

ZONING REGULATIONS

ROXBURY, CONNECTICUT

Prepared for the Roxbury Zoning Commission

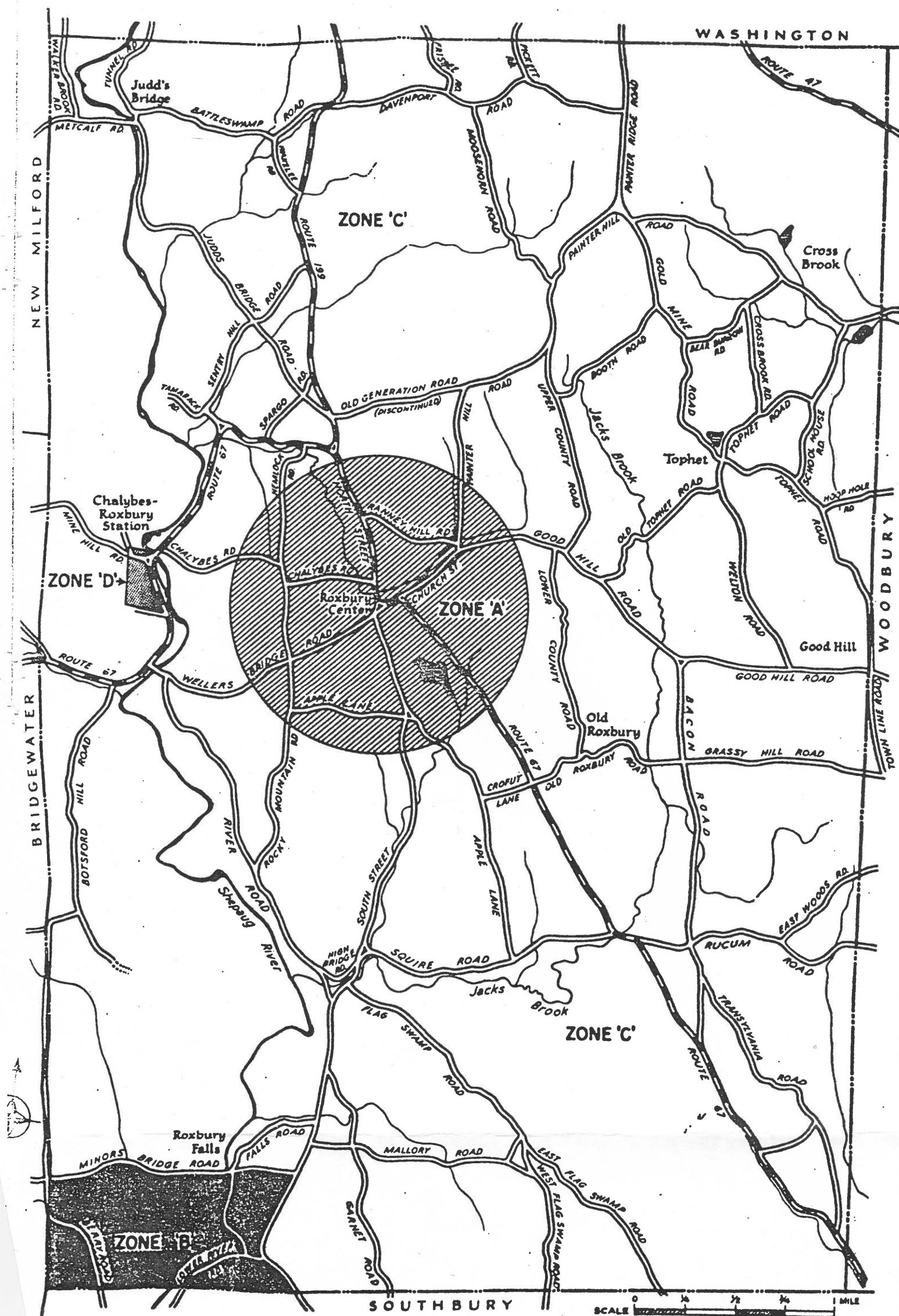
by the

NORTHWESTERN CONNECTICUT REGIONAL PLANNING AGENCY

Effective October 1, 1983

# Town of ROXBURY, Connecticut

Zoning Map



TOWN OF ROXBURY

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MASTER CHART & MASTER CHART FOOTNOTES

last two pages

ZONING REGULATIONS  
OF THE  
TOWN OF ROXBURY, CONNECTICUT

SECTION 1 - TITLE, AUTHORITY, AND PURPOSE

1.1 Title. The Regulations shall be known and may be cited as the "Zoning Regulations, Town of Roxbury, Connecticut," which herein are called "these Regulations".

1.2 Authority. These Regulations are adopted by virtue of and pursuant to authority granted by Chapter 124 and Section 7-148 of the Connecticut General Statutes, Revision of 1958, as amended.

1.3 Purpose. The purpose of these Regulations are as follows:

1.3.1 To encourage the most appropriate use of land throughout the community;

1.3.2 To promote the health, safety, and general welfare of the community;

1.3.3 To lessen congestion in the streets;

1.3.4 To secure safety from fire, flood, panic and other danger;

1.3.5 To provide adequate light and air;

1.3.6 To prevent the overcrowding of land and to avoid undue concentration of population;

1.3.7 To facilitate adequate provision of transportation, water, sewage, schools, parks, and other requirements;

1.3.8 To conserve the value of buildings;

1.3.9 To regulate and restrict the locations and use of buildings, structures and land for trade, residence or other purposes;

1.3.10 To regulate and limit the height of buildings hereafter erected;

1.3.11 To regulate and determine the area of yards, and other open spaces for buildings hereafter erected;

1.3.12 To protect historic resources;

1.3.13 To provide proper sedimentation control and the control of erosion caused by wind or water;

1.3.14 To encourage energy efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation.

1.3.15 To retain the rural character of Roxbury which includes:

- wooded areas
- agricultural land
- retention of stone walls
- retention of tree lined roads
- dirt roads
- low density

## SECTION 2 - ESTABLISHMENT OF ZONE

2.1 Zones. The Town of Roxbury, Connecticut, is hereby divided into four zones, as shown on the Zoning Map. Uses are permitted by right or by special permit in each zone as prescribed in Section 4.

- 2.1.1 Residence Zone A
- 2.1.2 Residence Zone B
- 2.1.3 Residence Zone C
- 2.1.4 Business Zone D

2.2 Zoning Map. The boundaries of the zones designated above are established as shown on the map entitled, "Town of Roxbury, Connecticut, Zoning Map", dated 7-1-75 and all amendments thereto. The Zoning Map is declared to be a part of these Regulations.

2.3 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:

2.3.1 Where a boundary is indicated as a street, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a town boundary then to the limits of the town boundary.

2.3.2 Where a boundary is indicated as following approximately or parallel to 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.

2.3.3 Where a dimensioned boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.

2.3.4 Where the boundary between Zone A and Zone C divides a lot, the use of the entire lot shall be governed by the more restrictive conditions applicable to each of the zones.

2.3.5 Where the boundary between Zone B and Zone C divides a lot, the use of the entire lot shall be governed by the more restrictive conditions applicable to each of the zones.

2.3.6 Where the boundary between Zone C and Zone D divides a lot, the Zoning Commission, upon application to it, may grant a special permit, in accordance with the

provisions of Section 6 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 20 feet.

2.3.7 Where a question arises as to the exact boundary of 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.

#### 2.4 Description and Purposes of Zones.

2.4.1 Residence Zone A - this district focuses on the grouping of historically and architecturally significant buildings in the village area of Roxbury. The character and appearance of the district and individual buildings is important. The district comprises the area of a circle having a radius of 3/4 mile and its center the monument on the green. Lots to have a minimum area of 2 acres and a frontage of at least 250 contiguous feet on a public road, 90% of which frontage shall be a minimum of 50 feet in depth.

2.4.2 Residence Zone B - this area of town, together with the Residence Zone A are better served by roads and services; the district is bounded on the south and west by the Town line, on the north by Minor's Bridge Road, and on the east by South Street. Lots to have a minimum area of two acres and a frontage of at least 250 contiguous feet on a public road, 90% of which frontage shall be a minimum of 50 feet in depth.

2.4.3 Residence Zone C - this district includes the town's reserved open space and numerous scenic and rugged topographic features worthy of conservation in their natural state. This area is particularly remote from town facilities and services and is very lightly developed at present. 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. The district comprises all of the area lying outside of Zones, A, B, and D. Lots to have a minimum area of three acres and a frontage of at least 250 contiguous feet on a public road, 90% of which frontage shall be a minimum of 50 feet in depth.

2.4.4 Business Zone D - this district is intended 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 this district are limited to those which generate little traffic and have a

local, limited market area. This selectivity reflects a lack of both the ability and desirability of attracting major retail commercial outlets to Roxbury and as the location of the district suggests, a purpose of the zoning scheme is to strengthen the role of the village as a focus of business activity in the town. Commencing (Magnetic compass directions) at a U.S. Geodetic Survey Mounment located N.E. of Mine Hill Road a short distance W of the intersection with Route 67, and running due N 200 feet to a point; thence due W 490 feet to a point; thence due S approximately 1550 feet to a point; thence due E approximately 225 feet on the abandoned railway bed opposite the former State Highway Building; thence SE along the access road to the former State Highway building to its intersection with Route 67; thence NW along Route 67 to the point of beginning.

2.5 The establishment of Special Permit interior residence building lots within Residence Zones A, B and C, is provided under Section 5.8 of these Regulations, which prescribes permitted modifications of frontage requirements and an increase in minimum building lot sizes under specified conditions.

### SECTION 3 - GENERAL REQUIREMENTS

3.1 Buildings. No building or structure including those on Town property shall be erected, materially altered, rebuilt or moved and no land or building or part thereof shall be used or occupied or changed in use, except in conformity with these Regulations, and without first obtaining a permit from the Zoning Commission.

3.2 Lots. A lot may be subdivided into two or more lots, provided that all resulting lots and all buildings thereon shall comply with all of the applicable provisions of this regulation. If such lot, however is occupied by a complying building, such lot may be subdivided provided such subdivision does not create a non-compliance.

3.2.1 No principal building, accessory building or structure shall be erected unless the lot requirements prescribed by Section 2 (Establishment of Zones) of these Regulation and the Master Chart are met, or, in the alternative, that it is a lot as defined in Section 20 (Definitions) hereof.

3.2.2 The lot or yard areas required for a particular building shall not be included as part of the required lot or yard areas for any other building; no lot or yard areas of buildings existing at the time of adoption of these regulations shall be diminished below the requirements herein provided for buildings to be hereafter erected; no lot or yard area shall hereafter be divided and improved with one or more buildings, including accessory buildings, unless each and every lot resulting from such division shall conform to the requirements herein prescribed for buildings to be erected hereafter.

3.2.3 If the division of a lot area referred to in the foregoing 3.2.2 shall constitute a subdivision, no zoning permit shall be issued until full compliance has been made with all provisions of the Subdivision Regulations of the Roxbury Planning Commission.

3.2.4 No land area shall hereafter be divided in such a manner as to create a non-conforming lot.

3.2.5 No lot shall be so reduced in size or frontage that it fails to meet the minimum requirements of these regulations for the zone in which it is located except as provided under requirements establishing:

a. Special Permit building lots as part of an approved interior residence lot plan on file with the Town Clerk as provided under Section 6 of these Regulations, or

b. Cluster subdivision lots as part of an approved plan on file with the Town Clerk as provided under Subdivision Regulations.

3.2.6 No building permit or special permit shall be issued for any lot requiring subdivision or resubdivision approval under 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. All applicants shall provide evidence from the appropriate commissions that each proposal has been checked for conformity with Subdivision Regulations and Inland - Wetland Regulations.

### 3.3 Yard Requirements on Corner Lots.

3.3.1 In the case of a corner lot, the front lot line shall be that street line upon which the principal doorway entrance of the principal building faces.

3.3.2 On any corner lot the least width of any side yard along the street lot line shall not be less than one-half of the sum of the minimum side and front yards required for the zone in which the lot is located.

3.3.3 On any corner lot there shall be no building, fence, wall or planting located within a triangular space on the lot bounded by the two intersecting street center lines and a straight line connecting a point on the street center line thirty feet from the intersection with a point on the other street center line thirty feet from the intersection, so as to obstruct a clear line of sight anywhere across such a triangle between an observer's eye at an elevation of 3.5 feet above one street line and an object one foot above the other street line.

3.4 Materials. Plans for new construction or alterations shall provide for external surfacing of brick, stone, wood, concrete, aluminum, vinyl, fiberglass, or a combination of such building materials.

### 3.5 Fences.

3.5.1 No boundary wall or fence shall be over six feet in height.

3.6 Septic. No building requiring a septic system shall be erected without prior written approval of the Director of Health of the Town of Roxbury or his authorized agent concerning the plan and test results of the proposed sewage disposal facilities and provisions for domestic water supply as prescribed by 'The Public Health Code of the State of Connecticut'.

