

**The Roxbury Zoning Commission  
Roxbury, CT 06783**

**TO:           The Planning Commission  
              The Zoning Board of Appeals**

**FROM:       The Zoning Commission**

**SUBJ:       Revisions to the Zoning Regulations**

**DATE:       January 11, 2007**

**Attached are the most recent amendments to the Roxbury Zoning Regulations.**

**Revision were made in the following sections:**

**Section 5.8 - Interior Lots  
Section 6 - Special Permits  
Section 16 - Conservation Subdivision (Section 16.11.4)  
Section 17 - Zoning Board of Appeals  
Section 18 - Administration (Section 18.9)**

**Please update your copy of the Zoning Regulations by removing the existing pages and inserting the amended version.**

**Thank you.**

**Cc: B. Henry, P. Hurlbut**

## **5.8 INTERIOR LOTS.**

**5.8.1 Authorization.** The Zoning Commission may, upon application and in accordance with the provisions of Section 6, and if it finds such use will not, with respect to the future occupants of this property or the general community, significantly impair health, safety, general welfare or future land use and road layouts, *grant with regard to interior lots in residential zones A, B and C, a special permit to allow the following: (Amended 6/8/98)*

- a. Construction of one-single-family dwelling 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.*

**5.8.2 Interior Lot.** An Interior Lot is a lot that does not meet the frontage requirements for the particular zone where it is located and is prohibited except as expressly provide for in these Regulations. *(Amended 12/17/06)*

**5.8.3 Requirements.** *[Effective January 27, 1989]*

- 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. Lots are to be served by an access way (or right-of-way existing prior to January 1, 1983) of not less than fifty (50) feet in width throughout its length to a previously accepted street, road or state highway. There shall be no other access way within five hundred (500) feet, measured along the street line, of the access way for said lot. Rights of way acquired after January 1, 1983, shall not be deemed access ways.
- c. All interior lots are to be served by an access way and/or private road leading to a previously accepted public road. These access ways and private roads shall be not less than fifty (50) feet in width throughout their lengths.
- d. The design and construction of driveways serving interior lots are subject to an ordinance of the Town of Roxbury. *(Amended 1/27/02)*
- e. 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. *(Amended 1/27/02)*
- f. No building or other structure on an interior lot shall be closer than fifty (50) feet to any lot line.

- g. An interior lot created after the effective date of this change SHALL CONTAIN TWICE THE MINIMUM LOT AREA REQUIRED FOR THE ZONE IN WHICH IT IS LOCATED, not including the area of the accessway. *(Amended 1/27/02)*
- h. There shall be no access way to an interior lot within five hundred (500) feet, measured along the same side of the public road, of another access way to an interior lot.

5.8.4 Applications and Procedures. *(Amended 1/27/02)*

- a. Each applicant shall file with the 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:
  - 1. Brief description of the property and the proposed use.
  - 2. Location and size of property that is included.
- b. Each applicant shall file with the Commission three copies of an A-2 Survey with the following information:
  - 1. Name of owner of record, applicant, and seal and signature of a Connecticut licensed engineer or land surveyor. *(Amended 12/17/06)*
  - 2. The words approved by the Roxbury Zoning Commission with a designated place for the signature of the Chairman and date of signing.
  - 3. 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.
  - 4. Elevations shown by two-foot contour intervals to evaluate and determine the feasibility of the project unless the Commission determines that such information or detail is not required for a particular application. *(Amended 12/17/06)*
  - 5. Names of property owners located within two hundred feet of the proposed plan, adjacent subdivisions where they exist, and the names of any towns other than Roxbury within 500' of the proposed plan.
  - 6. Indication on the map of provisions made for proposed rights-of-way, proposed private roads or access ways.
- c. Each applicant shall provide a list of adjacent property owners and notice to adjacent property owners as provided in Section 18.9. *(New 12/17/06)*

- d. The zoning Commission shall refer the application to the Planning Commission prior to a decision by the Zoning Commission. <sup>1</sup>
- e. The Planning Commission shall certify its decision to the Zoning Commission. <sup>2</sup>
- f. No Special Permit application shall be acted upon by the Zoning Commission until a public hearing has been held by the Zoning Commission on such application and as prescribed in the Connecticut General Statutes. <sup>3</sup>
- g. A special Permit application shall conform to requirements as prescribed in the Subdivision Regulations when such lot is part of a subdivision or resubdivision. <sup>4</sup>
- h. A Special Permit becomes effective when filed with the Town Clerk of Roxbury. <sup>5</sup>

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<sup>1</sup> Renumbered 12/17/06.

