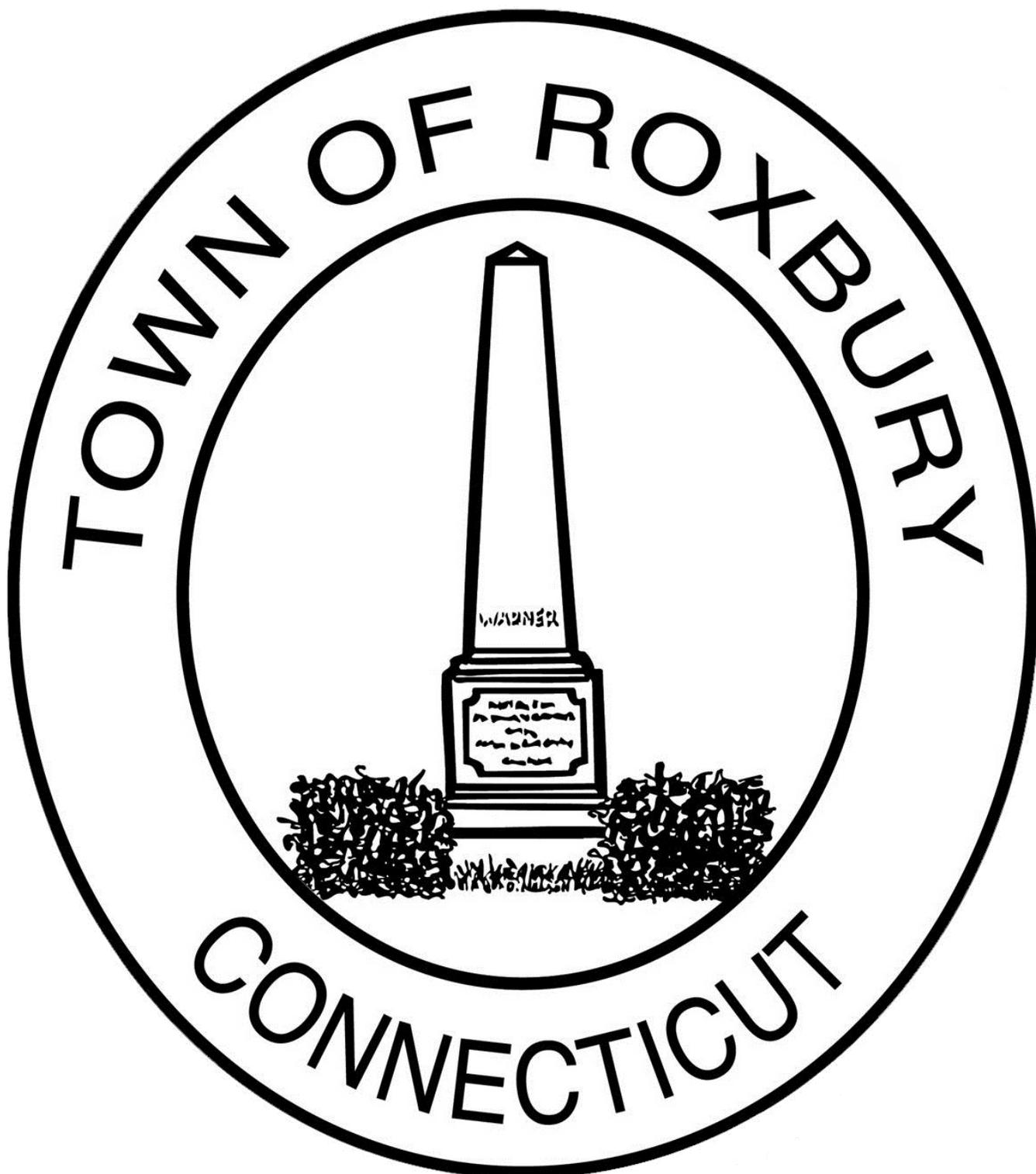


Roxbury Zoning Regulations
Effective with additions and changes to
January 12, 2010



