

JAN. 1, 1973

THE TOWN OF ROXBURY  
CONNECTICUT

The following pages are suggested wording for the text of

PROPOSED ZONING REGULATIONS

currently under consideration  
by the Zoning Commission

Most of the new or revised portions appear in Section 6, though a few other corrections are incorporated to adopt names and procedures as set by other agencies or to make clear the relationship of other regulations. In Section 6, the significant innovation is a new Special Permit to create an interior residence zone on a private road, but with an upgrading of acreage requirements. This involves a new and different frontage qualification for the tract.

For many years members of both the Zoning Commission and the Planning Commission have constantly sought suitable ways to increase the availability of backlands sites for residential use in a manner that would help preserve the open space character of Roxbury, and assure an equitable basis for development throughout the Town. The proposal presented herewith includes action on nearly every issue that has been discussed. Before binding regulations can be enacted, a public hearing must be held. The revision of Zoning Regulations is dependent on coordinated change of the Subdivision Regulations under Planning Commission action. Therefore, simultaneous hearings are being held at 8 p.m. on November 10, 1972 in the Booth Free School, Roxbury, Connecticut concerning both proposed revisions.

The Town of Roxbury Zoning Map, which includes the Table of General Requirements, is an integral part of the full Regulations, but is not included with this draft of text, since no change in the boundaries nor in the Table is to be part of the proposed revision. The necessary copy of an authenticated map would be included with each copy of any revised Zoning Regulations, as they become effective.



THE TOWN OF ROXBURY  
CONNECTICUT

ZONING REGULATIONS

TABLE OF CONTENTS

Zoning Map and Table of General Building Requirements omitted

SECTION	PAGE
1. Authority and Purpose .....	1
2. Establishment of Zones	
Residence Zone A, Residence Zone B	
Residence Zone C, Business Zone D .....	2
3. General Regulations	
Non-Conformity.....	3
4. Zoning Requirements .....	4
Permitted uses	
Zones A or B	
Zone C .....	5
Zone D .....	6
Prohibited uses .....	7
5. Building Requirements	
Residence Buildings	
Accessory Buildings .....	8
Business Buildings .....	9
6. General Requirements for Permits .....	10
Interior Zones	
Special Permits	
Applications	
Fees .....	11
Qualifying Standards	
Procedures .....	13
7. Administration	
Zoning Administrative Officer	
Zoning Permit Applications .....	14
Fees .....	15
8. Board of Appeals	
Procedure	
9. Restoration of Existing Buildings .....	16
10. Earth Materials Removal	
Applications .....	17
Standards and Conditions .....	18
11. Interpretation .....	19
12. Amendments	
13. Validity	
14. Enforcement .....	20
15. Definitions	
16. Effective date, as proposed .....	23

This text is for use at a public hearing on November 10th, 1972

THE TOWN OF ROXBURY  
CONNECTICUT

ZONING REGULATIONS

SECTION 1. Authority and Purpose.

A. These Regulations are adopted pursuant to Title 8, Chapter 124, of the General Statutes of the State of Connecticut, revision of 1958, as amended, in accordance with a Comprehensive Plan and with reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Roxbury, and for the following purposes:

1. To lessen congestion in the streets;
2. To secure safety from fire, panic, flood and other dangers;
3. To promote health and the general welfare;
4. To provide adequate light and air;
5. To prevent the overcrowding of land;
6. To avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewage, schools, parks, and other public requirements.

SECTION 2. Establishment of Zones.

A. The Town of Roxbury is hereby divided into four classes of zones, boundaries of which shall be set forth on the building zone map adopted by the Commission upon the effective date of these Regulations and as the same shall be amended from time to time. The original of each map shall be dated and authenticated by the signatures of the Chairman and Secretary of the Commission, and filed with the Town Clerk and a copy thereof shall be attached to and made part of these Regulations.

Except as otherwise provided under these Regulations, such four classes of zones and the building lot size and frontage requirements for each zone shall be:

1. Residence Zone A, comprising the area of a circle having a radius of  $\frac{3}{4}$  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 feet on a public road, 90% of which frontage shall be a minimum of 50 feet in depth.
2. Residence Zone B, 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 feet on a public road, 90% of which frontage shall be a minimum of 50 feet in depth.

3. Residence Zone C, comprising all of the area of the Town lying outside of Zones A, B, and D. Lots to have a minimum area of three acres and a frontage of at least 250 feet on a public road, 90% of which frontage shall be a minimum of 50 feet in depth.

4. Business Zone D, comprising an area bounded as follows:

Commencing (Magnetic compass directions) at a U. S. Geodetic Survey Monument located NE 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.