3.7 Wetlands. No structure shall be built on a wetland or streambelt area in Roxbury unless the necessary permit has been issued by the Inland Wetlands Commission.

3.8 Flood Prone Areas. There shall be no building in flood prone areas except in conformity under the Federal Flood Insurance Program.

3.9 Livestock.

3.9.1 All livestock or poultry shall be kept in approved enclosures and shall not be allowed to roam at large.

3.9.2 No stable, pig pen, chicken house or other structure used for the housing of animals shall be located within fifty feet of any pond, lake, river or watercourse.

3.9.3 No building for the housing of animals other than small domestic animals such as dogs or cats shall be located within 100 feet of any street line or the side boundary of an adjoining lot.

3.9.4 No fenced yard for livestock shall be located closer than 100 feet of any street line or 100 feet of the side boundary line of an adjoining lot. A fenced yard for livestock is an enclosure or fenced area designed to contain or confine animals. Said yard or enclosure may be commonly referred to as a barnyard, paddock, pen, etc. and is not to be confused with a fenced pasture used for grazing or hay production.

3.9.5 No poultry house in Zones A or B shall house more than 100 birds, or have a floor area of more than 300 square feet; there shall not be more than one house to each residence to which it is appurtenant.

3.9.6 The density of horses on a lot shall not exceed 40,000 square feet of gross lot area per animal six months or older per horse.

3.9.7 Manure shall be stored not less than 100 feet from street and property lines.

3.9.8 Manure shall be removed at intervals sufficiently frequent to maintain a sanitary fly free condition.

3.9.9 Manure drainage shall not run into a wetland or onto other property.

3.10 Non-Conformity.

3.10.1 Definition. A non-conforming use, building or lot is one which existed lawfully, either by variance or otherwise, on the effective date of these Regulations, and which fails to conform to one or more of the provisions of the Regulations or amendments thereto.

3.10.2 Any non-conforming building, lot, or use of land or building may be continued in the form and to the extent existing on that date.

3.10.3 No non-conforming use of land shall be enlarged, extended or altered, and no building or other structure or part thereof devoted to a non-conforming use shall be enlarged, extended, constructed, re-constructed or structurally altered, except where the result of such a change is to reduce or eliminate the non-conformity.

3.10.4 No non-conforming building devoted to a conforming use shall be enlarged, extended, reconstructed or structurally altered on the exterior, except where the results of such change is to reduce or eliminate the non-conformity.

3.10.5 Nothing in these Regulations shall prevent the enlargement, extension or structural alterations of an existing building or the construction of a building which is an accessory to an existing building on or the use of a lot which is a non-conforming lot provided:

a. The use and building shall conform to all other requirements of these Regulations, and

b. The use shall not be a use for which a special exception is required, and

c. The owner of the lot shall not own sufficient contiguous land to make a conforming or more nearly conforming lot.

3.10.6 No non-conforming building or use, if once changed to conformity, shall be changed back so as to be non-conforming.

3.10.7 No non-conforming building or use which shall have been discontinued for a period of one year, shall be resumed or replaced by the same or any other non-conformity.

3.10.8 A non-conforming building damaged by fire, explosion, or act of God to the extent of more than 75% of its assessed value may be rebuilt or repaired only so as to comply with the provisions of these Regulations for the zone in which located. If the damage is 75% or less, the building may be rebuilt or repaired and the non-conformity resumed, provided the work is completed within one year of the date of damage, and the dimensions, location on the lot, and use remain unchanged.

3.10.9 It is the intent of the Regulations that non-conformities shall not be expanded, and that they shall be changed to conformity as quickly as the fair interests of the owners permit, and that the existence of a non-conformity shall not in itself be considered grounds for the issuance of a variance for other property.

3.11 Access Road.

3.11.1 Any access road leading to another lot shall be deemed to divide the parcel through which it passes into two or more lots each of which shall conform to the requirements of the zone in which it is located.

## SECTION 4 - USE REGULATIONS

4.1 Applicability. No building, structure, or land in the Town of Roxbury shall be used or occupied for the purposes permitted in the district, except as prescribed in this section. Any use not listed shall be expressly excluded.

4.2 Permitted Uses for Residence Zones A, B and C. The following uses shall be permitted subject to provisions of other sections:

4.2.1 Single Family detached dwelling, one per lot;

4.2.2 A total of two single family detached dwellings on one lot, when that lot has twice the area and frontage required in the residence zone; and so that the lot may be divided into two conforming lots with one single family detached dwelling per lot.

4.2.3 Streets, parks, playgrounds, public school grounds and town buildings; subject to referral to Roxbury Planning Commission.

4.2.4 Farming; including dairying, horse, cattle, poultry and sheep, truck gardening, nurseries, greenhouses.

4.2.5 Roadside farm product stands for the sale of farm products provided the major portion of such products is raised on the premises where the stand is located and the stand does not exceed 300 square feet in size.

4.2.6 Private garages, barns, sheds, shelters, silos and other structures customarily accessory to residential estates, farms or resident uses.

4.2.7 Windmills subject to the provisions of Section 5.7.

4.2.8 Customary home enterprise as defined in Section 8.

4.2.9 Signs subject to the provisions of Section 12.

4.2.10 The use of a trailer or camper by a non-resident on a lot with a single family dwelling shall be permitted not to exceed up to three weeks annually.

4.2.11 Mobile Homes subject to the provisions of Section 11.

4.3 Permitted Uses by Special Permit for Residence Zone A and B. The following principal uses shall be permitted in the Residence Zone A and B when authorized by the Zoning Commission as a Special Permit in accordance with Section 6.

4.3.1 Private schools, colleges and universities, when located on a lot of at least five (5) acres.

4.3.2 Education, religious, philanthropic, scientific, literary and historic institutions; agricultural and horticultural societies; including the buildings and facilities necessary and appropriate to such uses and which are compatible with the general character and appearance of the town.

4.3.3 Churches, Sunday school buildings, rectories, fire houses, schools, libraries and museums.

4.3.4 Cemeteries.

4.3.5 Elderly housing by a non-profit charitable corporation in all Residence Zones, subject to the requirements of Section 5.17.

4.4. Permitted Accessory Uses for Residence Zone A, B & C. Customary uses incidental to the principal uses in Sections 4.2 and 4.3 shall be permitted in Residence Zones A, B & C.

4.5 Permitted Uses by Special Permit for Residence Zone C. The following principal uses shall be permitted in the Residence Zone C when authorized by the Zoning Commission as a Special Permit in accordance with Section 6.

4.5.1 All uses permitted by special permit in Residence Zone A and B.

4.5.2 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:

a. The lodge or club shall be located on a lot not less than five (5) acres in area.

b. No building shall be located less than 75 feet from any street line nor less than 150 feet from any adjoining property line.

c. 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.

d. Provision for adequate off-street parking as defined in Section 13.

4.5.3 Nursing homes licensed by the State of Connecticut subject to the following conditions:

a. The nursing home shall be located on a lot not less than five (5) acres.

b. No building shall be less than 75 feet from any street line nor less than 150 feet from any adjoining property lines.

4.5.4 Private airports for the takeoff, landing and storage of aircraft for the use of the property owner and his immediate family for the purpose of providing personal air transportation. No part of the airport shall lie within one mile of another airport or within 80 yards of a public road or utility line nor within 300 yards of a dwelling house (except one owned by the airport licensee). Neither end of the runway shall be nearer than 200 yards to a public road or utility line, nor less than 400 yards from a dwelling house (except one owned by the airport licensee).

4.6 Permitted Uses for Business Zone D. The following principal uses shall be permitted and all other principal uses are expressly excluded:

4.6.1 All uses permitted in Residence A, B and C.

4.6.2 Retail stores, banks and personal service establishments.

4.6.3 All business uses and buildings are subject to Site Plan Requirements, Section 7.

4.6.4 Driveways as outlined in Section 5.11.

4.7 Permitted Uses by Special Permit for Business Zone D. The following principal uses shall be permitted in the Business Zone D when authorized by the Zoning Commission as a Special Permit in accordance with Section 6.

4.7.1 All uses permitted by special permit in Residence Zones A, B and C.

4.8 Permitted Accessory Uses for Business Zone D. All uses permitted as accessory uses in Residence Zones A, B and C.

4.9 Prohibited Uses. It is to be understood that any building or use not included in Zones A, B and C, and D of this Section 4 of these Regulations as a permitted use is prohibited. To assist in the interpretation of such permitted uses, the following uses, the list of which is not intended to be exhaustive, are specifically prohibited:

4.9.1 Amusement parks, fair grounds, race tracks, theaters, drive-in movies, miniature golf, golf driving ranges, commercial airports.

4.9.2 Trailer park, tents for commercial purposes, and other similar structures intended for residential use.

4.9.3 Manufacturing and industrial.

4.9.4 Building detrimental to the health, safety and welfare of the townspeople.

4.9.5 Slaughterhouses for animals or poultry.

4.9.6 Billboards and related advertising devices.

4.9.7 Hospitals and institutions for the insane.

4.9.8 Penal institutions.

4.9.9 Public dumps, sanitary land fills, commercial incinerators and other facilities for the disposal of sewage, garbage or other waste materials, except when operated by or under the direct supervision of the Town.

4.9.10 Commercial hog raising, mink farms.

4.9.11 Junk yards, as defined in State Statutes.

4.9.12 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 non-conformity or through issuance of a zoning permit.

4.9.13 Commercial Kennels as defined in Section 20.

4.9.14 Gun Clubs.

SECTION 5- BUILDING REQUIREMENTS  
RESIDENCE ZONES A, B, & C

5.1 Residence Building.

5.1.1 No building to be used as a residence shall be erected which has a total living area of less than 1000 square feet nor which has a total ground floor area of less than 800 square feet exclusive of porches, sun parlors, steps, hatchways and other horizontal projections which are part of the building, garages, greenhouses or other accessories.

5.1.2 No building to be used as a residence shall be erected unless the lot requirements as prescribed on the Master Chart and as defined in Section 3 are met.

5.1.3 A portion of any principal residential unit may be converted into a single apartment for the use of immediate family members provided that:

a. Such apartment shall not contain more than 25% of the floor area of the principal residential unit.

b. That the remaining principal residential unit shall retain conforming square footage as set forth in the Master Chart.

c. That a permit is obtained from the Zoning Enforcement Officer.

5.1.4 Such apartment shall not be converted to a rental unit unless all requirements as set forth in Sec. 14 are met.

5.2 Accessory Buildings, Zones A, B & C.

5.2.1 No accessory building shall be built within less than 50 feet of any street nor within less than 30 feet of the boundary line of an adjoining lot.

5.2.2 A guest house shall not be rented and shall be used solely for housing the guests of the family residing in the principal single family dwelling on the lot.

a. A guest house shall not contain more than 25% of the floor area of the principal residential unit.

5.2.3 An accessory building or portion thereof may be used for residential purposes by a member of the immediate family and persons performing domestic or caretaker services for the family of the principal residential unit.

a. An accessory building or portion thereof devoted to residential purposes shall not contain more than 25% of the floor area of the principal residential unit.

5.2.4 Height provisions shall not apply to church steeples, flag staffs, water tanks and standpipes but in no case shall these structures exceed 50 feet in height.

5.2.5 No accessory building, apartment or employee housing shall be converted into rental units unless all the requirements as set forth in Section 14 are met.

### 5.3 Building Requirements for Business Zone D.

5.3.1 Site Plan Requirements. In order to promote safety and general welfare of the community and to conserve the physical appearance of the town, the Zoning Commission shall review the site plans of all proposed commercial developments and require that the following standards be met as well as any applicable standard set forth in Section 7 and that any residential or non-business accessory buildings in this Zone shall also meet all requirements for other Residential Zones:

a. Parking, driveways and access as prescribed in Section 13.

b. Vehicular entrances on a state highway shall be approved by the State Traffic Commission.

c. All buildings shall have a minimum of 50 feet from the street line.

d. Signs as prescribed in Section 12.

e. Lighting as prescribed in Section 5.5.

### 5.4 Additional Requirements for Driveways in Business Zone D.

a. There shall be a maximum of one driveway for each lot fronting on a Town Road.

b. Driveways fronting on a Town road shall be maximum of thirty feet wide and clearly defined.

c. A six-inch curb shall separate the front yard planting strip from the travelled portion of the fronting road right of way.

d. Driveways and parking areas shall be paved and drain into a storm drainage system with catch basins within the site and shall be subject to the approval of the Board of Selectmen; where deemed necessary, drainage into roads right-of-way shall be permitted subject to the approval of the Board of Selectmen.

