

TOWN OF ROXBURY  
CONNECTICUT  
ZONING REGULATIONS  
AS ADOPTED SEPTEMBER , 1957  
(EFFECTIVE SEPTEMBER , 1957)

Section 1. Authority and Purpose

These Regulations are adopted pursuant to Chapter 43 of the General Statutes of the State of Connecticut, Revision of 1949, as amended, for the following purposes:

To secure safety from fire, panic and other dangers;

To promote health and the general welfare of the Town;

To prevent overcrowding of land;

To provide adequate light and air;

To avoid undue crowding of population;

To assure adequate facilities for transportation, water, sewerage, schools, parks and other public requirements;

To conserve the value of buildings and land and encourage the most appropriate use thereof.

Section 2. Establishment of Zones

The Town of Roxbury is hereby divided into four classes of zones, the boundaries of which shall be as set forth on the map entitled "Town of Roxbury, Connecticut, Building Zone Map dated September , 1957", the original of which, as authenticated by the signatures of the Chairman and the Secretary of the Commission, is on file with the Town Clerk of the Town, and a copy of which is attached to and is hereby made a part of these Regulations.

Such four classes of zones shall be:

- (a) Residence A Zone
- (b) Residence B Zone
- (c) Residence C Zone
- (d) Unrestricted Zone

### Section 3. Zoning Requirements

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

- (a) In a Residence A or Residence B Zone -
  - 1. A single detached dwelling for not more than one (1) family.
  - 2. The office of a member of a recognized profession residing on the premises, providing there is no display or advertising except for a small professional name plate.
  - 3. Schools, public libraries, public museums and churches, parish houses, and Sunday School Buildings.
  - 4. Clubs and recreational buildings except those in which the chief activity is a service carried on as a business.
  - 5. Farming (exclusive of commercial hog raising), dairying, cattle or sheep raising, truck gardens, roadside stands for the sale of farm products, provided the major portion of such product is raised on premises adjoining the stand, nurseries and greenhouses.
  - 6. Accessory buildings as provided in Section 4.

7. Signs not over four (4) square feet in size referring only to the premises or tract on which they are located and excluding entirely any other signs, billboards, advertising devices of any character on either buildings, structures, trees, poles or other methods of suspension or erection.

(b) In a Residence C Zone -

1. Any purpose authorized for a Residence A or Residence B Zone.

2. A public utility building.

3. Commercial hog raising and chicken raising.

(c) In an Unrestricted Zone, any proper purpose.

#### SECTION 4. Accessory buildings (Including Garages)

(a) No accessory building shall be built within fifty (50) feet of any street line nor within twelve (12) feet of the side lot boundary line of any adjoining lot in a Residence Zone, provided, however, that in Residence C Zone no accessory building shall be built within thirty (30) feet of any street line nor within twelve (12) feet of the side lot boundary line of any adjoining lot in any Residence Zone.

(b) The limitations imposed by this section upon the location of an accessory building shall not apply when the accessory building is incorporated as an integral part of the residence and both are of the same general construction.

(c) In a Residence Zone the size and number of accessory buildings, except chicken houses, shall not be limited but only one chicken house shall be permitted to each residence

to which it is accessory, provided, however, that in Residence C Zone and in an Unrestricted Zone the size and number of accessory buildings shall not be limited.

(d) Chicken yards, pigstys and allowable accessory buildings such as chicken houses shall not be built within one hundred (100) feet of any street line nor within twenty (20) feet of the side boundary line of any adjoining lot in any residence district. A chicken house shall be constructed to house not over one hundred (100) chickens and to have a floor area of not over three hundred (300) square feet.

(e) No accessory building other than a farm building shall exceed, at any point, a height of              feet above finished grade when measured on the true perpendicular.

#### Section 5. Building Requirements

(a) No building to be used as a residence shall be erected which has a total ground floor area of less than six hundred (600) square feet exclusive of porches, garage or other accessories.

(b) No wall, fence or other structure shall be erected and no hedge, shrub, tree or other growth shall be permitted in such location on a corner lot as to cause danger to traffic by obscuring the view.