Where a question arises as to the exact boundary of a zone, the Zoning Commission, by resolution, shall determine the location of the boundary, giving due consideration, among other factors, to the indicated location of the boundary on the Zoning Map, the scale of the Zoning Map, and the expressed intent and purpose of these Regulations.

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.

Where the boundary between Zone C and Zone D divides a lot, the Zoning Board of Appeals, upon application to it, may grant a special exception, in accordance with the provisions of Section 8, to authorize a use of land, buildings and structures permitted in Zone D, to be extended into Zone C for a distance of not more than 20 feet.

- B. The establishment of Special Permit interior residence building lots within Residence Zones A, B, and C, is provided under Section 6 of these Regulations, which prescribes permitted modifications of frontage requirements and an increase in minimum building lot sizes under specified conditions.

### Section 3. General Regulations.

- A. No building 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. The location and construction of driveways leading into a public road shall conform to the requirements of the applicable state or town regulations.
- B. 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:



1. Special Permit building lots part of an approved interior residence zone plan on file with the Town Clerk as provided under Section 6 of these Regulations, or
2. Cluster subdivision lots part of an approved plan on file with the Town Clerk as provided under Subdivision Regulations.

C. Non-conformity.

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.
2. Any non-conforming building or use of land or building may be continued in the form and to the extent existing on that date.
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 change is to reduce or eliminate the non-conformity.
4. Nothing in these Regulations shall prevent the construction, enlargement, extension or structural alteration of a building on or the use of a lot which is a non-conforming lot, provided:
  - a. The use or building shall conform to all other requirements of these Regulations.
  - b. The use shall not be a use for which a special exception is required.
  - c. The owner of the lot shall not own sufficient contiguous land to make a conforming or more nearly conforming lot.
5. No non-conforming building or use, if once changed to conformity, shall be changed back so as to be non-conforming.
6. No non-conforming building or use which shall have been discontinued for a period of one year, shall be resumed or replaced by any other non-conformity.
7. 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.
8. No land area shall hereafter be divided in such a manner as to create a non-conforming lot.

9. It is the intent of these 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.
- D. No building intended for the housing of livestock shall be less than 50 feet from any pond, lake, river or watercourse.
- E. No dwelling house shall be erected without the 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.
- F. There shall be no excavation or grading, or removal from any lot of any earth, loam, topsoil, sand, gravel, clay or stone except in accordance with the requirements of Section 10 of these Regulations.
- G. 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.

#### SECTION 4. Zoning Requirements.

Permitted Uses. No building, structure or premises shall be erected, used, occupied or maintained except for one or more of the following purposes:

- A. In a Residence Zone A or B.
1. A single detached dwelling used as a residence by not more than one family which complies with the requirements of Section 5 A.
  2. Customary home enterprise conducted by a person residing on the premises.
  3. Farming, including dairying; horse, cattle or sheep raising; truck gardening including roadside stands not in excess of 300 square feet in area, for the sale of farm products, provided the major portion of such products is raised on the premises adjoining the stand; nurseries; greenhouses; and chicken raising in accordance with the provisions of Section 5 B 2.
  4. Office for the use of a recognized profession, artist, musician, accountant, real estate agent, within a residential building wherein such user resides, provided:
    - a. such use is clearly secondary to the residential use;
    - b. that not more than 25% of the total floor area of the building shall be so used;



- (c) that not more than three (3) non-occupant persons are employed;
  - (d) that there shall be no change in the exterior appearance or character of the building;
  - (e) and that no on-street parking be generated in excess of what would normally be expected in a residential district.
5. (a) Signs indicating For Sale, Rent, Lease, or No Trespassing or the like, not over 4 square feet in area, referring only to the premises or tract on which located.
- (b) Small sign indicating name of resident or business.
- (c) Small display sign indicating enterprise conducted on the premises.
- (d) Small temporary posters indicating private auction, church or civic function, sale, political posters or the like, provided that those responsible for putting up such posters shall remove them as soon as the event to which they pertain has been completed.
- (e) Permanent church signs located on church property contiguous to the church building, approved by the Zoning Commission.
6. Public buildings, fire houses, public schools, public libraries, public museums, churches, parish houses, Sunday School buildings, when the location is approved by the Planning Commission.
7. Subject to the securing of a special exception from the Zoning Board of Appeals in accordance with the provisions of Section 8 of these Regulations, the following uses, when owned and operated by a non-profit corporation or organization and not as a business for profit:
- a. Private schools, colleges, and universities, when located on a lot of at least five acres.
  - b. Community houses; civic enterprises; educational, 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 in harmony with the general character and appearance of the town.
  - c. Cemeteries.