5.4.1 Standards for Pooled Parking. In reviewing a pooled parking facility, the commission shall consider whether the proposal will reduce the number of curb cuts, improve vehicular circulation, and generally enhance the appearance of the particular area.

a. Any two or more contiguous properties may decide to pool or group their parking facilities. The minimum number of parking facilities may equal 10% fewer parking spaces than the number specified under Section 13.

5.4.2 Reserve Parking. There shall be an area reserved for future parking if the pooled parking should cease.

5.4.3 Procedure for Driveway Approval.

a. A zoning permit, as specified in Section 18 shall be submitted for review.

b. At the time of zoning permit review, the applicant shall also submit a survey indicating that parking spaces and curb cuts as required under Section 13 could be provided if pooled parking agreement is discontinued by participating parties.

## 5.5 Lighting - Business Zone D; Special Permit Uses and Outdoor Recreation Facilities in Residence Zones A, B, & C.

5.5.1 Exterior lighting shall include but shall not be limited to all lights mounted on the exterior of building as well as freestanding ground or overhead lights.

5.5.2 All exterior lighting, including flood and spot lighting shall be designed so that the filaments, light sources or lenses are shielded with opaque material in such a way that they will not be visible at the property line so that such lighting will not adversely affect any abutting property or public street except that the following types of lighting may be used only if approved by the Zoning Enforcement Officer. Unshielded lighting may be used if it can be shown that the type of fixture proposed is not objectionable because of the light distribution characteristics of the fixture.

5.5.3 Any type of lighting directed upward at such an angle that neither buildings, trees, shrubs or site surfaces are lighted is prohibited.

5.5.4 Lights producing varying intensities, changing colors, moving lights or search lights are prohibited.

## 5.6 Fire Ponds.

5.6.1 Fire ponds and dry hydrants may be required for Special Permit Uses in all Zones where deemed necessary by the Commission in consultation with the Town Fire Department to protect the public health and safety.

5.6.2 A fire pond location shall be:

a. On poorly and very poorly drained soil areas within approximately 175 feet of a road.

b. Such that the pond can provide a minimum of 60,000 gallons usable water with an adequate and reliable recharge.

5.6.3 The design and construction of a fire pond shall be completed in reference to "Fire Hydrant (nonpressure) Detail and Design Sheet", U.S.D.A. Soil Conservation Service, and accomplished with the advisory assistance of the U.S.D.A. Soil Conservation Service, the Litchfield County Conservation District, and the Town of Roxbury Fire Department.

5.6.4 The location of a fire pond may require review and approval by the Roxbury Inland Wetlands Commission.

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

5.7.1 Height of windmill as measured from grade to center of rotor shall be less than seventy feet.

5.7.2 Rotor diameter shall be less than thirty-five feet.

5.7.3 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.

5.7.4 The minimum setback distance from all property lines and habitable buildings shall equal the height of the machine from grade to the center of the rotor, plus twenty feet or the diameter of the rotor, whichever is greater.

5.7.5 Climbing access to the windmill tower shall be limited either by:

a. the installation of a fence with locked gate around tower base, or

b. by limiting tower climbing apparatus to no lower than ten feet from the ground.

If a fence is used it shall be no lower than five feet and constructed in such a manner as to restrict passage through said fence, including such construction as stockade, woven wood, chain link, etc., but not split rail.

5.7.6 A windmill will be considered abandoned if not properly maintained for a period of two years or if designated a safety hazard by the Building Inspector. The owner of any windmill which is considered to be abandoned or has been designated a safety hazard shall be required to dismantle the installation. All windmills shall be operated and constructed in a safe and reasonable manner.

5.7.7 System shall be designated with an automatic brake to prevent overspeeding and excessive pressures on the tower structure.

#### 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 a special permit to allow the construction of one single-family dwelling with permitted accessory buildings on an interior lot in the residential zones A, B and C.

5.8.2 Interior Lot. A lot which does not meet the frontage requirement for a conforming lot as defined elsewhere in these Regulations.

#### 5.8.3 Requirements.

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. No dwelling shall be constructed unless a portion of said lot has 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 an 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. No building or other structure on an interior lot shall be closer than fifty (50) feet to any lot line.

d. An interior lot shall have an area equal to one and one-half times that required by these Regulations in the zone in which it is located, not including the area of the access way.

#### 5.8.4 Applications and Procedures.

a. A letter giving the names and addresses of the person, persons, firm or corporation making the application. Information which might expedite communication shall be included. An original and two copies of such letter shall be submitted and it shall provide the following information:

- Brief description of the property and the proposed use.
- Location and size of property that is included.
- Identification of adjacent property owners.
- A statement that the proposal has been checked for conformity with Roxbury Zoning Regulations.

b. Three copies of the layout and boundary survey map of the tract. One copy shall be on a good quality stable material providing the following information:

- Each map not to exceed an overall measurement of 24" x 37", at a scale preferable of 1" = 40', but in no case at a scale less than 1" = 100'. Where it is physically impossible to fit the entire proposed plan on one map, more than one map may be used, provided that the match lines are indicated.
- Identification of the map of project, name or title, zone, north point and graphic scale.
- Name of owner of record, subdivider, and seal and signature of a Connecticut licensed engineer or land surveyor certifying that the map is substantially correct.
- Statement of Connecticut licensed engineer or land surveyor that each map is in conformity with Class A-2 or the Code of Recommended Practice for Standards of Accuracy of Maps prepared by the Connecticut Technical Council, Inc.
- 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.
- An inset key map (scale 1" - 1,000) showing the relationship of the proposed plan to the surrounding neighborhood.
- Legal description and location of existing property lines, streets, utilities, easements, structures, water courses, marshes, rock outcrops, and other existing features.
- Such contour lines on the map as may be necessary in evaluation and feasibility of the project at not more than 10' intervals.
- 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.
- Identification on the map of the areas subject to flooding.
- Indication on the map of provisions made for storm water drainage.
- Description of existing rights-of-ways, proposed rights-of-ways, proposed private roads or access ways.
- Any proposed public road layout, showing names, widths, approximate grades and radii of all curves and intersections.

c. The written approval from the Sanitarian concerning the adequacy of plans and test results for proposed sewage disposal facilities and provisions for domestic water supply as prescribed by the State Health Code. Adequacy of plans for sewage disposal facilities shall be based upon subsoil examination which shall include percolation tests carried out in accordance with State practices (Connecticut State Sanitary Code).

d. The Zoning Commission shall refer the application to the Planning Commission.

e. The Planning Commission shall certify its decision to the Zoning Commission.

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.

g. A Special Permit application shall conform to requirements as prescribed in Subdivision Regulations when such lot is part of a subdivision or resubdivision.

h. A Special Permit becomes effective when filed with the Town Clerk of Roxbury.

i. Interior lots of record prior to February 5, 1962 need not have frontage on a street, road or highway provided any such lot shall have an unobstructed access strip or right of way not less than thirty (30) feet wide to an accepted street, road or highway.

## SECTION 6 - AUTHORIZATION OF USE BY SPECIAL PERMIT

6.1 In authorizing uses by special permit, in addition to the standards of Section 5, the Zoning Commission shall determine that the proposed use conforms with the overall intent of these Regulations.

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 a survey, in accordance with the provisions of Section 5.
- c. Architectural Plans: three (3) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 5.
- d. Waiver: The Commission, 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.

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 General Statutes.

6.2.3 All determinations of the Commission shall be made after public notice and hearing in accordance with Section 8-3c of the General Statutes and subject to appropriate conditions and safeguards.

6.2.4 In reviewing special permits, the Zoning Commission shall consider all the General Requirements in Section 3. . In granting

any special permit, the Commission shall consider in each case whether the proposed use will:

- a. Not materially adversely affect adjacent areas located within the closest proximity to the use.
- b. Not materially obstruct significant views which are important elements in maintaining the character of the Town for the purpose of promoting the general welfare and conserving the value of buildings.
- c. Preserve important open space and other features of the natural environment related to the public health, safety and welfare.
- d. Not unreasonably adversely affect safety in the street nor unreasonably increase traffic congestion in the area, nor interfere with the pattern of highway circulation.
- e. Be in scale with and compatible with surrounding uses, buildings, streets and open spaces.

6.2.5

Special Permit Approval. The Planning Commission shall pursue the following procedure in acting upon a Cluster Subdivision Special Permit.

- a. The Planning Commission shall hold a Public Hearing on an application and render a decision according to the requirements of Section 8-26e of the General Statutes of Connecticut.
- b. Recommendation of any Town agencies may be made at the Public Hearing.
- c. The Planning Commission shall approve the application for a Cluster Subdivision Special Permit and the subdivision plan if it finds that the purposes specified in Section 16 will be accomplished.
- d. In granting a Cluster Subdivision Special Permit the Planning Commission

may attach such conditions as it deems necessary to effect the purposes and intent of these Regulations. A copy of the Special Permit and any conditions so imposed shall be filed in the office of the Roxbury Town Clerk.

- e. The approval of a Cluster Subdivision Special Permit shall be noted on the final subdivision map filed in the office of the Roxbury Town Clerk.
- f. Any Cluster Subdivision Special Permit shall become null and void in the same manner as prescribed for subdivision in the Subdivision Regulations Town of Roxbury, Connecticut and the General Statutes of Connecticut.

## SECTION 7 - SITE PLAN

7.1 Applicability. A site plan, as prescribed in this section, shall accompany the application for any permitted use or special permit, except for single-family and permitted accessory buildings and uses. The site plan shall be approved by the Commission prior to the issuance of a zoning permit or special permit by the Zoning Enforcement Officer. Applications for dwellings and permitted accessory buildings and uses shall be submitted to the Zoning Enforcement Officer together with such information as he may prescribe, and such applications may be approved by him.

7.2 Decision Time Limit. A decision by the Commission on a site plan shall be rendered within 65 days after receipt of such site plan. 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 two further 65-day periods, or may withdraw such plan.

7.3 Standards for Site Plan Approval. In reviewing site plans, the Zoning Commission shall take into consideration the public health, safety and general welfare, the comfort and convenience of the general public and as a condition of approval, may require such modifications of the proposed plans as it deems necessary to comply with the spirit as well as the letter of these regulations. The Commission shall take into account the following objectives:

7.3.1 Conformity of all proposals with the Plan of Development.

7.3.2 Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site. At least the following aspects of the site plan shall be evaluated to determine the conformity of the site plan to this standard:

- a. The effect of the proposed development on traffic conditions on abutting streets;
- b. The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways;
- c. The visibility in both directions at all exit points of the site and the visibility

lity of a vehicle entering or exiting the site to the driver of a vehicle traveling on the street;

- d. The location, arrangement and adequacy of off-street parking facilities;
- e. Interconnection of parking areas via access drives within and between adjacent lots, in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation;
- f. The location, arrangement and adequacy of truck loading and unloading facilities;
- g. Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk system;
- h. The location, arrangement and adequacy of facilities for the physically handicapped such as ramps, depressed curbs, and reserved fifteen (15) foot wide parking spaces;
- i. The location, arrangement and adequacy of landscaping within and bordering parking and loading facilities.

7.3.3 The protection of environmental quality and the preservation and enhancement of property values. At least the following aspects of the site plan shall be evaluated to determine the conformity of a site plan to this standard:

- a. The location, height and materials of walls, fences, hedges and plantings so as to ensure harmony with adjacent development, screen parking and loading areas, and conceal storage areas, utility installations and other such features.
- b. The prevention of dust and erosion through the planting of ground cover or installation of other surfaces;

- c. The preservation of natural attributes and major features of the site such as wetlands, highly erodible areas, historic structures, major trees, and scenic views both from the site and onto or over the site;
- d. The design and arrangement of buildings and accessory facilities and the installation of proper shielding so as to minimize noise levels at the property boundary;
- e. The provision of adequate storm and surface water drainage facilities to properly drain the site while minimizing downstream flooding.

7.3.4 A high quality of building design, neighborhood appearance, and overall site design. At least the following aspects of the site plan shall be evaluated to determine the conformity of a site plan to this standard:

- a. A design in harmony with existing and/or proposed neighborhood appearance, as shown by the exterior appearance of the buildings, their location on the site, and their relationship to the natural terrain and vegetation.
- b. In multi-family developments, the adequacy of usable outdoor living space.

7.4 Bond. The Commission may require a performance bond in a form satisfactory to the Commission to cover 125% of the cost of site improvements to guarantee satisfactory completion of drainage facilities, erosion and sediment control measures, parking and access features, walkways, recreation facilities, buffer strips, landscaping and any other site improvements, other than buildings.

7.4.1 The applicant shall provide an estimate of improvements to be bonded, together with a description of the basis for the estimate.

7.4.2 No zoning permit or special permit shall be issued until the bond is received.

7.4.3 The bond shall be held by the Town Treasurer until its release is voted by the Commission. The Commission shall not release the bond until it receives certification from the

Zoning Enforcement Officer that all of the requirements of these Regulations have been met.