<sup>2</sup> Renumbered 12/17/06.

<sup>3</sup> Renumbered 12/17/06.

<sup>4</sup> Renumbered 12/17/06.

<sup>5</sup> Renumbered 12/17/06.

## SECTION 6 AUTHORIZATION OF USE BY SPECIAL PERMIT

- 6.1 Standard.** In authorizing uses by special permit, in addition to the standards of Section 5, the Zoning Commission or commission to which such authority is delegated shall determine that the proposed use conforms with the overall intent of these Regulations. *(Amended 12/17/06)*
- 6.2 Procedure.**
- 6.2.1** Application for a special permit shall be submitted in writing to the commission and shall be accompanied by the following:
- a. **Statement of Use:** a written statement describing the proposed use in sufficient detail to determine compliance with the use provisions of these Regulations; three (3) copies shall be submitted.
  - b. **Survey:** three (3) copies of an A-2 Survey, in accordance with the provisions of Section 5. *(Amended 9-17-00)*
  - c. **Architectural Plans:** three (3) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 5.
  - d. **List of all adjacent property owners of record** according to the current Grand List and Town Assessor's records. Applicant shall be required to provide and certify notice to such adjacent property owners as provided at Section 18.9 of the Regulations. *(New 12/17/06)*
  - e. **Waiver:** The Commission or other commission delegated authority by the Commission to review the application, upon written request by the applicant, may by resolution waive the required submissions of that part of the information specified under Section 5 if the Commission finds that the information is not necessary in order to decide on the application. *(Amended 12/17/06)*
- 6.2.2** When reviewing zoning permits and special permits together, the period of review of the site plan shall be in accordance with Section 8-3c of the Connecticut General Statutes. *(Amended 12/17/06)*
- 6.2.3** All determinations of the Commission shall be made after public notice and hearing in accordance with Section 8-3c, 8-7 and 8-7(d) of the General Statutes. *(Amended 12/17/06)*
- 6.2.4** In reviewing special permit applications, after the conclusion of the public hearing, the Zoning Commission or other agency delegated authority to review special permits may approve an application for the establishment of one or more of the uses for which a special permit must be secured if it shall find that the proposed use and any building or other structure in connection therewith will conform to the following general standards in addition to any specific standards set forth in these Regulations: *(Amended 12/17/06)*

- a. The location, type, character, size, scale, proportion, appearance, and intensity of the proposed use and any building or other structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and shall not hinder or discourage the appropriate development and use of adjacent property or substantially or permanently impair the value thereof. *(New 12/17/06)*
- b. The proposed use shall not obstruct significant views that are important elements in maintaining the character of the Town for the purpose of promoting the general welfare and conserving the value of buildings. *(New 12/17/06)*
- c. The lot on which the use is to be established shall be of sufficient size and adequate shape, dimension, and topography to permit conduct of the proposed use and any building or other structure in connection therewith in such a manner that shall not be detrimental to the neighborhood or adjacent property. *(New 12/17/06)*
- d. Provision shall be made for suitable landscaping to protect the neighborhood and adjacent property with a permanent landscaped buffer of evergreens, natural topography, stone walls, or other appropriate screening material. *(New 12/17/06)*
- e. The proposed plans shall provide for the conservation of natural features, drainage basins, the protection of the environment of the area, and sustained maintenance of the development. *(New 12/17/06)*

**6.2.5 Special Permit Approval *(Amended December 11, 2005)***

The Planning Commission shall follow the following procedure in acting upon a Conservation Subdivision:

- a. The Planning Commission shall follow the procedures set forth at Section 8-3 and 8-3c of the General Statutes with respect to Special Permits, including without limitation requirements for public notice, public hearing, notice of decision, filing of the Special Permit and Section 18.9 of these Regulations. *(Amended 12/17/06)*
- b. The Conservation Subdivision shall meet the standards and requirements of Section 16 of these Regulations.
- c. Review and disposition: Following the close of the public hearing on an application, the Planning Commission shall deliberate as to whether the proposed development meets all applicable standards and shall either approve, approve with conditions as permitted hereunder, or deny the application.
- d. The Planning Commission shall act upon the application in accordance with the timing requirements of Section 8-7d of the General Statutes and Section

18.9 of these Regulations. The decision of the Planning Commission shall be in writing and shall set forth the reasons for any condition imposed or for a denial. (*Amended 12/17/06*)

- e. In granting a Conservation Subdivision Special Permit, the Planning Commission may attach such conditions as it deems necessary to effect the standards and requirements of Section 16 of these Regulations.