B. In a Residence Zone C

- 1. Any purpose authorized for a Residence Zone A or B.
- 2. Chicken raising.
- 3. Subject to the securing of a special exception from the Zoning Board of

Appeals in accordance with the provisions of Section 8 of these Regulations, the following uses:

- a. 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 and which are in harmony with the general character and appearance of the Town, subject to the following conditions:

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

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

Adequate off-street parking facilities shall be provided.

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.

- b. Nursing homes licensed by the State of Connecticut, when situated on a lot of not less than five acres.

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

Adequate off-street parking shall be provided.

- c. Private airports, licensed by the Department of Aeronautics of the State of Connecticut for the takeoff, landing and storage of aircraft as defined in Section 15 of these Regulations, the locations and boundaries of which, particularly the runway area, are delineated by the Department of Aeronautics, limited to the use of the property owner and his immediate family, for the purpose of providing personal air transportation, excluding all types of aerial acrobatics, stunt flying, sport parachute jumping and similar activities, and further provided that:

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).

C. In a Business Zone D

1. Any purpose permitted in Residence Zones A, B, C.
2. Any lawful retail business, as more fully described in Section 15, but specifically excluding any industry or manufacturing, and provided that no use shall be permitted that creates objectionable noise, smoke, fumes, or odors which are noticeable on the premises.



D. Prohibited Uses.

It is to be understood that any use not included in sub-sections A, B, and C 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:

1. Amusement parks, fair grounds, race tracks, theaters, drive-in movies, miniature golf, golf driving ranges, commercial airports.
2. Mobile homes, trailer parks, tents for living purposes, and other similar structures intended for residential use.
3. Manufacturing and industrial.
4. Buildings detrimental to the health, safety and welfare of the towns-people.
5. Commercial slaughterhouses for animals or poultry.
6. Billboards and related advertising devices.
7. Hospitals and institutions for the insane.
8. Penal institutions.
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.
10. Storage of more than one unlicensed motor vehicle or substantial part thereof.
11. Commercial hog raising, mink farms.
12. Junk yards.
13. 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.

SECTION 5. Building Requirements.

A. Residence Building.

1. No building to be used as a residence shall be erected which has a total living area of less than 900 square feet nor which has a total ground floor area of less than 750 square feet exclusive of porches, sun parlors, steps, hatchways and other horizontal projections which are part of the building, and garages or other accessories.

2. No building to be used as a residence shall be erected unless the lot requirements prescribed by Section 2 of these Regulations are met, or, in the alternative, that it is a lot as defined in Section 15 J hereof.
3. The lot or yard areas required for a particular building shall not be included as a 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.
4. If the division of a lot area referred to in the foregoing Paragraph 3 shall constitute a subdivision, no building permit shall be issued until full compliance has been made with all provisions of the Subdivision Regulations of the Roxbury Planning Commission.
5. Plans for new construction or alterations must provide for external vertical surfacing of brick, stone, wood, concrete, asbestos shingles, or a combination of such building materials or other building materials approved by the Zoning Commission. In the case of residences, if wood is used it shall be employed as clapboards, shingles, or vertical siding. In the case of accessory buildings metal may be used.

B. Accessory Buildings. Zones A, B, C.

1. No accessory building shall be built within less than 50 feet of any street line nor within less than 12 feet of the boundary line of an adjoining lot. Also, any accessory building which is to house poultry shall conform to the provisions of Paragraph 2 of this section.
2. No building for the housing of poultry, pigs, or other animals, or the enclosures in connection therewith, shall be built within 100 feet of any street line or the side boundary of an adjoining lot. In a Residence Zone A or B, no poultry house shall house more than 100 birds, or have a floor area of more than 300 square feet, and there shall not be more than one such house to each residence to which it is appurtenant.
3. No accessory building other than a barn or silo constituting part of a farm shall exceed, at any point, a height of 24 feet above finished grade when measured on the true perpendicular.
4. No wall, fence or other structure shall be erected, and no hedge, tree shrub or other growth permitted in such location on a corner or curved lot as to cause danger to traffic by obstructing the view.
5. No boundary wall or fence shall be over 4 feet in height.



6. No accessory building shall be occupied for residential purposes, except a guest house or that part of the ground floor or part of the upper floor of a garage or stable may be used for residence purposes by a member of the family, an employee, or employees of the owner or tenant of the premises.

C. Building Requirements for Business Zone D.

Site Layout Requirements.

In order to promote safety and general welfare of the community and to conserve and improve the physical appearance of the town, the Zoning Commission shall inspect site plans of all proposed commercial development and require the following standards be met:

1. A strip not less than 15 feet wide along the front of the lot shall be turfed, seeded and given other approved landscape treatment.