7.5 Time Limit on Construction. The improvements in an approved site plan shall be completed within one year, unless an extension of time is applied for and granted by the Commission, otherwise, the site plan shall become null and void.

7.6 Information Required. The site plan shall be prepared, signed, sealed by a registered land surveyor, engineer, or architect and shall be drawn at a scale that clearly shows all of the information required by these Regulations. The Plan shall contain the following:

- 7.6.1 Name of applicant and owner of property.
- 7.6.2 Scale and north arrow.
- 7.6.3 Property boundary, dimensions, angles, area, and zoning classification.
- 7.6.4 Names of record owners of abutting properties.
- 7.6.5 A key map which clearly identifies the location of the property at a scale of not less than 1 inch equals 2,000 feet.
- 7.6.6 Locations and dimensions of all existing and proposed buildings, driveways, parking and loading areas, walkways, storage areas, drainage features, fences and walls, natural and artificial water features, wetlands, and exposed ledge rock.
- 7.6.7 Sign locations, dimensions, and means of illumination.
- 7.6.8 Locations and methods of water supply and sewage disposal facilities.
- 7.6.9 Landscaped areas, including types of trees and shrubs to remain or to be planted.
- 7.6.10 Certification by the Town Health Officer concerning satisfactory conditions for sewage disposal.
- 7.6.11 Where grading is required, existing and proposed contours at two-foot intervals unless the Commission agrees that ground

surface conditions can be adequately represented by contours with larger intervals or by spot indications of elevations. Sufficient information shall be required to clearly show existing and post-construction surface drainage patterns.

7.7 Erosion and Sedimentation Control. As part of the site plan, the applicant shall describe, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction. The soil erosion and sedimentation control plan may be based on the Erosion and Sediment Control Handbook of the U.S. Conservation Service and shall include the following:

- 7.7.1 Locations of areas to be stripped of vegetation.
- 7.7.2 Locations of areas to be regraded and contour data indicating existing and proposed grades.
- 7.7.3 A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features and the like.
- 7.7.4 Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas.
- 7.7.5 Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, and the like.
- 7.7.6 A description of procedures to be followed to maintain sediment control measures.

7.8 Site Plan Standards. The following standards shall apply to all site plans:

- 7.8.1 All buildings and uses shall be located so as to be accessible by emergency vehicles.
- 7.8.2 The streets serving the proposed use shall be adequate to safely carry the vehicular traffic generated by the proposed activity, and there will be provision for entrance and exit points which will not create a traffic hazard or undue traffic congestion.

7.8.3 A planting strip along the frontage of the site shall be provided to a depth of not less than 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.

7.8.4 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 feet of yard length. Trees may be planted in groups. Planting strips shall be at least five feet in width along the lot line.

7.8.5 The Commission may require a paved walkway the full width of the front planting strip, four feet wide and set back ten feet from the edge of the roadway, where pedestrian traffic is likely.

7.8.6 The planting strip may be traversed by not more than one driveway, unless the Commission finds that more than one is desirable for safety reasons. Applicants are encouraged to arrange common accesses with adjoining properties, and the Commission may approve temporary access designs when a more desirable permanent access serving more than one property appears achievable in the future.

7.8.7 Driveways shall be provided with a paved surface and shall be thirty (30) feet wide for two-way traffic and fifteen (15) feet wide for one-way traffic. No driveway shall be closer than forty (40) feet to another driveway or fifty feet (50') from a street corner.

7.8.8 The 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 Commission to meet the requirement of privacy of adjacent properties and to

eliminate noise, dust and objectionable lighting. The Commission may vary the above requirements as to the planting in accordance with the effectiveness of screening proposed and the architectural character of the neighborhood in which the use is located.

7.8.9 All plant materials used to carry out the intent of these Regulations may be of species and varieties as approved by the Commission.

7.8.10 Applicants are urged to consider solar access in the layout of features on the site plan. Building locations and positioning should be such that south facing walls are not shaded by buildings, topographic features or evergreen trees on the same or adjoining lots. Buildings should not be located where they would cast shadows on the buildable part of an adjacent lot between the hours of 9 a.m. and 3 p.m. on December 21 of any year, E.S.T.

7.8.11 The bulk storage of materials and all loading facilities shall be located at the rear or side of the proposed or existing buildings. 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.

7.8.12 The remaining area of the lot 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.

7.8.13 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 Commission.

7.8.14 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.

7.8.15 In acting upon any site plan, the Commission may take into consideration the recommendations of the Town Planner, the Regional Planner, the Building Inspector, the Town Fire Department, the Director of Health, and any other Town agency or outside specialist with which it consults.

7.9 Site Plan Changes. If any minor modifications of the Plan are made prior to its approval, two corrected copies shall be presented to the Enforcement Officer prior to the issuance of any zoning or building permit relating to the application. If any major modifications of the Plan are made prior to its approval such as changes in roads, utility layout, parking, drainage or building placement, the Commission may require a public hearing.

## SECTION 8 - CUSTOMARY HOME ENTERPRISE

8.1 The purpose of Section 8, Customary Home Enterprise, is to regulate any use customarily conducted entirely within a dwelling, the principal building on a lot, or within an accessory building and carried on by the residents thereof which is clearly incidental and secondary to the use of the dwelling for residential purpose and not disruptive to adjacent property or the neighborhood.

8.2 Customary Home Enterprise shall include:

- a. Preparation and sale of those products usually produced in a single home, garden, farm or nursery provided that such are created entirely on the premises such as: home baking, needlework, dressmaking, tailoring, fruits and produce, home preserves and the like.
- b. Preparation and sale of the products of arts and crafts based on individual talent, provided such are created entirely on the premises by the residents of the premises, such as painting and illustrating, wood carving and cabinet making, ceramics, writing, sculpture, ornamental glass and metal working and the like.
- c. The conduct of a business or professional office where the principal resides on the premises, such as: offices for real estate, insurance, accounting, building business, architect, lawyer, musician, doctor, dentist, engineer, surveyor and the like.
- d. A private workshop accessory to the skilled trade of a resident(s) of the premises, provided there is no manufacture or sale of goods on the premises, such as: workshop for plumber, electrician, carpenter, heating, contractor, painter-paper hanger, radio repairman and the like.

8.3 Customary home enterprise shall not include: Barber shops, beauty shops, dancing schools, karate schools, restaurants, printing shops, employment agencies, radio stations and the like.

8.4 The following requirements shall be met with regard to all the foregoing Customary Home Enterprises:

- 8.4.1 Such use shall be clearly subordinate to the use of the premises as a residence.

- 8.4.2 No additional on-street parking shall be permitted. The applicant shall provide sufficient parking areas which shall be not less than 25 feet from highways or lot lines. The Commission may require that parking areas be screened from adjoining residential property.
- 8.4.3 Not more than 25 percent of the floor area of the residential building shall be so used nor more than 750 square feet of an accessory building.
- 8.4.4 The Customary Home Enterprise shall be conducted by a resident of the premises, utilizing not more than three (3) additional non-resident persons.
- 8.4.5 There shall be no external evidence of such a Customary Home Enterprise other than one sign as permitted by Section 12 of these Regulations.
- 8.4.6 There shall be no undue effect on traffic in the neighborhood surrounding the Customary Home Enterprise.
- 8.4.7 No finished consumer goods shall be acquired outside the dwelling unit for sale in connection with a home enterprise within the dwelling unit or accessory building.
- 8.4.8 No home enterprise shall create interference with radio and television reception in the vicinity, and shall not create a health or safety hazard.

## SECTION 9 - EARTH REMOVAL

9.1 Purpose. These regulations are designed to allow the extraction of earth, sand, stone, gravel, minerals, loam, clay, peat moss and other earth products as a temporary operation in Zones B & C. These Regulations are intended to:

- 9.1.1 Regulate and control the operation of earth removal;
- 9.1.2 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.
- 9.1.3 To conserve and preserve storage of water run-off, wetlands and flood plains.
- 9.1.4 Preserve the value of adjacent properties and the land itself for future use.
- 9.1.5 Preserve the rural character and prevent further congestion of the town center in Zone A.

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

- 9.2.1 Necessary excavation and removal of less than 100 cubic yds. of earth materials in direct connection with the construction on the premises for which a zoning permit has been issued.
- 9.2.2 Necessary excavation in direct connection with the construction of streets, drainage and all other required improvements, and the altering of pre-existing contours, provided same is carried out in accordance with the construction and grading plans approved by the Roxbury Planning and/or Zoning Commission.
- 9.2.3 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.

- 9.2.4 Necessary excavation, grading, deposit or removal on land in public use and when in connection with public building, uses, facilities and services of the Town of Roxbury.
- 9.2.5 Necessary excavation, grading, deposit or removal of earth materials in connection with incidental and bona fide grading, landscaping, drainage or water course improvement for which a zoning permit is not required.
- 9.2.6 There shall be no removal of topsoil from any lot, however, topsoil excavated from under the site of buildings, driveways, sidewalks, patios and other paved areas may be removed from the lot only if the remainder of the lot has a topsoil cover of not less than four inches and after written notice has been given to the Zoning Enforcement Officer prior to such removal; and a zoning permit for such buildings as well as a building permit has been issued.

9.3 Conditions for operations under Paragraph 9.2: The operations listed under 9.2 shall be subject to the following restrictions:

- 9.3.1 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.
- 9.3.2 The operation shall not be located in flood plain unless specifically authorized. The operation shall not be located on a wetland or watercourse or within 50 feet thereof unless written approval has been given by the Inland-Wetland Commission.
- 9.3.3 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.

9.3.4 All uses permitted under 9.2 shall provide adequate protection against erosion and adequate drainage to prevent the formation of stagnant pools of water.

9.4 Special Permit. In accordance with the procedures, standards and conditions hereinafter specified, the Zoning Commission may grant a temporary special permit for the excavation of earth, stone, sand, gravel, minerals, loam, clay, peat moss and other earth products, all hereinafter called earth material, from land in Zones B and C following the procedure as specified in Special Permit Section 6.

9.5 Standards. In reviewing an excavation temporary special permit application, the following standards and conditions, in addition to those of Section 6, shall apply.

9.5.1 Such operation shall be conducted Monday through Friday only between the hours of 8 a.m. and 6 p.m. except for municipal purposes of the Town of Roxbury or during additional hours when sand is needed due to ice and snow conditions or other bona fide emergencies.

9.5.2 An active, unrestored and disturbed surface shall not exceed two acres.

a. A larger exposed area may be maintained if evidence is presented to the Zoning Commission justifying the need.

9.5.3 The walls and faces of all excavations which may cause any person to be exposed to the danger of moving ground or cave-ins shall be guarded by a shoring system, sloping of the ground, or some equivalent means approved by the Commission.

9.5.4 Where any excavation shall have a depth of ten feet or more and creates a slope of more than one vertical to two horizontal, there shall be substantial fencing constructed and

maintained during the permit period which shall be at least six feet in height with suitable gates and such fencing shall be located fifteen or more feet from the edge of the excavation. Such a fence shall be in addition to all precautions listed above if deemed necessary by the Commission.

- 9.5.5 No finished bank may exceed a slope of one foot vertical rise in four feet of horizontal distance unless in ledge where the finished slope may be 1-1/2 foot vertical rise to one foot of horizontal distance. No working face shall exceed 500 feet in length.
- 9.5.6 No equipment shall be permitted for processing of excavated material.
- 9.5.7 Provision shall be made to prevent spillage of debris and earth materials on streets giving access to the site. It is the responsibility of the applicant promptly to clean up the spillage that has occurred.
- 9.5.8 Consideration shall be given to the preservation of areas of historic interest and scenic landmarks.
- 9.5.9 There shall be periodic reports to the Enforcement Officer stating the amount of earth material removed and an update of the operation plan.
- 9.5.10 The Commission shall assess the potential for hazards for pedestrian and vehicular traffic as well as the potential for damage to roads, bridges, culverts or other public facilities.
- 9.5.11 No excavation, grading or removal which is below the elevation of any abutting road or property line shall occur within one hundred (100) feet of such line, except that such work may be permitted if written approval by the property owner, written notification of adjacent property owners and approval by the Commission is obtained.

9.6 Restoration. disturbance a land area shall be restored in order that the minimum amount of exposed soil lost shall occur at any given time. The procedure for restoration shall be:

- 9.6.1 Such area shall be evenly graded to slopes 4-1 (horizontal - 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.

9.6.2 Adequate drainways or gradual slope shall be provided to assure drainage.

9.6.3 There shall be no excavation, grading, deposit or removal below an elevation of seven (7) feet above any ledge, unless otherwise approved by the Commission as suitable for reasonable reuse of the site.

9.6.4 All debris and all loose boulders shall be buried or removed from the lot.

9.6.5 The top layer of any arable soil, to the extent available or to a depth of 12 inches, whichever is greater, shall be retained on the lot 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.