(c) No accessory building shall be occupied for residence purposes, provided, however, that such part of a garage or stable as may be occupied by an employee or employees of the owner or tenant of the premises to the extent of a part of the

ground floor or part of the upper floor of such garage or stable, may be used for such residential purposes.

(d) A boundary wall, or fence shall not be over four (4) feet high.

(e) Each building lot in a Residence Zone shall comply with the following minimum requirements:

(1) Residence A Zone: At least two acres in area, and at least two hundred fifty (250) feet frontage on a public road.

(2) Residence B Zone: At least one acre in area, and at least one hundred seventy-five (175) feet frontage on a public road.

(3) Residence C Zone: At least  
in area, and at least                      feet frontage on a public  
road.

(f) The lot or yard areas required by these Regulations for a particular building shall not be included as a part of the required lot or yard areas of any other building; no lot or yard areas of buildings existing at the time of the adoption of these Regulations shall be diminished below the requirements herein provided for buildings hereafter to be erected. No lot or yard area shall hereafter be subdivided and improved with one or more buildings, including accessory buildings, unless each and every lot in such subdivision shall conform to the requirements herein provided for buildings hereafter to be erected.

## Section 6. Building Zone Schedule

No building or accessories hereafter erected or

altered shall exceed the height or accommodate or house a greater number of families, or have the septic tank fields nearer a river, stream or body of water, nor have a narrower or smaller front yard, rear yard or side yard, other than called for in the Schedule showing the size of lot and buildings for the zone in which such buildings may be located, which Schedule is incorporated in the Building Zone Map and is hereby made and declared to be a part of these Regulations.

#### Section 7. Permits

(a) Prior to the commencement of new construction or material alteration of any existing structure within any zone except the Unrestricted Zone, application shall be made in writing to the Secretary of the Zoning Commission by the owner or lessee, directly or through an agent, for authorization to proceed with the work proposed, and no such new construction or material alteration shall be commenced without proper written permit; no such application will be considered unless the plans provide for external vertical surfacing of brick, stone, wood, concrete, stucco, asbestos shingles or a combination of any two or all of such building materials or other structurally acceptable materials. In case of residences, if wood be used it shall be employed either as clapboards or shingles, except that in the case of accessory buildings metal may also be used. Such application shall state briefly the location and nature of the proposed work and approximate cost. Upon approval of such application the Zoning Commission will issue a written permit, which permit shall be valid if acted upon within twelve (12) months.

(b) Certificate of Occupancy

(1) No premises or buildings hereafter erected or materially altered shall be used or occupied in whole or in part for any purpose whatsoever, until a certificate of occupancy shall have been issued therefor.

(2) No change or extension of use and no material alteration shall be made in a non-conforming use of premises, without a certificate of occupancy.

(3) Certificates of occupancy shall be issued by the Zoning Commission if it shall find that the proposed use and construction are in accordance with these Regulations.

(4) Application and payment for a certificate of occupancy at a cost of two dollars, payable to the secretary of the Zoning Commission, shall be made at the same time that the application for a building permit is submitted, said certificate of occupancy to be issued within ten (10) days after the erection or alteration of the building shall have been completed.

**SECTION 8. Non-conforming Buildings and Uses**

(a) Any non-conforming use existing on November 10, 1954 may be continued in any existing building, structure or premises, and may be reconstructed and structurally altered and the non-conforming use therein changed, subject to the approval of the Zoning Commission.

(b) No non-conforming use, if once changed to a conforming use, shall be changed back so as to be non-conforming.

(c) No non-conforming use which shall have been discontinued for a period of one year shall be resumed or replaced by any other non-conforming use except with the approval of the Zoning Commission.

(d) In a Residence Zone, no building or premises devoted to a non-conforming use shall be changed without the approval of the Zoning Commission.

#### SECTION 9. Completion and 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 fifty (50) per cent of its assessed value, 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 fifty (50) 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 Zoning Board of Appeals.

#### SECTION 10.

The provisions of these Regulations shall have no application to municipal or governmental activities or building program.