A six inch curb shall separate this strip from the travelled portion of the existing road frontage.

Vehicular entrances shall be a maximum of 30 feet wide and clearly defined. Such entrances shall not exceed 30% of the lot frontage.

2. Driveways and parking areas shall be paved and drain into catch basins within the site and be subject to the approval of the Board of Selectmen; where deemed necessary drainage into the town road rights-of-way shall be permitted subject to the approval of the Board of Selectmen.
3. Vehicular entrances on a State Highway shall be approved by the State Highway authority.
4. Storage areas shall be screened on all sides by a wall or fence of approved materials and be not less than six feet high and/or by a planted strip not less than 15 feet deep.

No trash or other waste shall be stored in a location visible from nearby property.

5. Where a Business District adjoins a Residential District a buffer strip not less than 20 feet wide shall be provided. Such a strip shall contain no buildings or structures or paved surfaces.

Such a strip shall be turfed, seeded or planted with at least two rows of Evergreen trees placed approximately on 12 foot centers, or landscaped in some other manner approved by the Zoning Commission.

Buffer strips shall be carefully maintained by the owner.

6. An applicant shall post a bond set by the Zoning Commission to cover the cost of site layout requirements and the bond shall be released when the site layout has been completed.

## SECTION 6. General Requirements for Permits. Interior Zones.

## A. Permit Requirements.

Except as modified by the provisions of Part B of this Section 6, buildings and accessories hereafter erected, altered, or moved, shall conform in all respects to the Table of General Requirements, which Table is incorporated in the Building Zone Map, and such Table is hereby declared to be a part of these Regulations.

## B. Interior Zone Residence Permits.

1. Intent. While the Zoning Regulations are based upon the division of the town into residential districts, it is recognized that in some areas, due to configuration of the land, the location of the highways and the desirability of residential sites which vary from those permitted in residence zones A, B, and C, strict adherence to such requirements is inappropriate, where such conditions are forced to exist, it is the intention of this section to permit the use of land for interior residential development without compliance with all the provisions of these Regulations relating to residential zones.
2. Special Permits. In accordance with the procedures, standards and conditions hereinafter specified, the Zoning Commission shall issue Special Permits establishing interior residence zones in residence zones A, B, and C, in such numbers and at such locations and subject to such limitations as may be deemed proper from time to time by such commission upon applications processed as hereinafter provided. Except as the same are specifically modified by such a Special Permit all of the requirements of these Regulations in the residence zone in which such an interior residence zone is authorized, shall remain in full force and effect.
3. Applications. No Special Permit establishing an interior zone shall be issued by the Zoning Commission unless the fully completed application and site plan has been referred by the Zoning Commission to the Planning Commission for approval prior to the granting of the Special Permit.
  - a. Applications shall be submitted to the Zoning Administrative Officer who shall refer them to the Planning Commission at the earliest possible date.
  - b. If a Subdivision is to occur in creating the proposed interior zone, the applicant shall prepare the Subdivision application in the form and with the content required by the Subdivision Regulations and shall add the statement that an interior zone Special Permit is requested from the Zoning Commission. The same application may serve both purposes in so far as Planning Commission action is needed. The minimum subdivision processing fee of \$25 shall cover both the Subdivision and Special Permit application processing.



- c. In order to assure equitable consideration and uniform qualifications for all interior zone proposals, all other Special Permit applications shall conform to the same form and content requirements as those above, and shall be processed only as a Special Permit application. The processing fee for these applications shall be \$20.

4. Qualifying Standards. No such Special Permit creating an interior residence zone shall be issued by the Zoning Commission unless the following standards are met:

- a. The tract shall consist of a single lot or contiguous lots under the same ownership or control.
- b. No tract of land to be used for a Special Permit interior residence zone shall be less than four (4) acres in size.
- c. Each interior residence zone building lot shall be four acres or more in size when located in a three acre Residence Zone C, or shall be three acres or more in size when located in a two acre Residence Zone A or B.
- d. No more than three building lots shall be permitted in any one Special Permit interior residence zone.
- e. The tract shall not have sufficient frontage on a Town Road or State Highway to meet frontage requirements for Residence Zones A, B, or C.
- f. The tract shall have a frontage of fifty feet or more upon a Town Road or State Highway, and this frontage shall be suitable to qualify the interior access road junction for the required permit of the Board of Selectmen, or the State Highway Department, as the case may be. Certain provisions for non-conforming frontage are hereinafter provided.
- g. The tract shall have a right-of-way fifty feet in width from the Town Road or State Highway to each interior residence building lot, or meet the requirements for other qualifying access as hereinafter provided.
- h. No private right-of-way nor any private access road shall serve more than three interior residence building lots.
- i. A thirty foot right-of-way not more than 600 feet in length, may be permitted only for access to a single interior building lot.
- j. A right-of-way which lawfully existed on the effective date of these Regulations, and which continues to exist, and without which it would otherwise be impossible to provide access to a proposed interior zone, and which, at any point fails to have a fifty foot width, shall be deemed a non-conforming right-of-way for access to a Special Permit interior residence zone provided:

I. That the frontage on a Town Road or State Highway, providing a

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junction for such right-of-way, is acceptable to the Board of Selectmen or the State Highway Department, as the case may be, and that if such frontage be less than 50 feet in width, it shall be deemed a non-conforming frontage.

- II. That, except for width, the private access road shall conform to all other requirements for interior zone private streets as prescribed in the Subdivision Regulations.
- III. That the proposed interior zone shall conform to all other requirements of these Regulations.
- IV. That the total portion of the right-of-way less than fifty feet in width shall not be more than 600 feet in length and at no point less than fifteen feet in width.
- V. The owner of the land shall not have sufficient contiguous land to make the non-conforming portion of the right-of-way a conforming or more nearly conforming right-of-way.
- k. The design, construction and profile of all interior access roads shall conform to the same requirements as for roads in Interior Residence Subdivisions and as prescribed in the Subdivision Regulations, and shall be subject to approval by the Planning Commission.
- l. Building sites on interior residence building lots shall be so restricted that no structure may be located nearer than fifty (50) feet at any point to the perimeter of the lot on which it is located, nor within fifty feet of any right-of-way.
- m. In any such tract an area may be set aside for open space or joint use of all the residents in such tract for any purpose authorized by the regulations in the residence zone in which such area is located, providing that establishment of such an area conforms to the same requirements as prescribed in the Subdivision Regulations for joint ownership of land, open space, roads and rights-of-way in an interior subdivision.
- n. No proposed plan for an interior residence zone shall divide any property in such manner that any lot or lots are created which do not qualify as building lots or as interior residence zone building lots under these Regulations, except for set aside open space or right-of-way as provided above.
- o. Applicants shall agree to issue a covenant agreeing that the private road or roads and right-of-way shall never be dedicated to public use. When two or three building lots are included in one Special Permit interior zone, the private right-of-way is to be held in joint ownership by all of the landowners in that interior zone and under the same conditions as prescribed in the Subdivision Regulations for private road ownership in an interior zone.

State road on  
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5. Procedures. All requests for the issuance of a Special Permit by the Zoning Commission for the creation of an interior residence zone shall be made by application and, prior to action thereon, the Zoning Commission shall refer the application to the Planning Commission for approval.
- a. Review of the application by the Planning Commission shall conform to the same procedures as provided for processing of subdivision applications and as prescribed in the Subdivision Regulations.
  - b. No such Special Permit application shall be acted upon by the Planning Commission until a public hearing has been held on such application, and as prescribed in the Subdivision Regulations.
  - c. When an application has been approved, or approved with modifications, all three copies of the application plan and papers shall be so endorsed by the Chairman or Secretary of the Planning Commission. No endorsement shall be made prior to final approval.
  - d. The Planning Commission shall certify its decision to the Zoning Commission. Upon return to the Zoning Commission of an application for a Special Permit referred to the Planning Commission for approval, the original application including the stable material map, together with a second copy of all application papers shall be returned to the Zoning Commission and one set retained by the Planning Commission.
  - e. Upon receipt of an application approved, or approved with modifications, by the Planning Commission, the Zoning Commission shall issue a Special Permit for an interior residence zone stating thereon the date such Special Permit shall become effective, together with reference on the terms and conditions of such Special Permit.
  - f. The Zoning Commission shall return to the applicant the original application including the stable material map, together with a second copy of all application papers. Whenever a Special Permit is issued, the applicant shall have the approved application plan on stable material filed in the office of the Town Clerk, and any plan not so filed or recorded within ninety days following its approval by the Planning Commission, or within ninety days of the date upon which such plan is taken as approved by reason of failure of the Planning Commission to act, shall become null and void, except that the Planning Commission may extend the time for such filing for two additional periods of ninety days and the plan shall remain valid until the expiration of the extended time.

SECTION 7. Administration.

A. Zoning Administrative Officer.

At the beginning of each administrative year the Chairman shall appoint with the advice and concurrence of the Commission, from among its members, a Zoning Administrative Officer.

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B. Application for Zoning Permit.