9.6.6 In addition to seeding and as deemed necessary by the Zoning Commission, the work area of the lot shall be planted with sufficient trees and shrubs as to provide transition to any adjacent residential property and to hasten the return to a natural appearance to the lot.

9.7 Application. An application for a temporary excavation special permit shall be made to the Zoning Commission by the property owner or his authorized agent on forms provided by the Zoning Commission. The application shall be accompanied by:

9.7.1 Three sets of maps and plans drawn at a scale of 1"-40" showing the following and prepared by a Connecticut licensed surveyor or engineer;

- 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 of the proposed excavation area;
- c. Topographic contour lines at five foot intervals except that where excavation

is proposed, contour lines for both existing and proposed excavation shall be at two foot intervals;

- d. Existing and proposed drainage on the lot; existing rivers, streams, watercourses, ponds and other Inland Wetlands as shown on the Inland Wetlands and Watercourses Map of Roxbury within two hundred 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 feet of the area.

- 9.7.2 A Conservation Plan reviewed by the USDA Soil Conservation Service. 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.
- 9.7.3 A calculation of the number of cubic yards of earth material to be excavated, graded or removed.
- 9.7.4 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.
- 9.7.5 A statement of the provisions to be made to prevent and control any nuisance conditions.
- 9.7.6 The Commission may require any additional information deemed necessary to evaluate adequately the application and to carry out the purposes set forth in Paragraph 9.1.1 of these Regulations.

9.8 Procedure:

- 9.8.1 The Zoning Commission shall review the application to be sure it is complete.

9.8.2 The procedure for a public hearing shall be followed as set forth in the General Statutes of the State of Connecticut.

9.8.3 The Commission shall decide on the application within 65 days after the completion of the hearing. The Commission may approve, disapprove or modify the application.

9.9 Administration:

9.9.1 The applicant shall obtain and maintain liability insurance with a limit of not less than \$300,000.00 as to personal injury and \$50,000.00 as to property damage and shall furnish a certificate of insurance to the Zoning Commission.

9.9.2 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.

9.9.3 In the event of cancellation of insurance, the applicant or the insurer shall notify the Zoning Enforcement Officer, who shall suspend the permit and issue a stop work order. Such officer shall withdraw such order and reinstate the permit when a new certificate of insurance has been received.

9.9.4 The Temporary Special Permit for Earth Material Removal shall be valid for a period of two years if the Commission finds that no violations have occurred. Application for a renewal shall be made to the Commission at least 65 days before its expiration.

9.9.5 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 Commission is satisfied with the work completed, the bond shall be held until the restoration is completed, to the satisfaction of the Commission.

9.9.6 Town Operation. Upon written request by the Board of Selectmen of the Town of Roxbury, the following requirements are not applicable:

- a. Paragraph \_\_\_\_\_ (insurance)
- b. Paragraph \_\_\_\_\_ (bond).

9.10 Revocation of Permit. The Zoning Enforcement Officer is authorized to issue STOP WORK ORDERS and orders to remedy any conditions found in violation of this Section 9 in the same manner as provided in Section 18 of these Regulations. The Zoning Enforcement Officer 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 9, such as due to unforeseen soil, ledge rock or groundwater conditions.

## SECTION 10 - LAND FILLING

10.1 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 fill 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.

10.2 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 Zoning Enforcement Officer, 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 7 of the Zoning Regulations.

10.2.1 Approval from the Zoning Commission will not be required under the following conditions:

- a. A sanitary landfill 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 Zoning Enforcement Officer from the Soil Conservation Service.
- d. Where such filling, grading or removal operations have been approved by the Commission as a part of a subdivision or a site plan of development.
- e. Within the right-of-ways of the State of Connecticut.

10.2.2 The Commission may, by special permit, regulate landfill operations under the following conditions:

- a. The applicant shall submit a plan showing existing grades in the area drawn to a two-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 to a scale of not smaller than one inch equals 200 feet, shall include a key map showing property owners within a 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 Zoning Enforcement Officer.
- 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 no less than four inches of top soil 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 cash or surety company bond may be required to be filed with the Town Treasurer satisfactory to him as to form and in the amount approved by the Zoning Enforcement Officer securing the completion of work shown on the final plan, in

accordance with the provisions of the permit.

- g. Copies of all applications may be submitted to the Inland Wetlands and Conservation Commission for comment at the discretion of the Zoning Commission.
- h. A permit shall be issued for a period not to exceed one year from the effective date of approval.

10.3 Revocation of Permit. The Zoning Enforcement Officer is authorized to issue STOP WORK ORDERS and orders to remedy any conditions found in violation of this Section 10 in the same manner as provided in Section 18 of these Regulations. The Zoning Enforcement officer 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 10, such as due to unforeseen soil, ledge rock or groundwater conditions.

## SECTION 11 - MOBILE HOMES

- 11.1 Purpose. To regulate the use of mobile homes in the Town of Roxbury.
- 11.2 Mobile Home Definition. A Mobile Home is a moveable or portable dwelling 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 for year-round occupancy.
- 11.3 Zoning Commission Approval. No Mobile Home shall be used for any purposes on any lot or stand unoccupied except with the approval of the Zoning Commission.
  - 11.3.1 Zoning Commission approval shall be limited to a period of six months.
  - 11.3.2 Conditions of extenuating circumstances must be established by the applicant as a condition of approval:
    - a. Temporary housing while permanent residence is being repaired or rebuilt after fire;
    - b. Temporary housing while permanent residence is being repaired or rebuilt after flooding.
- 11.4 Sanitary Facilities. Where a Mobile Home is to be occupied, the Mobile Home sanitary facilities must have written approval of the Director of Health of the Town of Roxbury before approval may be granted by the Roxbury Zoning Commission.
- 11.5 Potable Water Supply. Where a Mobile Home is to be occupied, the Mobile Home water supply facilities must have written approval of the Director of Health of the Town of Roxbury before approval may be granted by the Roxbury Zoning Commission.
- 11.6 Single Family Occupancy. The Mobile Home shall be occupied by only one family, at least one member of which shall be either the owner of the lot or related by blood, marriage or legal adoption, to the owner of the lot.
- 11.7 Additional Restrictions. Additional restrictions may be made part of the conditions of approval by the Zoning Commission.

## SECTION 12 - SIGNS

12.1 Signs (Special Requirement). No sign, unless otherwise provided below, shall be erected, enlarged or moved unless approved by the Zoning Enforcement Officer in compliance with all of the provisions of this section. Traffic and street signs erected by the Town are not within the scope of this section.

12.1.1 Signs will be defined as the integral whole of the sign area measured from the outside dimension of all solid form area.

12.2 Table of Sign Requirements - Residential Zones A, B and C; and Business Zone D.

12.2.1	Permit Required	Area Per Side
a.	Name of business when conducted on premises.	4 sq. ft. total business sign
b.	Tag sales, length of posting not to exceed 3 days prior to sale. Those responsible for putting up such signs or posters shall remove them within 48 hours after the tag sale has concluded. Signs posted only on premises where tag sale held.	8 sq. ft. total
c.	Signs on the premises of churches, school, and non-profit institutions.	6 sq. ft. total on each premise.
d.	Special event signs may be posted for a period not to exceed 4 weeks. Those persons responsible for putting up such signs, posters, or displays shall remove same within 72 hours after the close of the event. Size of signs are	

to be approved by  
the Zoning Commis-  
sion.

12.2.2	<u>Permit Not Required</u>	<u>Area Per Side</u>
a.	'Entrance' and 'Exit' signs for driveways.	4 sq. ft. total
b.	'For Sale', 'For Rent', 'For Lease', or the like, referring only to the property or premises on which sign is erected.	4 sq. ft. total
c.	'No Trespassing', 'No Hunting', 'No Fishing', 'Posted', 'Beware of Dog' and other such signs in sufficient number to meet State law requirements.	2 sq. ft. each
d.	Temporary posters or signs for a period not to exceed ten (10) days indicating private auction, church or civic function, or private sale, political posters or the like, providing permission for placing such signs is obtained from the property owners, town or State officials, as appropriate, and provided that those responsible for putting up such signs or posters shall remove them within 48 hours after the event to which they pertain has been concluded.	4 sq. ft. total

12.3 Table of Sign Requirements - Business Zone D. In addition to the sign regulations for activities described in section 12.2. The following shall apply for all business-related signs in Business Zone D.

12.3.1	<u>Permit Required</u>	<u>Area Per Side</u>
	a. Single Business activity	4 sq. ft. total
	b. Two businesses sharing common parking area	Each business 1 sign, 4 sq. ft. total
	c. Three or more businesses sharing common parking area	Each business 1 sign, 4 sq. ft. total, 1 directory sign, 6 sq. ft. total

12.4 General Sign Restrictions - Applicable to All Zones

- 12.4.1 All signs shall be located behind lot line.
- 12.4.2 All signs shall be firmly supported and maintained in good condition and repair as determined by the Zoning Commission.
- 12.4.3 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.
- 12.4.4 Free-standing signs, including posts shall not exceed a height of ten (10) feet in a residential zone or fifteen (15) feet overall in the business zone above the surface of the ground where located.
- 12.4.5 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.
- 12.4.6 A sign may be illuminated if illumination is confined to, or directed to, the surface of the sign. No neon flashing, rotating or intermittent illumination shall be permitted.

The sign shall be so designed and shielded that the light sources cannot be seen from adjacent residential zone or from the street.

12.4.7 Interior illumination of a sign shall not be permitted unless such illumination is confined to letters and does not result in a distracting glare.

12.4.8 Signs shall be designed in harmony with the building and established development.

- a. Three dimensional signs shall not exceed three (3) feet in any dimension.
- b. All businesses in the same building or in separate buildings in an integrated shopping center shall have a uniform design and placement of signs.
- c. No more than three (3) different colors, including black and white, shall be used in a sign and no more than two (2) different colors shall be used in any lettering.

## SECTION 13 - PARKING

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

13.2 Table of Parking Requirements. Unless otherwise specifically approved by the Zoning Commission, required parking facilities shall contain not less than the minimum spaces set below, exclusive of driveways and ramps necessary for access. Indoor parking may be included in the required spaces.

<u>Use</u>	<u>Required Parking Spaces</u>
a. Dwelling Units	2 per unit
b. Customary Home Enterprise	3 plus dwelling unit
c. Offices, Financial Institutions, Retail stores, Personal Service Establishments, unless otherwise specified herein	1 per 200 sq. feet area-
d. Places or worship, Churches, Public Assembly Halls	1 per 5 seats plus 1 for every person normally employed
e. Club, (golf, tennis, swimming, or other sport)	1 per member for maximum membership (may be staged)
f. Buildings for Public Assembly or Public Recreation Not Otherwise Listed	1 per 3 legal occupants
g. Hospitals, Nursing Homes	1 per 2 guest or patient accommodations plus 1 per person normally employed

h.	Commercial not included above	1 per 200 sq. ft. floor area
i.	Every other use not listed above	1 per 200 sq. ft. floor area

### 13.3 General Parking Restrictions

13.3.1 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.

13.3.2 Required parking facilities shall be located on the same lot as the building or other use which they serve.

13.3.3 Any unregistered motor vehicle shall be garaged or screened from view from off the property by a solid evergreen hedge a minimum five (5) feet high or a permanent stockade fence six (6) feet high.

13.3.4 Any trailer or camper shall be garaged or screened from view from off the property by a solid evergreen hedge a minimum five (5) feet high or a permanent stockade fence six (6) feet high.

13.3.5 Any area used for motor vehicle parking shall include the number of spaces determined by the Zoning Commission in the Section 13.2 and shall be designed to provide the minimum parking area set forth in the following table and diagrams or combination thereof.

13.3.6 All parking areas 10 spaces and larger - one shade tree for every ten parking spaces. The trees shall be evenly distributed throughout the parking area and shall be set in squares four feet on a side which are flush with the pavement. All trees shall be 4" dbh or larger.

Dimension for Parking Layouts (feet)

(a)	(b)	(c)
<u>Parking Angle</u>	<u>Depth of Stall</u>	<u>Width of Aisle Used for General Circulation</u>
0°	9	22
20°	15.4	22
30°	17.8	22
40°	19.7	22
45°	20.5	23
50°	21.0	23
60°	21.7	28
70°	21.7	29
80°	21.2	35
90°	20.0	35

(d) Width of stall to be nine (9) feet.

13.4 Driveways. All private roads, rights-of-way and driveways serving more than two dwellings under separate ownership and on lots having conforming frontage shall be built according to Town standards.

13.4.1 No driveway on a Town road shall be constructed within twenty-five (25) feet of the intersection of any two road rights of way.

13.4.2 No driveway, permanent or temporary, abutting or intersecting any road which is now, or which may become part of the Town highway system shall be constructed, reconstructed, or otherwise altered unless a permit for such construction, reconstruction or alteration has first been issued by the First Selectman.