ZONING REGULATIONS AMENDMENTS
Contact Zoning Office for information

<u>DATE AMENDED</u>	<u>SUBJECT</u>	<u>SECTIONS</u>
June 12, 2010	Deer Fencing	3.5.2 a
May 16, 2011	Nonconformity	3.10.10 – 3. 10.16
Sept. 18, 2011** (Corrected 6-8-15)	Sale of Alcohol	4.7.5, 4.9.15, 4.9.16, 20.76, 20.77, 20.78
May 16, 2011	Restaurants	4.75 & 20.78
October 11, 2011	Phase 2	Minor changes
July 9, 2012	Phase 3	Language Clarity
August 6, 2012	Phase 4	4.4, 4.9, 12.4.5-12.4.6, 4.4.2
	Permitted Uses, Membrane Structures, Tag Sales	
October 9, 2012	Access. Apartments	4.4.1 & 14.3.7
April 1, 2013	Unreg. Motor Vehicles	4.10 & 13.3.3
August 5, 2013	Historic Barns	1.3.12, 3.10.10 & 4.3.8
November 4, 2013	Restaurants	4.7.5 & 20.78
February 3, 2014	Lighting	5.5
August 14, 2014	Ambulance/Emer. Services	4.3.4
September 1, 2014	Setbacks/Structures/Yard/Fence	3.1, 5 & Definitions
March 30, 2015	Portable Storage Contain. Land Filling, Meter Pods	4.4, 4.9, 10.2.1, 5.1, 20.75

**** Added 6-8-15 (correction)**

ZONING REGULATIONS
OF
THE TOWN OF ROXBURY, CONNECTICUT

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MASTER CHART

MASTER CHART Footnotes

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 is 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:

Natural Features: Land, water, and biological resources including, but not limited to soil types, terrain, slopes, ridgetops, rock outcroppings, watercourses, ponds, rivers, flood plains, wetlands, stream belts, endangered species, wildlife habitat, prime and important farmland soils, pastures, and other unique and fragile features – including stone walls, tree-lined roads, dirt roads and low density.¹

[Effective May 27, 2001]

¹ Revision to 1.3.15, list of “natural features expanded”, effective 5-27-2001.

SECTION 2 ESTABLISHMENT OF ZONES

- 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 July 1, 1975 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 with ten (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 twenty (20) feet.
 - 2.3.7 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.

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 three-quarter (3/4) mile and its center the monument on the green. Lots to have a minimum area of three (3) acres and a frontage of at least two hundred fifty (250) contiguous feet on a public road, ninety percent (90%) of which frontage shall be a minimum of fifty (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 three (3) acres and a frontage of at least two hundred fifty (250) contiguous feet on a public road, ninety percent (90%) of which frontage shall be a minimum of fifty (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, and to prevent the overcrowding of its land. The district comprises all of the area lying outside of Zones A, B, and D. Lots shall have a minimum area of four (4) acres, with the exception of the following:²
- a. Large Lot Interior Zones lots approved pursuant to Section 5.9 of the Regulations;
 - b. Conservation Subdivision lots approved pursuant to Section 16 of the Regulations;
 - c. Lots qualifying for the "First Lot Exception" as follows: If a Lot or parcel existing on the Effective Date of this amendment is developed with one single family dwelling that was completed prior to said date and that has at least six (6) acres in area, then to two (2) Lots (one with the existing dwelling and one new lot) with a minimum area of three (3) acres each shall be permitted to be created from such Lot or parcel by first cut or subdivision providing that all other requirements of

² Revision to 2.4.3, add "with the exception of Large Lot Interior Zone," effective 10-11-2004.

Revised lot size from 3 to 4 acres, add exceptions for Conservation Subdivisions (b.) and First Lot Exception (c.), effective 5-9-2008

these Regulations are met and any other lots created from said Lot or parcel shall have a minimum of four (4) acres each.

2.4.3.1 All Lot. All lots with the exception of Large Lot Interior Zones, shall have frontage of at least two hundred fifty (250) contiguous feet on a public road, ninety percent (90%) of which frontage shall be a minimum of fifty (50) feet in depth.³ *[Amended May 9, 2008]*

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 selectively 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 direction) 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.

2.5 Interior Lots in Residence Zones: 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.

³ Revision to 2.4.3 - add 2.4.3a through 2.4.3d, effective 5-9-2008
Zoning Regulations, Town of Roxbury

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 noncompliance.
- 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 Regulations 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 nonconforming 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. Conservation 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-Wetlands Regulations.