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.

## **SECTION 16 - CONSERVATION SUBDIVISION**

*(Amended December 11, 2005)*

*Amendments include substantive changes and clarifying amendments to Section 16.2, 16.3, 16.5, 16.6, 16.7, 16.8, 16.9, 16.10, 16.11, 16.12 and the addition of 16.16 as well as renumbering of the sections and subsections.*

16.1 General. The Roxbury Planning commission may grant a special Permit simultaneously with the approval of a subdivision plan under the Subdivision Regulations, Town of Roxbury, Connecticut, to permit establishment of a Conservation Subdivision. 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 20.55 and consistent with the purpose, intent, requirements and standards of this Section 16.

16.2 Purpose. The intent of this Section is to provide, pursuant to Section 8-2 and 8-18<sup>1</sup> of the General Statutes concerning cluster development, alternatives to conventional residential subdivision development and to development permitted under other sections of these Regulations when such alternatives will more appropriately 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.

16.3 The Planning Commission upon application in the manner prescribed in this Section 16, Section 6.2.5 and other requirements of Section 8-3c of the General Statutes may approve by Special Permit, residential development conforming to the standards and requirements prescribed in this Section 16 when the following conservation purpose(s) are accomplished:

- a. Permanently conserve and preserve land to assure that its development will best maintain or enhance the appearance, character, natural beauty and scenic views of an area;
- b. Preserve land for park and passive recreation purposes;
- c. Preserve or create prime farm land and unique agricultural features such as orchards and vineyards;
- d. Protect streams, rivers, ponds and their associated streambelts, 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 and the rural character of the community.

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<sup>1</sup> Corrected 12.17.06



- 16.4 On the effective date of this Section 16, as amended hereby, existing parcels meeting all requirements for a Conservation Subdivision will be limited to one (1) Conservation Subdivision.
- 16.5 Size of Subdivision. The acreage for any Conservation Subdivision shall consist of not less than thirty (30) acres, and less than 50 acres.
- 16.6 Uses. The permitted principal use shall be single family residential and the related permitted accessory uses as permitted in the existing zone.
- 16.7 Number of Dwelling Units. 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.
- 16.8 Conservation Subdivisions shall be permitted only in zones B and C.
- 16.9 Lot and Building Requirements:
- 16.9.1 The lot size may be reduced by twenty-five percent (25%) maximum in zones B and C. Except for the variation in lot size as permitted under this subsection, Conservation Subdivisions must conform to all other requirements of these Regulations.
- 16.9.2 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.
- 16.10 Road Requirements. All roads including private roads in a Conservation Subdivision shall conform to Town road specifications set forth in the Roxbury Code of Ordinances.
- 16.11 Open Space Requirements. The open space land in any Conservation Subdivision shall be located entirely within the subdivision and shall meet the following requirements:
- 16.11.1 The Open Space areas shall be in one contiguous piece, except where the Planning Commission finds that the purposes of subsection 16.2 would be more effectively served by not more than two (2) separated parcels of open space.
- 16.11.2 The Open Space land meeting the minimum requirements of this Section 16, shall not be part of any lots, shall have suitable access from a street and shall have shape, dimension, character and location to promote the conservation purposes specified in Subsection 16.2.
- 16.11.3 The Open Space land provided shall include areas adjacent to the road

frontage to preserve the streetscape including features such as tree cover and stone walls that will retain the rural character of the Town.

16.11.4 The permanently preserved open space area in any Conservation Subdivision shall be not less than 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 16.9.2. (*Amended 12/17/06*)<sup>2</sup>

16.11.5 The Open Space land shall be used, preserved and maintained consistent with the purposes specified in subsection 16.2.

16.11.6 The Open Space land in a Conservation Subdivision shall consist of not more than fifty percent (50%) wetlands.

16.11.7 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 costs 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.