13.4.3 All such driveways shall be constructed in accordance with the design standards established by this regulation and in accordance with such additional requirements as may be imposed by the Board of Selectmen or by town ordinance.

13.4.4 To provide for the safety of the general public using town highways and to prevent the washing of sediment into and the erosion of such highways, the following standards shall apply to the design and construction:

- a. A minimum 200' sight distance shall be provided along Town roads in both directions. However, where a 200' sight distance is not possible, the Selectmen may reduce the sight limit if the applicant submits sufficient information establishing that the reduced sight distance is safe. The measurement of the sight distance shall be based on a height of eye and object of three feet.
- b. Driveways on a State-maintained highway shall require a permit from the District Maintenance Manager, Connecticut Department of Transportation. Driveways on Town-maintained roads shall require a permit from the First Selectman. Said permit shall be received prior to the issuance of a zoning permit by the Zoning Enforcement Officer or the Zoning Commission.
- c. No driveway shall be so constructed with a grade greater than five percent (5%), either ascending or descending, within 20 feet of the intersection of the driveway with the Town road. No driveway shall have a grade greater than fifteen percent.
- d. All driveways shall be paved with bituminous concrete or equivalent for a minimum distance of ten (10) feet back from the intersection of the driveway with the Town road pavement.
- e. Driveways shall have a minimum twelve (12') wide cleared area and shall have an eight (8') wide all-weather surface travelway of a design suitable to safely accommodate emergency and/or service vehicles.
- f. No driveway shall be constructed so that its intersection with the Town road is above the level of the existing gutter line of the road. Water from all driveways shall be diverted so as not to enter upon the traveled portion of such highway. Where the contour of the land is such that, in the opinion of the

Board of Selectmen, the construction of a driveway may create a drainage problem, then the First Selectman may order the installation of necessary catch basins, culverts, headers and retaining walls.

- g. No driveway shall be constructed, reconstructed and/or altered if the proposed work affects or is located within a wetland or water course as defined in the Inland Wetlands and Water Courses Regulations of the Town of Roxbury, unless a permit for such work has first been secured from the Inland Wetlands Commission of the Town of Roxbury.
- h. The Board of Selectmen may waive any of the foregoing designs and standards when, in the opinion of the Board, it would be impractical to construct, reconstruct, or alter a driveway in conformance therewith. The Board of Selectmen may also impose any additional requirements to insure that the purposes of this ordinance are fulfilled.

13.5 Application for a Driveway Permit. Application for a Driveway Permit shall be made to the First Selectman, and the application shall be accompanied by a sketch plan showing the location, width, grade and construction specifications for the driveway within the right-of-way and any drainage facilities, existing or proposed, at the location for the driveway. The Driveway Permit may be issued subject to a filing with the First Selectman of an agreement or bond, in form and amount approved by the First Selectman to guarantee the full cost of completion of the driveway within the street right-of-way as approved under the permit. The Board of Selectmen is authorized to charge a Driveway Permit fee in such amount that the Board deems sufficient to defray the Town's cost of plan approval and inspection.

13.6 Approval of Board of Selectmen. No zoning permit shall be issued by the Zoning Commission or the Zoning Enforcement Officer for the construction of any building or structure for which a new driveway is necessary until a Driveway Permit has been issued as required by this section. No Certificate of Occupancy shall be issued by the Building Inspector for the use

or occupancy of any building or structure until such driveway therefore has been approved by the Board of Selectmen or their authorized agent.

13.7 Existing Driveway. This section shall not be construed to require the modification of any driveway existing on the date of adoption.

## SECTION 14 - ACCESSORY APARTMENTS

14.1 Purpose. This section is designed to aid the general welfare of the Town by promoting the availability and maintenance of housing to benefit a significant portion of the Town's population.

14.2 Conversion. A single family dwelling may be converted into a single family dwelling with a single accessory apartment, subject to, and upon compliance with, the standards and procedures set forth in Section 14.3 and 14.4. No single family dwelling or any accessory building thereto shall qualify under these Regulations unless such unit and any additions shall have been constructed at least five years prior to the date of the application for conversion. For purposes of this section only, "original unit" shall mean the original single family dwelling prior to conversion; "primary unit" shall mean the principal residential unit after conversion; and "secondary unit" shall mean the new dwelling unit resulting from conversion.

14.3 Standards.

- a. Either the primary or secondary unit shall be owner-occupied and one of the units shall be occupied by a person or couple 60 years of age or older.
- b. The secondary unit shall have a minimum floor area of 450 square feet and a maximum floor area equal to 40% of the floor area of the original unit.
- c. A secondary unit in an accessory building shall only be permitted on a lot having at least twice the minimum lot size required by the zone.
- d. Parking as provided in Section 13 of these Regulations for a single family dwelling shall be provided for each secondary unit.
- e. Any exterior alterations shall be made on the existing foundation and shall be limited to the installation or removal of windows, doors and porches.
- f. A primary unit shall retain conforming square footage for a single family dwelling.
- g. There shall be no more than one (1) rental unit per primary residence.

14.4 Procedures. No conversion contemplated under these Regulations shall occur, nor any associated building permit or certificate of occupancy shall be issued until the owner of the building to be converted has received approval from the Zoning Commission. Special Permit and Site Plan review shall be in accordance with the requirements of Sections 6 and 7. Application shall be made to the Zoning Commission. Information submitted shall include, but not be limited to:

- a. A letter from the resident owner requesting review and approval;
- b. A certified plot plan indicating location of single family residence, accessory structures, lot area, zone designation, and yard distances;
- c. An affidavit to verify that owner as shown by Tax Assessor's records is in residence and an elderly occupant is 60 years of age or older;
- d. Floor plans showing existing room layout and proposed changes with regard to placement of kitchen, bath, size of rooms, ingress-egress, placement of windows, and doors;
- e. Certification from Town Sanitarian that the septic system shall have sufficient capacity to treat any additional wastes due to the converted unit.

14.5 Revocation. Any special permit for a dwelling conversion issued hereunder shall be subject to automatic revocation upon:

- a. The failure of the owner of the converted building to file with the Zoning Enforcement Officer on or before January 31 of each year an affidavit certifying that the primary and converted units are in compliance with the occupancy standards set forth in Section 14.3 or 14.4.
- b. Notwithstanding the filing of such affidavit, a finding by the Zoning Enforcement Officer that the units do not in fact comply with said occupancy standards. The Zoning Enforcement Officer and building official shall inspect the unit to ensure that all requirements are met prior to the issuance of a certificate of occupancy. If all requirements are not met, the special permit shall be revoked. If any lawful inspection of the primary or secondary unit is refused by the owner, the special permit shall be revoked.

- c. Upon transfer of title of property, a new affidavit shall be required.
- 14.6 Grace Period. Any unit converted prior to the effective date of this regulation shall conform with these Regulations through application and approval of a special permit within a one year period beginning with the effective date of this regulation.
- 14.7 Renewals. The Special Permit shall be extended annually if the Commission finds that no violations have occurred and the Accessory Apartment continues to conform in all respects to the standards of Section 14. Application for extension shall be made at least 65 days prior to Special Permit expiration.

## SECTION 15 - ELDERLY HOUSING

15.1 Purpose. It is in the interest of the health and welfare of the Town of Roxbury to provide greater housing opportunities for its elderly. Recognition is given to the need for specifically designed and equipped housing units for its elderly. The need results from the inability of the elderly to maintain private homes due to the infirmities of age, lower income and reduced physical mobility.

For the purpose of providing a balance in the distribution of housing types, the total number of dwelling units contained in Elderly Housing special permit projects shall not exceed 5% of the number of single family dwellings as listed on the current tax list in the office of the assessor of the Town of Roxbury.

15.2 General Regulations. Housing for the elderly of Roxbury by a non-profit, charitable corporation may be granted by special permit when, after a public hearing, the Commission finds that the following standards are satisfied:

- a. A need exists for housing for the elderly of Roxbury.
- b. The proposed housing for the elderly shall be compatible with adjacent properties and other properties in the neighborhood.
- c. Minimum site area for an elderly housing project shall be 10 acres. When specific circumstances relating to the exceptional characteristics of the site exist or where land proposed for the project abuts permanent open space, the Commission may reduce the required acreage by twenty percent, provided that when the land proposed for the project abuts permanent open space, the total of the proposed project plus the permanent open space shall exceed the original minimum site area of ten acres by twenty percent.
- d. The maximum gross lot density of dwelling units shall be 1.5 units per acre.
- e. The characteristics of the soils, based upon soil test conducted by professional soil scientist or registered civil engineer shall be suitable for the long term disposal of sanitary waste effluent without danger to public health by the use of subsurface disposal and in accordance with the provisions of the Public Health Code of the State of Connecticut.

- f. There shall be a minimum of 2 wells per development. Well yield shall be equal to not less than one-half (1/2) gallon per minute per dwelling unit, with an on-site storage supply of not less than one hundred (100) gallons per person of the maximum occupancy of development. This storage supply shall be maintained in a single centralized storage and distribution system. Water storage supply for the purposes of fire protection shall be provided subject to the approval of the building inspector with advisory referral to the fire department of the Town of Roxbury.
- g. Any required storm drainage improvements, erosion and sedimentation control measures shall be designed by a Professional Engineer registered by the State of Connecticut.
- h. All such projects shall be suitably landscaped, all disturbed areas graded and seeded and all required streets, driveways and walkways paved prior to occupancy. The Commission may require fences or landscaped screens or natural cover up to a dept of 100 feet between the proposed uses and existing uses.
- i. All roads and driveways serving the project shall be built to the standards of Town Road Specifications.
- j. A minimum of one and one-half off-street parking spaces shall be provided for each dwelling unit. Such areas shall be paved and curbed.
- k. All utility wires shall be underground.
- l. Refuse containers shall be located on paved areas and screened from view.
- m. Ramps shall be provided to permit easy movement of wheelchairs.
- n. All main entrances and sidewalks shall be constructed wide enough to accommodate wheelchairs.
- o. Not more than six (6) dwelling units shall be contained within one building.

- p. No building facade shall have a continuous surface exceeding 50 feet in length without a horizontal offset from grade to eaves of at least two feet.
- q. There shall be a minimum distance of fifty (50') feet between buildings.
- r. All units shall be given solar exposure consideration.

15.3 Floor Area. Minimum and maximum floor areas permitted for each unit, exclusive of bathroom and hall, shall be:

<u>UNIT</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
1 bedroom efficiency	450 sq. ft.	550 sq. ft.
1 bedroom unit	550 sq. ft.	700 sq. ft.
2 bedroom unit	700 sq. ft.	900 sq. ft.

15.4 Principal Permitted Uses.

a. Permitted Uses

- 1. Multi-family dwellings
- 2. Single family

b. Permitted Accessory Uses

- 1. Non residential common uses. These shall be those uses limited and essential for the exclusive use and needs of the occupants such as recreation rooms, management, maintenance, storage space and central laundry facilities.

15.5 Special Permit

In acting on an elderly housing special permit application, the Commission shall find in addition to the standards of Section 7 (Site Plan Review) and Section 6 (Special Permit) that the project will:

- a. Maintain the Town of Roxbury's predominantly rural-residential character.
- b. Provide decent, attractive housing for elderly Town residents.

15.6 Definition. For the purpose of this regulation, "elderly housing unit" shall be a dwelling unit where one (1) or more of the occupants is sixty (60) years of age or older.

## SECTION 16 - CLUSTER SUBDIVISION

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 Cluster 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 20.43 and will be in harmony with the purpose and intent of the Zoning Regulations.

16.2 Purpose. The intent of this section is to provide alternatives to residential 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 layout of the tract and to leave a substantial area free of building lots.

a. The Planning Commission, upon application in the manner prescribed herein, after a public hearing, may allow by Special Permit residential development conforming to the standards and requirements prescribed herein when the following purposes are accomplished.

- To conserve and preserve land to assure that its development will best maintain or enhance the appearance, character, and natural beauty of an area;
- To preserve land for park and passive recreation purposes;
- To preserve prime farm land and unique agricultural features such as orchards and vineyards to the extent present;
- To 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,
- To preserve natural features along roadways so as to maintain their existing rural character.

16.3 Size of Subdivision. The acreage for any cluster subdivision shall consist of not less than thirty (30) acres.

16.4 Use Regulations. The permitted principal uses shall be the same as the existing zone and the permitted accessory uses shall be the same as the existing zone.

16.5 Number of Dwelling Units. The number of dwelling units permitted in a cluster subdivision shall not exceed the number obtained by dividing the total acreage by the minimum lot size permitted in the existing zone.

16.6 Lot and Building Requirements. The lot size may be reduced by 25% maximum in Zones A, B and C. Except for the variation in lot size as permitted under this Section, cluster subdivisions must conform to all other requirements of these Regulations.