- 3.2.7 A residential lot in any zone shall have access to buildable, non-wetlands area of at least two contiguous acres, which access shall not substantially impinge on wetlands. *[Amended January 1, 1987]*

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 (30) 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 and Berms:⁴ *[Amended September 17, 2000]*

- 3.5.1 Fences shall not obstruct visibility for motorists entering and leaving a site or driving on a public highway and shall pose no other danger to public safety.
- 3.5.2 No fence or wall or combination thereof shall exceed six (6) feet in height when within the front, side and rear setback areas as stipulated in the master chart. Shrubbery, trees, and hedges shall not be subject to the six-foot height requirement.
- 3.5.3 The height of a fence or wall shall be measured from ground level at the base of the fence. Where a berm is constructed and/or grading is done solely to increase the effective height of a fence, the fence's height shall be measured from the ground elevation prior to the change in topography.

⁴ Revision to 3.5 through 3.5.6, recreated and renumbered, effective 9-17-2000.
Zoning Regulations, Town of Roxbury

- 3.5.4 The frame or supporting members shall be on the installer's side; the good or finished side shall face the street or the abutting owner's property.
- 3.5.5 Barbed wire and electric fences are prohibited with the exception of fences erected to contain livestock for agricultural use.
- 3.5.6 Razor wire or its equivalent is prohibited.
- 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 stream belt 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 (50) 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 one hundred (100) feet of any street line or the side boundary line of an adjoining lot.
- 3.9.4 No fenced yard for livestock shall be located closer than one hundred (100) feet of any street line or one hundred (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 one hundred (100) birds, or have a floor area of more than three hundred (300) square feet; there shall not be more than one (1) house to each residence to which it is appurtenant.
- 3.9.6 The density of horses on a lot shall not exceed forty thousand (40,000) square feet of gross lot area per animal six months or older per horse.

- 3.9.7 No indoor riding arena shall be located closer than fifty (50) feet of any street line or side boundary. The arena may only be used for the purpose of riding and may not be used for the housing of animals. *[Effective September 23, 1995]*
- 3.9.8 Manure shall be stored not less than one hundred (100) feet from street and property lines.
- 3.9.9 Manure shall be removed at intervals sufficiently frequent to maintain a sanitary, fly-free condition.
- 3.9.10 Manure drainage shall not run into a wetland or onto other property.

3.10 Non-Conformity:

- 3.10.1 Definition. A nonconforming 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 these Regulations or amendments thereto.
- 3.10.2 Any nonconforming 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 nonconforming use of land shall be enlarged, extended or altered, and no building or other structure or part thereof devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed or structurally altered, except where the result of such a change is to reduce or eliminate the nonconformity.
- 3.10.4 No nonconforming 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 nonconforming 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 nonconforming building or use, if once changed to conformity shall be changed back so as to be nonconforming.

- 3.10.7 No nonconforming 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 nonconforming building damaged by fire, explosion, or act of God to the extent of more than seventy-five (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 seventy-five (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 these Regulations that nonconformities 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 Way:

- 3.11.1 Any access way 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.
- 3.11.2 A cul-de-sac at the end of an access way shall have a radius of not less than sixty feet (60) and shall provide for the easy movement of vehicular traffic, the convenient access of emergency vehicles and parking provisions to avoid congestion.

[Effective September 23, 1995]

SECTION 4 USE REGULATIONS

[Amended September 17, 2000]

- 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:⁵
- 4.2.1 Single Family detached dwelling, one per lot;
 - 4.2.2 Streets, parks, playgrounds, public school grounds and town buildings; subject to referral to the Roxbury Planning Commission.
 - 4.2.3 Farming; including dairying, horse, cattle, poultry and sheep, truck gardening, nurseries, greenhouses.
 - 4.2.4 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 three hundred (300) square feet in size.
 - 4.2.5 Private garages, barns, sheds, shelters, silos and other structures customarily accessory to residential estates, farms or resident uses.
 - 4.2.6 Windmills subject to the provisions of Section 5.7.
 - 4.2.7 Customary home enterprise as defined in Section 8.
 - 4.2.8 Signs subject to the provisions of Section 12.
 - 4.2.9 The use of a trailer or camper by a nonresident on a lot with a single-family dwelling shall be permitted not to exceed up to three weeks annually.
 - 4.2.10 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 licensed by the State of Connecticut, colleges and universities when located on a lot of at least five (5) acres. *[Amended February, 1986]*

⁵ Revision to 4.2.2, delete 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,” renumber 4.2.2 through 4.2.10, effective 9-17-2000.