Application for a Zoning Permit, on a form prescribed by the Commission shall be submitted to the Zoning Administrative Officer prior to the construction, reconstruction, enlargement, structural alteration, or moving of any building, and prior to the use, or change in use, or occupancy of any land or building. The application shall be accompanied by a site plan showing the location, dimensions and area of the lot, and the location on the lot and their dimensions, of all buildings, both existing and proposed, together with any additional information, including that respecting proposed use or change of use, as may be necessary to determine compliance with these Regulations.

- C. Where required by statute or the provisions of these Regulations, the site plan shall be referred to the Planning Commission for approval prior to the granting of a zoning permit.
- D. When the Zoning Administrative Officer shall have determined that all requirements of these Regulations have been met, he shall approve the application and issue, on a form prescribed by the Commission, a written permit to proceed with the work.

He shall not issue any permit, the provisions of which conflict with any rulings or decisions of the Zoning Board of Appeals relative thereto.

He 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 Zoning Administrative Officer for an Occupancy Permit. Within ten days thereafter the Zoning Administrative Officer 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.

- E. No premises, or buildings 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. However, for the convenience of the applicant, a Temporary Occupancy Permit, not to exceed six month's duration, may be obtained from the Zoning Administrative Officer for use of the land and buildings during the period of construction.
- F. The Zoning Administrative 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.
- G. The original of each Building Zone Map of the Town shall be kept in the Office of the Town Clerk, and an accurate copy of such map shall be kept in the care of the Secretary of the Zoning Commission; all changes and alterations made by the Zoning Commission shall be clearly indicated on the map copy held by the Secretary of the Zoning Commission.

- H. Fees. Each application for a Zoning Permit shall be accompanied by an application fee, payable to the Town of Roxbury, in the amount of \$2.00. Fees for processing Special Permit applications shall be in such amount as provided in Section 6 (page 11) of these Regulations.
- I. The Zoning Administrative 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.

#### SECTION 8. Board of Appeals.

Special Exceptions, Variances, Appeals from decisions of the Zoning Commission.

- A. 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 and made part of these Regulations. For ready reference only, such powers and duties are summarized as follows:
1. To hear and decide appeals where it is alleged there is an error in a decision of the Zoning Commission.
  2. To hear and decide all matters, including special exceptions, upon which it is required to pass by the specific terms of the Zoning Regulations.
  3. 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.
- B. Procedure.
1. Application for a special exception 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 buildings 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.
2. All appeals shall be taken within 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 9. Restoration of Existing Buildings.

- A. 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 Section 6. 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 under the provisions of Section 8.

#### SECTION 10. Earth Materials Removal.

- A. In accordance with the procedures, standards and conditions hereinafter specified, the Zoning Commission may grant a temporary permit for the excavation or grading, or removal from any lot situated in Residence Zone C, of any earth, loam, topsoil, sand, gravel, clay or stone. Violation of the provisions of this Section shall be subject to penalties in accordance with the General Statutes of the State of Connecticut.
- B. The provisions of this Section and the requirement to obtain a permit shall not apply to excavation, grading or removal in the following cases:
  1. Necessary excavation, grading or removal in direct connection with the lawful construction on the lot, of buildings, foundations, roads, driveways, storm drainage, utility services, fences, walls, swimming pools or other bona fide construction project;

2. Necessary excavation, grading or removal in connection with improvements on the lot solely for farming or landscape purposes, such as the construction of ponds, draining of wet land, improvement of watercourses, burying of stone or refuse, regrading of difficult contours and excavation of earth or other materials for use on the lot and not for sale;
  3. Provided that the excavation, grading or removal authorized in paragraphs 1 and 2 above shall be deemed to permit the excavation, grading or removal only of the quantity of material necessary to make the lot more suitable for the proposed use; that adequate protection is provided during the period of work against wind and water erosion, washing onto a public or neighboring property; that in completed form suitable provision is made for drainage of the lot to prevent accumulation of stagnant water and objectionable runoff onto public roads and neighboring land and for the permanent control of erosion by means of appropriate sod or other ground cover; and provided further that the work referred to in paragraphs 1 and 2 above, where incidental to construction, is initiated and carried out only after obtaining from the Zoning Commission of a permit for the construction to which it is incidental, and that in event of failure to obtain such permit, such excavation, grading or removal shall be deemed a violation of these Regulations.
  4. The work authorized in paragraphs 1 and 2 above shall be completed within one year, unless the time is extended by the Zoning Commission.
- C. Application for a temporary permit under paragraph A of this section shall be submitted in writing to the Zoning Commission together with an application fee of \$2.00. The application shall be accompanied by maps and plans showing the following:
1. Location and exterior limits of the area to be excavated or graded.
  2. Property lines and streets adjoining the area.
  3. Existing contour lines on the area to be excavated or graded.
  4. Proposed contour lines.
  5. Existing and proposed drainage on the lot and existing rivers, streams, watercourses, ponds and swamps on or within 200 feet of the area.
  6. Vehicular access to the area.
  7. Location of any wooded areas, rock outcrops, and existing buildings on or within 200 feet of the area.
  8. An estimate of the number of cubic yards of material to be excavated, graded or removed.