16.12 Filing of Open Space Deed, Easement or Restrictive Covenant for Open Space Land. Under the method prescribed in subsection(s) 16.11 through – 16.11.7b, 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 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:

16.12.1 Will be permanent, perpetual and binding on all future owners of the Open Space land;

16.12.2 May be enforced for adjoining property owners in the Conservation Subdivision or by the Town by appropriate action in court for

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<sup>2</sup> Setbacks included on 12.17.06.

damages or equitable relief;

16.12.3 Will assure appropriate maintenance, preservation and stewardship of the Open Space land to the satisfaction of the Planning Commission;

16.12.4 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 Subdivisions; and the unanimous approval of all the property owners in the Conservation Subdivision; and

16.12.5 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 16, 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.

16.13 Under the method prescribed in Section 16.11, 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 subsection 16.2 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 Town Attorney and the Planning Commission prior to filing of the record subdivision map in the Roxbury Land Records.

16.14 Application. The Application for a conservation subdivision special Permit shall be submitted to the Planning Commission in writing in quadruplicate, and shall consist of the following:

16.14.1 A written statement describing the purposes to be accomplished pursuant to subsection 16.2, the proposed method of preservation, disposition, use and maintenance of open space land;

16.14.2 An environment assessment of the entire track by a person recognized as qualified by the Planning Commission; and

16.14.3 A subdivision plan meeting all the requirements of the Subdivision Regulations, Town of Roxbury, Connecticut, except as modified by these Regulations.

16.15. Special Permit Procedure. The Planning Commission shall follow the procedure outlined in Special Permit Section 6.2.5 of these Regulations in acting upon a Conservation Subdivision.

**16.16 Possible Conflicts:** If the requirements of this Section 16 are in conflict with other sections of these Regulations or any provision of the Subdivision Regulations, the provisions of this Section 16, shall take priority.

**SECTION 17 - ZONING BOARD OF APPEALS**  
***(Recreated Effective 12/17/06)***

**17.1 Variances and Appeals from Decisions of the Zoning Enforcement Officer, the Zoning Commission Chairman Acting as Zoning Enforcement Officer, or the Zoning Commission Acting in an Enforcement Capacity.**

**17.1.1 The powers and duties of the Zoning Board of Appeals, as set forth in Sections 8-6, 8-7 and 8-7a through 7d of Chapter 124 of the General Statutes, as amended, are hereby incorporated by reference only. Such powers and duties are summarized as follows:**

- a. To hear and decide appeals where it is alleged there is an error in the decision of the Zoning Enforcement Officer, the Zoning Commission Chairman acting as Zoning Enforcement Officer, or the Zoning Commission acting in an enforcement capacity. All other decisions of the Zoning Commission, including, without limitation, those with respect to the grant or denial of a site plan, Special Permit, or amendment of the Zoning Regulations or the Zoning Map, shall be appealable only to the Superior Court for the Judicial District of Litchfield.
- b. To hear and decide all matters upon which it is required to pass by the specific terms of the Zoning Regulations.
- c. To determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare, and property values solely with respect to a parcel of land where, owing to conditions affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such Regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.
- d. The Zoning Board of Appeals shall not grant a variance for a use of land that is not listed as a permitted use for the district in which the land is located. This section of the Regulations is enacted, pursuant to the provisions of Section 8-6(a)(3) of the General Statutes, for the purpose of protecting the public health, safety, and welfare of the inhabitants of the Town of Roxbury and achieving the purposes for which these Regulations have been enacted as articulated.

**17.2 Procedure.**

**17.2.1 Variances.** All appeals and applications made to the Zoning Board of Appeals shall be in writing on forms obtainable from the Zoning Enforcement Officer and each appeal or application shall include or comply with the following:

- a. A statement describing the circumstances of the case or proposed use.
- b. The specific provision of the Regulations involved, the exact details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted.
- c. Such site plans to approximate scale and/or architectural plans and other information as may be necessary in the opinion of the Board to decide on the application.

- d. All applications shall be accompanied by a fee to cover the cost of advertising and processing.
- e. Such variance shall become effective upon the filing of a copy thereof in the office of the Town Clerk and in the land records of the Town in accordance with the provisions of Section 8-3d of the General Statutes.