#### SECTION 11. Interpretation

These Regulations do not repeal or annul or in any way impair any existing provisions of law, and in the event of any

conflict between any of the provisions of the general laws, the provisions of the general laws shall be construed to be controlling.

#### SECTION 12. Zoning Board of Appeals

An appeal may be taken to the Zoning Board of Appeals by any person aggrieved or by any officer, department, board or bureau aggrieved and shall be taken within fifteen (15) days thereof by filing with the Zoning Commission or the officer from whom the appeal has been taken and with said board a notice of appeal specifying the grounds thereof.

Said board shall fix a reasonable time for the hearing of any appeal and give due notice thereof to the parties and to the public and decide the same within a reasonable time.

Said board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from and shall make such order, requirement or decision as in its opinion should be made in the premises.

The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement or decision of the official charged with the enforcement of the zoning regulations or to decide in favor of the appellant any matter upon which it shall be required to pass under any by-law, ordinance, rule or regulation or to vary the application of the zoning by-law, ordinance, rule or regulation  
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When/its judgment the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured, the Zoning

Board of Appeals may in a specific case, authorize special exceptions to the regulations herein established.

#### **SECTION 13. Amendments**

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

#### **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 Chapter 43 of the General Statutes, Revision of 1949 as amended.

(c) The Chairman of the Zoning Commission is hereby designated as the officer to enforce these Regulations in accordance with the authority of Chapter 43 of the General Statutes, Revision of 1949 as amended.

#### **SECTION 15. Administration**

(a) All maps of property in the Town of Roxbury which are subdivided into plots or lots shall be laid out as to size and area in such manner as to comply with these Regulations, and must be approved by the Zoning Commission. Such maps shall be lettered and approved by the Chairman of the Zoning Commission and

signed by him before being received and filed by the Town Clerk.

(b) The original 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 or the Board of Appeals shall be clearly indicated on the map copy held by the Secretary of the Zoning Commission.

#### **SECTION 16. Validity**

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

#### **SECTION 17. In Effect**

The Regulations shall take effect September , 1957.

#### **SECTION 18. Definitions**

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

**Accessories:** Porches, sun parlors, steps, hatchways, and other horizontal projections, which are a part of a building.

**Building:** Each independent structural unit or those units divided by a party wall.

**Building Area:** The maximum horizontal projected area of a building and its accessories.

**Commission:** The Zoning Commission of the Town of Roxbury.

**Curb Level:** The permanently established grade of

the street in the 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 heights of a side yard inner or outer court. Where 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.

**Family:** Any number of individuals, related by blood or legal adoption or by marriage, living and cooking together on the premises of a single housekeeping unit, including, in addition, not more than four (4) lodgers, or roomers, taken for hire; or a group of individuals, of not more than six (6) persons, not related by blood or marriage, but living together as a single housekeeping unit. In each instance the family shall be understood to include the necessary servants.

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

**Hotel:** A building provided with ten (10) or more rooms for paying guests with suitable arrangements for baths and toilets.

**Lot:** A parcel of land occupied or designed to be occupied, by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by these Regulations and such open spaces as are arranged and designed to be used in connection with such building.

**Non-conforming Use of Lot or Buildings:** One that

does not conform with the Regulations of the zone in which it is situated.

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

Story: That part of a building between any floor and the floor above, or in its absence of a second floor, the ceiling or roof above. A story which extends less than three (3) feet above a curb or finished grade shall not be counted in determining the number of stories.

Story (Half): Any floor, two (2) feet or less below the plate, and under a pitch roof at the top of a building.

Street: A highway sixteen feet or more in width.

Street Line: The dividing line between the street and the lot.

Front Yard: An open, unoccupied space on the same lot with a building or its accessories, between the street wall of the building and street line of the lot.

Side Yard: An open, unoccupied space on the same lot with a building or its accessories, situated between the building and the side line of the lot.

Rear Yard: An open, unoccupied space on the same lot, between the rear wall of the building or its accessories and the rear line of the lot.

Town: The Town of Roxbury.

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.