16.7 Road Requirements. All roads including private roads in a cluster subdivision shall conform to Town Road Specifications.

16.8 Open Space Requirements. The open space land in any cluster subdivision shall be located entirely within the subdivision and shall be in one contiguous piece except that where the Planning Commission finds that the purposes of Section 16.2 would be more effectively served by separated parcels. The open space land shall have suitable access from a street and shall have shape, dimension, character and location to promote the conservation purposes specified in Section 16.2.

- a. The use of such conservation land shall be consistent with the purposes specified in Section 16.2.
- b. The open space area in any cluster subdivision shall be not less than twenty-five percent (25%) of the total tract for Zones A, B and C.
- c. The open space land shall be preserved and maintained solely for the purposes specified in Section 16.2 in such manner as shall be approved by the Commission.
- d. Subject to the approval of the Commission, the method for carrying out such preservation and maintenance of the open space land shall be:
  - The establishment of a homeowners association made up of all owners in the cluster subdivision, each of whom shall have an undivided interest in the open space land. Said association shall have the power to

assess the members for all necessary costs. Membership in said association shall be mandatory.

- The conveyance of open space land to a local or national Land Trust, or to the Town of Roxbury when the Commission deems such conveyance appropriate. Conveyance of land to the Town is subject to acceptance by Town Meeting. .

16.9 Filing of Trust, Easement or Covenant for Open Space Land. Under the method prescribed in Section 16.8.d 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 a trust, easement, or covenant running with the land, for the benefit of the adjoining land owners and of the Town, which:

- a. Will be binding on all future owners of the open space land;
- b. Will not be affected by any change in zoning or land use;
- c. May be enforced by adjoining property owners or the Town by appropriate action in court for damage or equitable relief;
- d. Will be perpetual;
- e. Will assume appropriate maintenance of the open space land to the satisfaction of the Zoning Commission;
- f. Shall provide that such trust, easement, or covenant may not be modified, altered, amended or changed without the written approval of the Town Meeting, or such municipal officers or agencies as may have succeeded them and with the unanimous approval of all the property owners in the cluster subdivision; and,
- g. Shall provide that if maintenance, preservation and/or use of the open space area no longer complies with the provisions of the trust, easement or covenant, the Town may take all necessary action to assure compliance and assess the association all costs incurred by the Town for such purposes.

Under the method prescribed in Section 16.8 the recipient of the open space land shall be required to give assurances satisfactory to the Commission that the open space land shall be preserved and maintained solely for the purposes specified in Section 16.2 and shall execute, acknowledge and file in the land records of the Town such maps and documents as the Commission shall deem appropriate for such purposes. Such legal documents to be reviewed and approved by Town Attorney and the Commission prior to filing of the documents in the Land Records.

16.10 Application. Application for a Cluster Subdivision Special Permit shall be submitted to the Planning Commission in writing, in quadruplicate, and shall consist of the following:

- a. A written statement describing the purposes to be accomplished pursuant to Section 16.2 the proposed method of preservation, disposition, use and maintenance of open space land;
- b. An environmental assessment, by a person recognized as qualified by the Planning Commission, of the entire tract; and
- c. A subdivision plan meeting all of the requirements of Section 2.3 of the Subdivision Regulations Town of Roxbury, Connecticut.

16.11 Special Permit Procedure. A Planning Commission shall pursue the procedure in acting upon a Cluster Subdivision as outlined in Special Permit Section 6.

## SECTION 17 - ZONING BOARD OF APPEALS

### 17.1 Special Permits, Variances & Appeals from decisions of the Zoning Enforcement Officer.

17.1.1 Powers and duties of the Zoning Board of Appeals, as set forth in Section 8-6, 8-7 and 8-7a through 7d of Chapter 124 of the General Statutes of the State of Connecticut, Revision of 1958, and as the same may be 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 decision of the Zoning Enforcement Officer.
- b. To hear and decide all matters, including special permits 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.

### 17.2 Procedure.

17.2.1 Application for a special permit or for a variance shall be submitted in writing to the Board of Appeals, a copy to be furnished to the Zoning Commission, accompanied by the following.

- a. Statement describing the proposed use.
- b. A site plan to approximate scale showing existing and proposed building and other structures, including signs.

- c. Such architectural plans and other information as may be necessary in the opinion of the Board to decide on the application.
- d. After a public hearing held in accordance with the provisions of the Regulations and the applicable General Statutes, the Board may approve the application in whole or in part, attaching such conditions as it may deem appropriate, when in its judgment the public convenience and welfare will be substantially served; the appropriate use, appearance and value of neighboring property will not be substantially or permanently injured; and that said exception will not violate in an important degree or respect the general purpose and intent of any comprehensive plan of development adopted by the Planning Commission of the Town.

17.2.2 All appeals shall be taken 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. The appeal shall clearly state the grounds on which it is being taken. All costs of appeal shall be paid by the appellant. The Board of Appeals shall fix a prompt and reasonable time for a public hearing on the appeal, give due notice of same, and render a decision, all in accordance with the provisions of Section 8-7, Chapter 124 of the Connecticut General Statutes, as amended, and furnish to the Zoning Commission written notice of such decision.

## SECTION 18 - ADMINISTRATION

18.1 Enforcement. These Regulations shall be enforced by the Zoning Enforcement Officer, authorized agent of the Zoning Commission, who may cause any building, structure, place, or premises, to be inspected and examined.

18.1.1 At the beginning of each administrative year the Chairman shall appoint, with the advice and concurrence of the Commission, a Zoning Enforcement Officer, who may or may not be a member or alternate on the Zoning Commission.

18.2 Zoning Permit. It shall be unlawful to start excavation for any structure or commence alteration of or addition to the exterior of any building or the change of any use until a zoning permit has been issued for such work or use.

18.2.1 No building permit may be issued by the Building Official until the Zoning Enforcement Officer has certified in writing, through the issuance of the zoning permit, that the provisions of these Regulations have been complied with. No zoning permit may be issued for uses not clearly permitted by these Regulations.

18.2.2 Application for a zoning permit shall be made to the Zoning Enforcement Officer on a form obtained from him and submitted along with any fee and site plan prescribed by these Regulations.

18.2.3 A zoning permit shall be valid for twelve months from the date of issue.

18.2.4 Fees for the issuance of zoning permits are to be paid at the time of the application.

18.2.5 Applications for all uses, except single-family dwellings and accessory uses thereto, shall be accompanied by site plans as prescribed in Section 7 by these Regulations. Approval of the site plan by the Commission shall be required prior to issuance of a zoning permit by the Zoning Enforcement Officer.

18.2.6 Applications for single-family dwellings and accessory uses thereto shall be accompanied by a plot plan with sufficient information, as prescribed by the Zoning Enforcement Officer, to show the dimensions of the property, proposed building, and yards, as required by these Regulations. Such applications may be approved by the zoning Enforcement Officer.

18.2.7 No dwelling house shall be erected without prior written approval of the Director of Health of the Town of Roxbury or his authorized agent concerning the plan and test results of the proposed sewage disposal facilities and provisions for domestic water supply as prescribed by the State Health Code.

18.2.8 Driveway Permits. All permits associated with driveways connecting to Town or State roads shall be required prior to issuance of a zoning permit by the Zoning Enforcement Officer.

18.3 Standards. In reviewing zoning permits the Zoning Commission and/or Zoning Enforcement Officer shall take into consideration the public health, safety and general welfare, the comfort and convenience of the general public and, as a condition of approval may require such modifications of the proposed plans as it deems necessary to comply with the spirit as well as the letter of these Regulations. The Commission and/or Zoning Enforcement Officer shall take into account the following objectives:

18.3.1 Safe, adequate and convenient vehicular traffic circulation both within and without the site. At least the following aspects of the zoning permit shall be evaluated to determine the conformity of the zoning permit to this standard.

- a. The effect of the proposed development on traffic condition on abutting streets.
- b. The number, locations and dimensions of vehicular entrances, exits and drives.
- c. The visibility in both directions at all exit points of the site and the visibility of a vehicle entering or exiting the

site to the driver of a vehicle traveling on the street.

- d. The location, arrangement and adequacy of facilities for the physically handicapped, such as ramps, depressed curbs and reserved parking spaces.

18.3.2 The protection of environmental quality and the preservation and enhancement of property values. At least the following aspects of the plan shall be evaluated to determine the conformity of a plan to this standard:

- a. The location, height and materials of walls, fences, hedges and plantings so as to ensure harmony with adjacent development.
- b. The prevention of dust and erosion through the planting of ground cover or installation of other surfaces.
- c. The preservation of natural attributes and major features of the site such as wetlands, highly erodible areas, historic structures, major trees and scenic views both from the site and onto or over the site.
- d. The provision of adequate storm and surface water drainage facilities to properly drain the site while minimizing downstream flooding.

18.3.3 A high quality of building design, neighborhood appearance and overall design through a design in harmony with existing and/or proposed neighborhood appearance as shown by the exterior appearance of the buildings, their location on the site, and their relationship to the natural terrain and vegetation.

18.4 Zoning Permit Approval. When the approval of a zoning permit is the only requirement to be met or remaining to be met under these regulations for a proposed building or use, a decision on an application for approval of such zoning permit shall be rendered within sixty-five days after receipt of such zoning permit application. 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 two

further sixty-five day periods, or may withdraw such permit.

- 18.4.1 The date of receipt of a zoning permit shall be either the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Zoning Enforcement Officer, or thirty-five days after such submission, whichever is sooner.
- 18.4.2 A zoning permit may be modified or denied only if it fails to comply with the standards set forth in this section. A decision to deny or modify a zoning permit shall set forth the reasons for such denial or modification. Any zoning permit decision shall be sent by certified mail to the applicant within fifteen days after such decision is rendered.
- 18.4.3 Zoning permit in conjunction with a special permit application shall be in accordance with the schedule set forth in Section 8-3c of the General Statutes.
- 18.4.4 Where required by statute or the provisions of the Regulations, the zoning permit shall be referred to the Planning Commission for approval prior to the granting of a permit by the Zoning Enforcement Officer or by the Zoning Commission.
- 18.4.5 The Zoning Enforcement Officer shall not issue any permit, the provisions of which conflict with any rulings or decisions of the Zoning Board of Appeals relative thereto.
- 18.4.6 The Zoning Enforcement Officer shall have authority to inspect the premises while under construction at any reasonable time. Upon completion of the proposed work, the applicant shall notify and apply to, the Building Inspector for an Occupancy Permit. Within ten (10) days thereafter the Building Inspector shall issue or deny such permit, depending on his determination that the requirements of these Regulations have, or have not been met. If such permit is not issued, he shall notify the applicant in writing of the reason for such non-issuance.

18.4.7 No premises, or building hereafter erected or materially altered shall be used or occupied in whole or in part for any purpose whatsoever until an Occupancy Permit shall have been obtained.

18.4.8 The Zoning Enforcement Officer shall make a full and complete report to the Zoning Commission at its next regular meeting on the decision made by him in respect to each permit application received, and in respect to those on which approval was withheld, and his reason for so withholding.

18.4.9 The Zoning Enforcement Officer shall keep records of all fees, all applications for Zoning Permits, all identifiable complaints of violations of these Regulations, all inspections made under these Regulations, and all notices of violations served by him and the action taken thereon.

18.5 Certificate of Compliance. It shall be unlawful for any newly erected building or structure or addition for which a zoning permit is required or has been issued to be occupied or used, or for any building or premises or part thereof to be converted or changed from one type of use or occupancy to another until a certificate of compliance has been issued.

18.5.1 Application for such certificate shall be made in writing to the Zoning Enforcement Officer at the same time as the zoning permit. Such certificate shall be issued by such officer within five days after notification from the permittee that the premises are ready for occupancy if he finds:

- a. that the construction and proposed use is in conformance with these Regulations, and
- b. that the Town Health Officer has inspected the premises and given written approval of the installation of the particular sewage disposal facility and water supply systems, if any.

18.6 Restoration of Existing Buildings. Nothing herein contained shall prevent the restoration of a building destroyed by fire, explosions, or acts of God to the extent of not more than seventy-five (75%) per cent of its assessed value, provided that such restoration is

completed within one year of the occurrence of such event, nor prevent the continuance of the use of such building or part thereof, or prevent a change of such existing use under the limitations provided in these regulations for the zone in which located. But any building destroyed in the manner aforesaid to an extent exceeding seventy-five (75%) per cent of its assessed value at the time of such destruction may be reconstructed and thereafter used only in such manner as to conform to all the provisions of these Regulations, unless otherwise approved by the Board of Appeals.