17.2.2 Appeals from Zoning Decisions. For all appeals where it is alleged there is an error in the decision of the Zoning Enforcement Officer, the Zoning Commission Chairman acting as Zoning Enforcement Officer, or the Zoning Commission acting in an enforcement capacity, the following shall apply:

- a. The appeal shall be taken to the Zoning Board of Appeals within fifteen (15) days of the decision appealed from, and the appellant shall file with the Zoning Commission a copy of the appeal together with copies of all accompanying data. Such appeal period shall commence at the earliest of the following: (1) Upon receipt of the order, requirement, or decision from which such person may appeal, (2) Upon the publication of a notice in accordance with subsection (f) of section 8-3 of the General Statutes, or (3) Upon actual or constructive notice of such order, requirement, or decision.
- b. The appeal shall clearly state the specific provision of the Regulations involved, and shall exactly set forth the interpretation that is claimed and the grounds on which it is claimed that the same should be granted.
- c. All appeals shall be accompanied by a fee to cover the cost of advertising and processing.
- d. The Zoning Enforcement Officer (or Commission) shall forthwith transmit to said board all the papers constituting the record upon which the action appealed from was taken.
- e. An appeal shall not stay any such order, requirement or decision that prohibits further construction or expansion of a use in violation of such Zoning Regulations except to such extent that the board grants a stay thereof. An appeal from any other order, requirement, or decision shall stay all proceedings in the action appealed from unless the Zoning Commission or the officer from whom the appeal has been taken certifies to the Zoning Board of Appeals after the notice of appeal has been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed, except by a restraining order that may be granted by a court of record on application, on notice to the Zoning Commission or the officer from whom the appeal has been taken and on due cause shown.
- f. The Zoning Board of Appeals may reverse or affirm wholly or partly or may modify any order, requirement, or decision appealed from and shall make such order, requirement, or decision as in its opinion should be made on the facts and circumstances presented and shall have all the powers of the Zoning

Enforcement Officer, Chairman, or Commission from whom the appeal has been taken but only in accordance with Section 8-7 of the General Statutes.

- 17.2.3 The Zoning Board of Appeals shall fix a prompt and reasonable time for a public hearing on appeals or variance applications, give due notice of same, and render a decision, all in accordance with the provisions of Section 8-7 and 8-7d, Chapter 124 of the Connecticut General Statutes, as amended, and furnish to the Zoning Commission written notice of such decision. Notice of the hearing shall be published in a newspaper having general circulation in the Town of Roxbury at least twice at intervals of not less than two (2) days, the first no more than fifteen (15) days or less than ten (10) days and the last not less than two (2) days before the date set for the hearing. The public hearing shall be commenced within sixty-five (65) days after receipt of such applications and appeals and shall be completed within thirty-five (35) days after such hearing commences. All decisions on such matters shall be rendered within sixty-five (65) days after completion of such hearing. The applicant may consent to one or more extensions of such periods provided the aggregate total of all such extensions shall not be longer than 65 days, or the applicant may withdraw the application or petition. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, or decision of the official charged with the enforcement of the Zoning Regulations, or to decide in favor of the applicant to vary the application of the Zoning Regulations.
- 17.2.4 In addition to newspaper publication notice for appeals and variance applications to the Zoning Board of Appeals, at least seven (7) days before the scheduled hearing notice shall be mailed by the appellant or applicant to persons who own land that is adjacent to the land that is the subject of the hearing. The notice shall provide a brief description of the application or petition along with the date, time, and location of the public hearing. For purposes of this additional notice, the applicant shall provide at the public hearing proof of mailing as evidenced by a certificate of mailing, and the owner(s) to whom the notice is directed shall be the owner(s) indicated on the Town's property tax map or on the last-completed Grand List as of the date such notice is mailed. The application or appeal shall be deemed incomplete until certified receipts of mailing to all such adjacent property owners and a list of all property owners notified are filed with the Board, and if not so filed, the Board may deny the application on that basis.

zoning Commission signed by the owners of twenty percent (20%) or more of the area of lots included in such proposed change or of the lots within 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 Commission. Site plans are to be submitted with all Zone change applications.