- 4.3.2 All Family Day Care Centers must be licensed by the Conn. Dept. of Social Services in accordance with Sections 17-585-1 through 17-585-16 inclusive of the Regulations of Conn. State Agencies. *[Effective April 28, 1995]*
- 4.3.3 Education, religious, 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. *[Amended February, 1986]*
- 4.3.4 Churches, Sunday school buildings, rectories, fire houses, schools licensed by the State of Connecticut, libraries and museums. *[Amended February, 1986]*
- 4.3.5 Cemeteries.
- 4.3.6 Elderly housing and related accessory structures by: *[Effective April 28, 1995]*
- a. Community Housing Development Corporation meeting the requirements of the Connecticut General Statutes, Section 8-217, as amended or
 - b. Nonprofit organization which has qualified for tax exempt status as a charitable organization by the IRS pursuant to the federal tax code and is certified by the State Commissioner of Housing as able to carry out the proposed elderly housing.
- 4.3.7 Personal Wireless Service Facilities and Towers shall be permitted by special permit only.
- 4.4 Permitted Accessory Uses for Residence Zones A, B and C: Customary uses incidental to the principal uses in Sections 4.2 and 4.3 shall be permitted in Residence Zones A, B and C.
- 4.4.1 There shall be only one (1) accessory building for the purpose of home enterprise, accessory apartment or guest house per approved building lot.⁶
[Amended October 1, 1991, Amended May 9, 2008]
- 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:

⁶ Revision to 4.4.1, change “and” to “or”; delete “three-acre parcel,” effective 5-9-2008.
Zoning Regulations, Town of Roxbury

- 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 seventy-five (75) feet from any street line or less than one hundred fifty (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 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 seventy-five (75) feet from any street line or less than one hundred fifty (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 eighty (80) yards of a public road or utility line nor within three hundred (300) yards of a dwelling house (except one owned by the airport licensee). Neither end of the runway shall be nearer than two hundred (200) yards to a public road or utility line, nor less than four hundred (400) yards from a dwelling house (except one owned by the airport licensee).

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, professional offices for attorneys, accountants, medical doctors, dentists, licensed psychologists, veterinarians, architects and licensed engineers. *[Amended May 27, 1986 and December 3, 1993]*

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

4.6.4 Driveways as outlined in Section 5.4.

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.

4.7.2 Bed and Breakfast subject to the following standards and requirements:
[Effective December 3, 1993]

- a. Owner/Resident. The owner of the bed and breakfast use shall reside in the residential dwelling on the property where the Bed and Breakfast is located.
- b. Parking. Parking shall meet all standards prescribed in Section 13 and the lot shall be large enough to provide sufficient off-street parking for both residential use and the bed and breakfast use. The minimum number of parking spaces for the bed and breakfast use shall be one and one half spaces per guest room. Additional spaces may be required where determined necessary in the judgment of the Commission. A parking lot plan consistent with the requirements of Section 13 shall be submitted with the application. The commission may prescribe suitable natural screening for the lot, preferably located on the rear portion of the lot.
- c. Structure Suitable For Use. The applicant must show that the structure is suitably capable of accommodating guest rooms based upon its interior arrangement, size and structural condition.
- d. Maximum Rooms. No more than three (3) guest rooms limited to double occupancy are permitted in a structure.
- e. Bathrooms. Full bathrooms shall be provided at the rate of one per two guest rooms and must meet all applicable Building and Health Codes.
- f. Water and Septic Approval. The applicant shall present certification from the Health Official that the existing or proposed well and subsurface sewage disposal system is adequate to serve the proposed use.
- g. Length of Stay. The length of stay shall not exceed fourteen (14) days per guest. Food service for occupants of guest rooms shall be limited to breakfast only. Food service shall be served to registered guests only.
- h. Food Service. No cooking facilities shall be located in guest rooms and all aspects of food service for guests shall meet the requirements of the Public Health Code.
- i. Fire Protection. The applicant shall present certification from the Roxbury Fire Marshall that the existing or proposed building for use

as a Bed and Breakfast will meet the requirements of the State Fire Code.

