ A zoning informational table showing the existing use, proposed use, zone, size of the property in square feet or acres, gross floor area of existing structures, gross floor area of proposed structures, proposed ground coverage, proposed building height in stories and feet, number of parking spaces required and provided (including handicapped spaces), number of loading spaces (if any) required and provided.
- ☐ Additional information as necessary to demonstrate compliance with the Zoning Regulations or other site plan considerations
 - ☐ Off-site information including but not limited to catch basins, utility poles and other information relevant to the application.
 - ☐ The location of stone walls, archeological resources, scenic views and other attributes
- ☐ A report from the Town Sanitarian as to the feasibility of the septic system to accommodate the proposed use.
- ☐ If applicable, copies of an Erosion and Sedimentation Control Plan in compliance with [Section 3.D](#) of these Regulations.
- ☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such notifications are required
- ☐ Copy of any relevant variance(s), stamped to document filing in the Office of the Town Clerk

APPLICATION REQUIREMENTS – SOIL EROSION / SEDIMENTATION

See page 1 of this Appendix for information regarding when the Commission may require more information or accept less information as part of an application.

- ☐ Two (2) paper copies and one (1) PDF copy of a narrative describing:
 - ☐ The schedule for grading and construction activities including:
 - Start and completion dates
 - Sequence of grading and construction activities
 - Sequence for installation and/or application of soil erosion and sediment control measures
 - Sequence for final stabilization of the project site
 - ☐ The design criteria, construction details, and installation procedures for proposed soil erosion and sediment control measures and storm water management facilities
 - ☐ The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities
- ☐ Two (2) paper copies and one (1) PDF copy of a soil erosion and sediment control drawing showing:
 - ☐
 - Existing and proposed buildings and other structures on the site
 - Existing and proposed driveway, parking and loading areas
 - Existing and proposed grading with contours at two-foot intervals
 - The location of any wetlands and/or watercourses or areas of special flood hazard
 - ☐ The location of and design details for all proposed temporary and permanent erosion and sediment control measures and storm water management facilities
 - ☐ The sequence of grading and construction activities; the sequence for the installation and/or application of soil erosion and sediment control measures; and the sequence for final stabilization of the development site

APPLICATION REQUIREMENTS – EARTH EXCAVATION

See page 1 of this Appendix for information regarding when the Commission may require more information or accept less information as part of an application.

- ☐ Application Form (with original signature of owner or letter of authorization from the owner to a designated agent)
- ☐ Application fee
- ☐ Two (2) paper copies and one (1) PDF copy of a Site Plan of the property at an appropriate scale (such as 1" = 40'), as applicable:
 - ☐ A key map showing:
 - the location of the property in relation to surrounding areas
 - the location of the lot in relation to public and/or private streets and access-ways
 - the zoning district in which the property is located;
 - ☐ A Class A-2 boundary survey including the names of abutting property owners prepared and signed by a Connecticut-licensed Land Surveyor and stamped with an embossed seal showing
 - ☐ A site development plan showing:
 - Existing and proposed buildings and other structures on the site
 - Existing and proposed driveway, parking and loading areas
 - Existing and proposed grading with contours at two-foot intervals within 100 feet of the property
 - The location of any wetlands and/or watercourses or areas of special flood hazard
 - ☐ A landscaping plan showing existing vegetation and proposed planting
 - ☐ Location of any proposed fixed machinery, stockpiles, drainage structures and detention/retention areas
- ☐ A written statement describing the proposed work and the purpose of the excavation and/or filling with an indication of proposed commencement and completion dates
- ☐ Two (2) paper copies and one (1) PDF copy of an Erosion and Sedimentation Control Plan in compliance with [Section 3.D](#) of these Regulations.
- ☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such are required
- ☐ Copy of any relevant variance(s), stamped to document filing in the Office of the Town Clerk

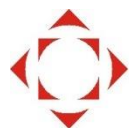
APPLICATION REQUIREMENTS – REGULATION CHANGE

- ☐ Application Form (with original signature of owner or letter of authorization from the owner to a designated agent)
- ☐ Application fee
- ☐ Two (2) paper copies and one (1) PDF copy of the proposed text amendment identifying the Section, and/or paragraph numbers for all text proposed to be altered indicating:
 - text to be added with underline, and
 - text to be deleted with strike through.
- ☐ Two (2) paper copies and one (1) PDF copy of a written statement indicating the reason(s) for the proposed change and to what extent it would enhance the general health, safety and welfare of the town of Roxbury
- ☐ Additional information as required by the Commission
- ☐ A digital version of the proposed amendment in a Microsoft Word compatible format
- ☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such notifications are required

APPLICATION REQUIREMENTS – MAP AMENDMENT

- ☐ Application Form (with original signature of owner or letter of authorization from the owner to a designated agent)
- ☐ Application fee
- ☐ Two (2) paper copies and one (1) PDF copy of a key map showing:
 - the location of the property in relation to surrounding areas, and
 - properties within 500 feet in all directions of the premises proposed to be rezoned
- ☐ Two (2) paper copies and one (1) PDF copy of a map at an appropriate scale showing the property proposed to be rezoned:
 - indicating the existing zoning district designation,
 - the proposed boundary line(s), and
 - the proposed zoning district designation
- ☐ Two (2) paper copies and one (1) PDF copy of a simple metes and bounds description defining in writing the boundaries of the proposed zoning district change
- ☐ A calculations prepared by a Connecticut-licensed Land Surveyor or Professional Engineer based upon the latest Assessor's data indicating the area of the lots (or portion thereof) contained within 500 feet in all directions of the premises proposed to be rezoned
- ☐ A statement signed by the applicant indicating that any required statutory notifications have been provided or that no such notifications are required

Technical Assistance In the Preparation Of These Regulations Provided By



Planimetrics

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