- D. The Zoning Commission shall promptly consider the application for a permit, and if it deems it necessary, request the applicant for additional information. Thereupon the Zoning Commission shall approve the application, in whole or in part, attaching such conditions as it considers appropriate or disapprove the application.
- E. The excavation, grading or removal authorized by a permit under this Section, shall conform to the following standards and conditions:
1. The work shall be carried out in accordance with the maps and plans approved by the Commission.
  2. The work shall not result in sharp declivities, pits or depressions or soil erosion, drainage or sewage problems or conditions which would impair the reasonable reuse and development of the property for purposes permitted under these Regulations as a matter of right.
  3. At all stages of the work, proper drainage shall be provided to avoid stagnant water, soil erosion problems, excessive runoff, silting of streams, and damage to public or private property streets or drainage facilities.
  4. Vehicular access shall be arranged so as to avoid traffic problems on streets and nuisance to residents of the neighborhood.
  5. No excavation, grading or removal which is below the elevation of any abutting road or property line shall occur within 100 feet of such line, except that such work may be permitted if written approval of the property owner or owners is furnished to the Commission.
  6. No permanent building or structure or processing machinery shall be erected or maintained on the area and all machinery, equipment and facilities used in the work shall be promptly removed upon the expiration of the temporary permit.
  7. The work shall be limited to the hours and days of the week specified by the Zoning Commission, and proper measures shall be taken at all times to minimize nuisance from noise, dust and debris.
  8. Upon completion of the work authorized, the entire area shall be permanently restored to conform to the terms of paragraph 2 of this subsection; all debris and loose boulders shall be buried or removed; a top layer of arable soil shall be spread over the entire area to a depth of not less than four inches and seeded with a perennial grass and maintained until the surface is stabilized with an adequate sod, but this provision shall not apply to the area of ponds or exposed ledge existing prior to the work.
  9. The temporary permit shall be for a period not in excess of two years.

- F. The applicant for a temporary permit shall obtain and maintain liability insurance with a limit of not less than \$100,000 as to personal injury and \$10,000 as to property damage and shall file a certificate of such insurance with the Commission and in the event of lapsing or cancellation of such insurance, the temporary permit shall terminate.
- G. The applicant shall file with the Commission, surety in a form and amount acceptable to the Commission to insure the faithful performance of the work in accordance with the provisions of this Section.
- H. Authorized agents of the Commission shall have access to the area at all times for the purpose of inspection and determination of compliance with this Section, and, at its discretion, the Commission may require the applicant to submit periodic reports showing the status and progress of the work.
- I. Any existing operation involving the excavation, grading or removal of any earth, loam, topsoil, sand, gravel, clay, or stone authorized by a permit issued by the Commission, may continue for the term of such permit. Upon expiration, the permittee shall be required to reapply under and subject to the provisions of this Section, but the Commission, in view of the previous experience with the permittee, and in its discretion, may waive compliance with the provisions of sub-sections E -8, F, and G, of this Section, if it deems the provisions of these sub-sections unnecessary or inapplicable to the character of the permittee's operations.
- J. Upon completion of the work authorized by the temporary permit, the surety lodged with the Commission shall be returned.
- K. Upon written request by the Board of Selectmen of the Town of Roxbury, the Commission may waive or modify compliance with the application fee, and paragraphs C, D, F, and G of this section, when the excavation, grading or removal operations are conducted solely by or on behalf of, the Town of Roxbury for the municipal purposes of the Town.

SECTION 11. 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.

SECTION 12. Amendments.

The Regulations may, from time to time, be amended, changed, or repealed by the Zoning Commission, as provided in the General Statutes, as amended.

SECTION 13. Validity.

The invalidity of any section or provision of these Regulations shall not invalidate any other section or provision thereof.

SECTION 14. Enforcement.