- j. Requirements. All other requirements of regulations for Business Zone D, including but not limited to sign regulations, shall be applicable to the Bed and Breakfast use.
- k. Permit. The operation of a Bed and Breakfast use shall require a written permit. This permit will be issued by the Zoning Enforcement Officer following approval of a Special Permit by the Commission. The special permit will be effective for a two-year period, and must be renewed by the owner for additional two-year periods. [Effective December 3, 1993]

4.7.3 Motor Vehicles for Hire Businesses, for the operation and dispatch of Motor Vehicles for Hire which are licensed and registered pursuant to Chapter 244a and /or Chapter 244b of the Connecticut General Statutes. In addition to the requirements of Section 6.2.4, in determining whether a special permit shall be granted for such a use, the Commission shall consider the following special standards and requirements [Effective May 20, 1994]:

1. Compliance with all state licensing and registration standards relating to the business operation and vehicles are met, and proof of such compliance shall be supplied to the commission.
2. The commission in its discretion shall determine the maximum number of vehicles for hire to be operated by the applicant; however, the total number of motor vehicles for hire shall not exceed the lesser of eight (8) or the number of parking spaces required by Section 13 of the Regulations. The number of persons employed shall not exceed 10.
3. Off-street parking and loading requirements shall comply with Section 13.2. "Table of Parking Requirements", subparagraph (i) entitled "commercial not included above" and all the restrictions and standards set forth in Section 13.
4. Applicant shall supply information regarding proposed trip generation and a plan for ingress, egress, parking and storage of Motor Vehicles for Hire based upon the maximum number of vehicles proposed; such information and plan shall demonstrate to the Commission that the business can be conducted without adversely affecting other uses of the property on which the use will be conducted and adjacent uses.
5. Failure to maintain current licensing and registration, as required by Chapter 244a and/or 244b of the Connecticut General Statutes, for the business operation and all vehicles shall constitute a violation under this Section and will constitute grounds for revocation of any special permit issued under this Section.

4.7.4. Adult Day programs, as defined herein, and operated pursuant to C.G.S. Section 17a-226 and approved by contract with the State of Connecticut Department of Mental Retardation. In addition to the requirements of Section 6.2.4, in determining whether a special permit shall be granted for such a program, the Commission shall consider the following special standards and requirements:

[Effective May 20, 1994]

1. A copy of the proposed adult day program contract between applicant and the State Department of Mental Retardation shall be provided to the Commission. Upon execution of any such contract, a copy of the contract, and any renewals thereof, shall be promptly provided to the Commission.
2. Based on the standards set forth in this Section 4.7 and in Section 6.2.4, the Commission shall determine the maximum number of participants in the Adult Day Program. However, in no case shall more than 20 adults, staff and participants, be accommodated in any Adult Day Program approved by the Commission.
3. Off-street parking and loading requirements shall be consistent with Section 13.2.h. and all general restrictions and standards set forth in Section 13.
4. The applicant shall supply evidence that the Adult Day Program will comply with current fire, health and State Department of Mental Retardation codes, laws, regulations and requirements. Water supply and sewage disposal systems serving the Day Care center shall be sufficient to accommodate the use as certified by the Town Health Officer.
5. There shall be safe and adequate provision for boarding and off-boarding program participants from vehicles without hazards to pedestrians and traffic and such provision shall be made on the lot where the facility is located and without the need to use any part of the public street right-of-way for turning.
6. The use shall be located in a building on a lot having such size, shape, landscaping, screening and parking so as to provide for the health and safety of the program participants.
7. Failure to maintain a valid contract with the Department of Mental Retardation for any Adult Day Program shall constitute a violation under this Section and shall be grounds for revocation of any special permit issued under this Section.
8. Community Residences for the Mentally Retarded. *[Effective February 4, 1995]*
 - a. Licensee must comply with applicable State and Local laws relating to Health, Fire protection, Safety, Sanitation and Zoning.
 - b. No community residence for the mentally retarded is to be established within 1,000 ft. of any other community residence in accordance with State regulations.