- 18.9 Required Hearings.** The Commission or other agency to which the authority to issue a Special Permit is delegated shall conduct a public hearing on any application for a Special Permit or a change in zone boundaries or regulations. Such hearing shall commence within sixty-five (65) days after receipt of such application and shall be completed within thirty-five (35) days after such hearing commences. Notice of the hearing shall be published in a newspaper having general circulation in the Town of Roxbury at least twice at intervals of not less than two (2) days, the first no more than fifteen (15) days or less than ten (10) days and the last not less than two (2) days before the date set for the hearing. Applicant or petitioner shall be required to mail additional notification at least seven (7) days before the scheduled hearing to persons who own land that is adjacent to the land that is the subject of the hearing. The notice shall provide a brief description of the application or petition along with the date, time, and location of the public hearing. For purposes of this additional notice, the applicant shall provide at the public hearing proof of mailing as evidenced by a certificate of mailing, and the owner(s) to whom the notice is addressed shall be the owner(s) indicated on the Town's property tax map or on the last-completed Grand List as of the date such notice is mailed. The application/petition shall be deemed incomplete until certified receipts of mailing to all such adjacent property owners and a list of all property owners notified are filed with the commission hearing the application, and if not so filed, the Commission or other reviewing agency may deny the application on that basis. All decisions on such matters shall be rendered within sixty-five (65) days after completion of such hearing. The applicant may consent to one or more extensions of the periods specified in this paragraph, provided the aggregate of all such extensions for all such periods for any purpose shall not be longer than sixty-five (65) days, or the applicant may withdraw such application. The commission hearing the application shall not be required to hear any petitions relating to the same changes, or substantially the same changes, in zoning text or boundaries more than once in a period of twelve (12) months. *(Amended 12/17/06)*
- 18.10 Appeals and variances.** Any person who alleges that there is an error in any order, requirement, or decision made by the zoning Enforcement Officer in the enforcement of these Regulations may appeal such action to the zoning Board of Appeals. Any person wishing to make a proposal that may not be consistent with the requirements of these Regulations, may apply to the zoning Board of Appeals for a variance, except that a variance to permit a use not expressly allowed by these Regulations may not be granted by the zoning Board of Appeals. A variance does not constitute a zoning permit, which must also be obtained before a building permit can be issued.
- 18.11 Recording.** No variance or special permit shall become effective until a copy thereof, certified by the Zoning Board of Appeals or this Commission, as appropriate, containing a description of the premises to which it relates and specifying the nature of such variance or special exception, including the zoning provision which is varied in its application or to which a special permit is granted, and stating the name of the owner of record, is recorded in the Town Land Records. The Town Clerk shall index the same in



grantor's index under the name of the then record owner and said record owner shall pay for such recording.

- 18.12 Other Permits. A zoning permit 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, tire protection, building code and health code. Determining what other permits are required and obtaining such other permits is the responsibility of the applicant.
- 18.13 Conflicting standards. If these Regulations require a greater width or size of yards, courts or other open spaces or a lower height of building or a fewer number of stories or a greater percentage of lot 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. If the provisions of any other statute, bylaw, ordinance, or regulation require a greater width or size of yards, courts or other open spaces or a lower height of building or a fewer number of stories or a greater percentage of lot 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.
- 18.14 Violations. The Zoning Enforcement Officer may order the remedying of any condition found to exist therein or thereon in violation of any provision of these Regulations. When such violation involves unauthorized grading of land or the removal of earth products, the zoning Enforcement Officer shall issue, in writing, a cease and desist order to be effective immediately.
- 18.15 Penalties. The owner or agent of any building or premises where a violation of any provision of these Regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists, shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each day that such violation continues, or imprisoned not more than ten (10) days for each day such violation continues, or both; and the Superior Court shall have jurisdiction of all such offenses, subject to appeal as in other cases. Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten (10) days after such service, or having been served with a cease and desist order with respect to a violation involving grading of land or removal of earth, fails to comply with such order immediately, or continues to violate any provision of these Regulations in such order shall be subject to a civil penalty of Five Hundred Dollars (\$500.00), payable to the Treasurer of the Town of Roxbury.
- 18.16 Interpretation. 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.
- 18.17 Amendments. These Regulations, including the Zoning Map, may be amended by the Commission on its own initiative, or when initiated by a written petition of one or more

property owners. Any amendment may be adopted only after due notice and public hearing as prescribed by the General Statutes of the State of Connecticut. Any petition for amendment shall be prepared and submitted in accordance with any rules for submission of petitions adopted by resolution of the Zoning Commission.

- 18.18 **Validity.** If any provision of these Regulations is adjudged by a court of competent jurisdiction to be valid, 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.

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 lot, the effect of such decision shall be limited to the particular building, other structure or lot, and the general application of such provision to other buildings, structures or lots shall not be affected.