- A. The Zoning Regulations shall be enforced by the Zoning Commission, which is authorized to cause any building, structure, place, premises, or use to be inspected or examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any of these Regulations.
- B. Whoever shall violate any provision of these Regulations shall be subject to the penalties provided by Section 8 -12, Chapter 124 of the General Statutes of the State of Connecticut, Revision of 1958, as amended.
- C. The Chairman of the Zoning Commission is hereby designated as Zoning Enforcement Officer, with supervisory powers over the Zoning Administrative Officer, to enforce these Regulations in accordance with the authority of Section 8 -12, Chapter 124 of the General Statutes of the State of Connecticut, Revision of 1958, as amended.

SECTION 15. Definitions.

Words used in the present tense include the future; the singular includes the plural and the plural the singular; the word "lot" includes the word "plot"; and the word "building" includes the word "structure".

Where not otherwise provided, the following words or terms used in these Regulations shall have the following meanings:

- A. Accessories:  
Porches, sunparlors, steps, hatchways and other horizontal projections which are a part of the building.
- B. Aircraft:  
Airplanes or rotorcraft, as now defined, in Section 15 -24 of the General Statutes of the State of Connecticut.
- C. Buildings:  
Each independent structural unit or those units divided by a party wall.
  - 1. Accessory Buildings:  
Garages, equipment and tool sheds, buildings for the housing of livestock, roadside stands for the sale of agricultural products, swimming pools and appurtenant structures, spring or well houses, barns, silos and other buildings for farm purposes, and guest houses which are subordinate to the main residence.
  - 2. Residence:  
A single detached dwelling for the use of one family.

3. Other Buildings:

Churches; schools; club houses; public utility buildings; museums; social, recreational, and cultural buildings; government buildings, and business buildings in a Business Zone D.

D. Building Area.

The maximum horizontal projected area of a building and its accessories.

E. Commission.

The Roxbury Zoning Commission.

F. 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 as the base for measuring the height of a side yard inner or outer court. When a lot faces on two or more streets, the curb level of the higher street may be taken as the base for measuring the height.

G. Customary Home Enterprise:

Shall mean any one of the following activities, where conducted for profit and located within the home of the operator or on the same premises as said home, and employing not more than three persons not residing on the premises:

1. Preparation and sale of those products usually produced in a single home, garden, or farm, provided that such are created entirely on the premises, such as: home baking, needlework, fruits and produce, home preserves and the like.
2. Preparation and sale of the products of arts and crafts based on individual talent, provided such are created entirely on the premises by 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.
3. The conduct of a business or professional office where the principal resides on the premises, such as: offices for real estate, insurance, building business, doctor, engineer and the like.
4. A private workshop accessory to the skilled trade of the 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-paperhanger, radio repairman and the like.

H. Family:

Any number of individuals, related by blood or legal adoption or marriage, living and cooking together on the premises of 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.



I. Height:

The vertical distance measured from the curb level or finished grade to the highest point of the roof.

J. Lot:

A parcel of land which

1. Meets all of the requirements of these Regulations, or
2. Is owned separately from any adjoining lot or lots as evidenced by deed or deeds or other land records recorded in the office of the Town Clerk prior to the effective date of these Regulations and which complied with the provisions of the Zoning Regulations then in force, or
3. Is a building lot shown on a subdivision map approved by the Roxbury Planning Commission and filed in the land records of the Town and which is occupied or designed to be occupied by one residence and the accessory buildings or uses customarily incident to it, including such open spaces as are arranged and designed to be used in connection with such residence.

K. Private Airport:

An area licensed by the Department of Aeronautics of the State of Connecticut for the take-off, landing and storage of aircraft, and covering the terms "airstrip", "landing strip", and similar terms designating an area for the uses mentioned above, for private non-commercial purposes.

L. Public Road:

Legal Town and/or State Highway.

M. Residence:

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

N. Retail Business:

Retail stores and shops for the conduct of retail business provided, however, that the merchandise sold shall consist of one or more of the following:

Antiques, art supplies, bakery products, books, camera supplies, clothing, drugs, drygoods, appliances, 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.

O. Story:

The part of a building between any floor and the floor above, or a maximum of ten feet, 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.

- P. Story (Half):  
Any floor two feet or less below the plate and under a pitched roof at the top of the building.
- Q. Street Line:  
The dividing line between the highway limits and the lot.
- R. Front Yard:  
An open, unoccupied space on the same lot with a residence or its accessories, between the street wall of the residence and the street line of the lot.
- S. Side Yard:  
An open, unoccupied space on the same lot with a residence or its accessories, situated between the residence and the side line of the lot.
- T. Rear Yard:  
An open, unoccupied space on the same lot, between the rear wall of the residence or its accessories and the rear line of the lot.
- U. Town:  
The Town of Roxbury, Connecticut.

SECTION 16. Effective Date.

These Regulations shall take effect January 1, 1973.