- 18.7 Special Permit. These are uses which are permitted only upon finding by the Commission that they meet the special conditions prescribed in Section 8 of these Regulations. Applications for special permits are available from the Zoning Enforcement Officer and shall be approved by the Commission.
- 18.8 Zone Changes. Applications for changes in zone boundaries or regulations may be obtained from the Zoning Enforcement Officer. Changes in these Regulations or in zone boundaries shall be adopted only by a majority vote of all the members of the Commission. If protest against a proposed change is filed at or before a hearing with the Zoning Commission signed by the owners of 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 of all the members of the Commission.
- 18.9 Required Hearings. The Commission 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 65 days after receipt of such application and shall be completed within 30 days after such hearing commences. All decisions on such matters shall be rendered within 65 days after completion of such hearing. The applicant may consent to an extension of any period specified in this paragraph, provided such extension shall not be longer than double the period specified, or may withdraw such application. The Commission shall not be required to hear any petitions relating to the same changes, or substantially the same changes, more than once in a period of 12 months.

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 or record, is recorded in the Town's land records. The Town Clerk shall index the same under the grantor's index under the name of the then record owner and the 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, fire 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, by-law, 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 nor more than one hundred dollars for each day that such violation continues; but, if the offense is wilful, the person convicted thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each day that such violation continues, or imprisoned not more than ten 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 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, 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 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.

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

18.19 Effective Date. These Regulations shall take effect October 1, 1983 (date).

SECTION 19 - RESERVED FOR FUTURE USE

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## SECTION 20 - DEFINITIONS

20.1 General. For the purpose of these Regulations, certain terms and words shall have the meaning given herein. Words used in the present tense include the future; the singular; the word 'lot' includes the word 'building'; and the words 'building', 'structure', 'lot', or 'premises' shall be construed as though followed by the words "or any portion thereof", and the word 'shall' is always mandatory and not merely directory. Words not defined herein shall have commonly accepted definitions.

The following words or terms used in these Regulations shall have the listed meanings, where not otherwise provided.

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

20.3 Accessories. Porches, sunparlors, steps, hatchways and other horizontal projections which are a part of the building.

20.4 Agriculture. Shall include cultivation of the soil, dairying, raising or harvesting certain agricultural or horticultural commodity, including the raising, shearing, feeding and caring for livestock, including horses, bees, poultry, the operating, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment; or for direct sale of any agricultural or horticultural commodity as an incident to ordinary farming operation or in the case of fruits and vegetables, an incident to the preparation of such fruits and vegetables for market or for direct sale. The term 'farm' includes farm building, and accessory building thereto, nurseries, orchards, greenhouse or other structures used primarily for the raising and, as incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

20.5 Access Way. A part of the lot, owned in fee simple, used as an extended driveway to an interior lot.

20.6 Acre. For the purpose of these regulations, an acre is defined in 43,560 square feet; unless otherwise noted in the regulations, all measurements will be in full survey dimensions.

20.7 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.

20.8 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 building or other structure.

20.9 Board. The Zoning Board of Appeals of the Town of Roxbury, Connecticut.

20.10 Building. Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or any other property.

20.10.1 Solar energy collectors systems mounted on the ground shall not be considered buildings.

20.10.2 "Roof" shall include an awning or any similar covering, whether or not permanent in nature.

20.10.3 Building may be portable or fixed.

20.11 Building, Accessory or Accessory Use. A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

20.12 Building Area. That portion of a lot which is covered by a projection of the outermost limits of a building or structure on to the ground surface, but not including solar energy collection systems mounted on the ground.

20.13 Business/Commercial. The retail sale of goods and services primarily to meet the needs of the residents of Roxbury.

20.14 Campers. A camper is 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 pick-up camper unit, and intended for seasonal or short duration use; length of unit not more than twenty-seven feet, width not more than eight feet.

20.15 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.

20.16 Commercial Trailer. A "commercial trailer" is a large, heavy trailer using a ring and pin, fifth wheel, or similar connection, and shall include mobile office trailers.

20.17 Commission. The Zoning Commission of the Town of Roxbury.

20.18 Compatible. The architectural or landscape style and predominant plant material within visual site distance or 2000 feet, whichever is less, of the housing site will be surveyed and evaluated to be consistent with landscape and architectural form - compatibility with adjacent style and form may be required.

20.19 Contiguous. In contact, touching, adjoining.

20.20 Curb Level. The permanently established grade of the street in front of the lot. When the lot level is higher than the curb level, the average level of the former along the wall in question may be taken on the base for measuring the height. When a lot faces on two or more streets, the curb level of the higher street shall be taken as the base for measure height.

20.21 Dwelling Unit. A building or portion thereof containing the complete housekeeping facilities for one family only.

20.22 Family. Any number of individuals, related by blood, legal adoption or marriage, living and cooking together in a single housekeeping unit, including, in addition, not more than four lodgers or roomers taken for hire; or group of individuals, of not more than six persons, not related by blood or marriage, but living together in a single housekeeping unit. In each instance the family shall be understood to include the necessary servants. "Immediate family" shall include only parents, grandparents, children, grandchildren, sisters and brothers.

20.23 Floor Area. All the floor space contained within a building but shall not include areas below grade when devoted to the uses:

- 20.23.1 Mechanical spaces
- 20.23.2 Parking
- 20.23.3 Storage (when related to principal use of the building). Enclosed porches, attached greenhouses and other attached structures may be counted only when they utilize passive solar heating and are constructed with double-glazed windows covering an area equal to at least ten percent of the floor area of the space enclosed by the walls of the building.
- 20.24 Floor/Area Ratio. The ratio of the floor area of a building to the total lot area on which the building is located.
- 20.25 Flood Plain. The nearly level alluvial plain that borders a stream that is subject to flooding.
- 20.26 Frontage. That part of the perimeter of a lot which abuts a road. Calculation of frontage shall not include access way or rights-of-way.
- 20.27 Height. The vertical distance from the average finished grade within ten (10) feet of the building or structure to the highest point of flat or mansard roofs or to the mean level between the eaves and the ridge for gable, hip or gambrel roof.
- 20.28 Home Enterprise (Customary). An accessory use conducted for financial gain within a dwelling or accessory building on the same lot by occupants of the dwelling unit, which use is incidental and subordinate to the dwelling use, and which does not in any manner change the residential character of the building premises or neighborhood.
- 20.29 Interior Lot. A lot which does not meet the frontage requirement for a conforming lot as defined elsewhere in these Regulations.
- 20.30 Junk Yards. As defined in the General Statutes of Connecticut.
- 20.31 Lot. A single parcel of land lawfully occupied or capable of being lawfully occupied by a building(s) and appropriate accessory uses, including such open spaces as are required by these regulations and such other open spaces as are used in connection with the building(s).

- a. An area or parcel of land, not including water area.
- b. For the purposes of these Regulations, a lot may or may not have boundaries identical with those recorded in the office of the Town Clerk of Roxbury.

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

20.33 Lot, Corner. A lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection being not more than 135 degrees.

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

20.35 Lot Line, Front. The property line dividing a lot from a street (right of way). On a corner lot only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line, except in those cases where the latest deed restrictions specify another line as the front lot line.

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

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

20.38 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.

20.39 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.

20.40 Mobile Home. A "mobile home" is a movable or portable dwelling 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 for year-round occupancy and exceeding 19.5 feet in length.

20.41 Non-Conforming Use. A use of land, building or premises which is not a use permitted by the provisions of these regulations for the district in which such land, building, or premises is situated.

20.42 Non-profit Organization. An organization exempt from Federal Income Tax under Section 501(c) of the Internal Revenue Code.

20.43 Open Space Land. Any lands devoid of buildings or roofed structures. Lands which are used for parks, natural areas, forests, wildlife habitat, wetlands preservation, etc.

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

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

20.46 Public Road, (Street). Legal Town and/or State Highway; shall mean and include streets, avenues, boulevards, roads, lanes, highways, places 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.

20.47 Residence. A building in which living, cooking and sleeping accommodations are provided.

20.48 Retail Business. Stores and shops which sell commodities to the ultimate consumer provided, however, that the commodities or merchandise sold consists of one or more of the following; Antiques, art supplies, bakery products, camera supplies, clothing, drugs, drygoods, appliances, books, auto service station items, flowers, furniture and interior decorating, garden and farm supplies, gifts, groceries, food, beer, hardware, household goods, jewelry, luggage, medicines, music, newspapers and magazines, notions, office supplies, shoes, and shoe repairing, sporting goods, stationery, toilet articles, toys, and such light shopping goods as are customarily sold as retail merchandise excluding the sale of beer for consumption on the premises.

20.49 Right-of-way. Right of passage over a piece of land legally established and 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.

20.50 Road Surface, all weather. A road surface which has been designed and constructed to be utilized under dry, wet, freezing and thawing condition; and safe from flooding or undercutting.

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

20.52 Sign. Any structure which is used for visual communication to attract the attention of the public but does not include the flag, pennant or insignia of any government or governmental agency.

20.53 Solar Energy System. Any system, design, assemble or device which is used to collect, store, and distribute energy derived from the sun for the purpose of heating or cooling the interior spaces of buildings or for heating domestic hot water or swimming pools. 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.

20.54 Special Event. An activity sponsored by the Town of Roxbury; Town Commissions, Roxbury Volunteer Fire Department, Roxbury Ambulance Association and Roxbury School.

20.55 Story. The part of a building between any floor and the floor above, or in the absence of a second floor, the ceiling or roof above. A story which extends less than three feet above a curb or finished grade shall not be counted in determining the number of stories of a building.

20.56 Streambelts. Are natural environmental corridors based on soil capabilities, that occur on either bank of a watercourse. The areas and boundaries of streambelt are determined by the capabilities and limitations of the soil types that are present. Topography and flood hazard areas are also considered when determining the boundaries of a streambelt.

20.57 Street Line. The dividing line between the highway limits and the lot.

20.58 Structure. Anything constructed or erected which requires location on the ground or attached to anything having location on the ground.

20.59 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 150 square feet surface area.

20.60 Town. The Town of Roxbury, Connecticut.

20.61 Yard, Front. An open, unoccupied space across the full width of the lot between the front wall of the principal building and the front lot line.

20.62 Yard, Rear. An open, unoccupied space across the full width of the lot between the rear lot line and the rear wall of the principal building.

20.63 Yard, Side. An open space extending from the front yard to rear yard between the side lot line and the principal building.

MASTER CHART (1)

<u>ZONE</u>	<u>AREA</u>	<u>FRONTAGE</u> <sup>(2)</sup>	<u>LOT WIDTH</u>	<u>MINIMUM YARD DIMENSIONS</u>		
				<u>Front (depth)</u>	<u>Side (width)</u>	<u>Rear (depth)</u>
Residence A	2 Acres	250 ft.	225 ft.	50 ft.	30 ft.	50 ft.
Residence B	2 Acres	250 ft.	225 ft.	50 ft.	30 ft.	50 ft.
Residence C	3 Acres	250 ft.	225 ft.	50 ft.	30 ft.	50 ft.
Business D		-	Subject to Site Layout Requirements	-	-	-
Accessory <sup>(4)</sup> Buildings		NA	NA	NA	50 ft.	30 ft.
					30 ft.	

<u>ZONE</u>	<u>LOT</u> <sup>(5)</sup> <u>SHAPE</u>	<u>FLOOR/</u> <u>AREA</u> <sup>(6)</sup> <u>RATIO</u>	<u>MAXIMUM</u> <u>HEIGHT</u>	<u>MINIMUM AREA</u> <sup>(7)</sup>	
				<u>Ground</u> <u>Floor</u>	<u>Total</u> <u>Living</u>
Residence A	Circle 200' in diameter	.075	2½ stories	800 sq.'	1,000 sq.' or 35'
Residence B	Circle 200' in diameter	.075	2½ stories	800 sq.'	1,000 sq.' or 35'
Residence C	Circle 250' in diameter	.075	2½ stories	800 sq.'	1,000 sq.' or 35'
Business D <sup>(8)</sup>			2½ stories	800 sq.'	1,000 sq.' or 35'
Accessory Buildings	NA	NA	24' <sup>(9)</sup>	NA	NA

MASTER CHART - FOOTNOTES

- 1 In specific instances, the standards set forth in the Zoning Regulations may be more restrictive than those required by the Master Chart. In such instances the more restrictive standard shall apply.
- 2 Measured 50 feet back from street line.
- 3 At setback line.
- 4 Accessory buildings shall be constructed on a lot meeting with requirements of the zone in which it is located. Additional requirements shall be required where noted in the Regulations. Where there is an apparent conflict between the requirements in the Master Chart and those set forth in other provisions of the regulations, the greater dimensional requirements shall apply.
- 5 Circle shall be completely within lot. Circle shall be tangent with front yard setback line.
- 6 For special permit uses only.
- 7 Not including porches, sun parlors, steps, hatchways, and other horizontal projections which are part of the building, and garages or other accessories.
- 8 Where applicable for residential uses.
- 9 Farm silos and barns are exempted.