- c. To assist emergency personnel, a reflective decal is to be placed on a window of each bedroom housing a mentally retarded person and a floor plan is to be provided to the Roxbury Volunteer Fire Department and Ambulance Association.
- d. Each bedroom is to be equipped with a smoke detector, in accordance with State regulations.

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, 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 parks, 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 landfills, 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.

4.10 Unregistered Vehicles: Any unregistered vehicle shall be effectively screened from public view and from adjacent properties by a solid fence, wall or hedge.

[Effective February, 1986]

SECTION 5 BUILDING REQUIREMENTS,
RESIDENCES ZONES A, B, AND C

5.1 Residence Buildings:

- 5.1.1 No building to be used as a principal residence shall have for the principal residence, a total living area of less than 1,000 square feet nor which has a total ground floor area of less than eight hundred (800) square feet exclusive of porches, steps, hatchways and other horizontal projections which are part of the building, garages or other accessories. Greenhouses, used as greenhouses, are excluded. *[Effective October 1, 1991]*
- 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 Accessory apartments and guesthouses are permitted under the conditions set forth in Section 14.
- 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 and C: *[Effective October 1, 1991]*

- 5.2.1 No accessory building shall be built within less than fifty (50) feet of any street or rear property line nor within less than thirty (30) feet of any side boundary line of an adjoining lot.⁷ *[Amended January 27, 2002]*
- 5.2.2 Height provisions shall not apply to church steeples, but in no case shall these structures exceed fifty (50) feet in height.⁸ *[Amended September 17, 2000]*

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

⁷ Revision to 5.2.1, add "or rear property line" and "of any side," effective 1-27-2002.

⁸ Revision to 5.2.2, delete "flag staffs, water tanks and standpipes," effective 9-17-2000.

- c. All buildings shall have a minimum of fifty (50) feet from the street line and rear property line.⁹ *[Amended January 27, 2002]*
- d. All buildings shall have a minimum of thirty (30) feet from a side boundary line.¹⁰ *[Amended January 27, 2002]*
- e. Signs as prescribed in Section 12.
- f. Lighting as prescribed in Section 5.5.
- g. All residential buildings shall comply with the same requirements as in Zones A, B, and C.
- h. To assist emergency personnel, the issuance of Building Permits for residential and commercial use are conditional upon the display of the Town approved 9-1-1 street number in a location that is clearly visible from the road. *[Effective April 26, 1995]*
- i. Any Electrical Supply Meter Pod and/or Utility Box located within the applicable front setback must be screened from view of any road on which the property fronts or abuts. The screening must be of natural type i.e. evergreen trees or shrubs that will not lose their effectiveness throughout the year. *[Effective October 5, 2009]*

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 (30) feet wide and clearly defined.
- c. A six (6) inch curb shall separate the front yard planting strip from the traveled 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 Selectman.

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.

⁹ Revision to 5.3.1.c, add “rear property line,” effective 1-27-2002.

¹⁰ Revision to 5.3.1.d, delete “and the back property line,” effective 1-27-2002.

- a. Any two (2) or more contiguous properties may decide to pool or group their parking facilities. The minimum number of parking facilities may equal ten percent (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 in Business Zone D; Special Permit Uses and Outdoor Recreation Facilities in Residence Zones A, B, and C:
 - 5.5.1 Exterior lighting shall include, but shall not be limited to, all lights mounted on the exterior of a 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 searchlights 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 (non pressure) 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 (70) feet.
 - 5.7.2 Rotor diameter shall be less than thirty-five (35) 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 (10) feet from the ground.

If a fence is used it shall be no lower than five (5) 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 designed with an automatic brake to prevent over-speeding 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 with regard to interior lots in residential zones A, B and C, a special permit to allow the following: *[Amended June 8, 1998]*

- a. Construction of one-single-family dwelling with permitted accessory buildings, or
- b. Agriculture or farming activities, as defined elsewhere in these Regulations, provided that any boarding of horses shall not be a commercial enterprise, and the horses are to be cared for by the owner(s) of said horses and/or the owners of the property used for same.

5.8.2 Interior Lot. An Interior Lot is a lot that does not meet the frontage requirements for the particular zone where it is located and is prohibited except as expressly provided for in these Regulations.¹¹ *[Amended December 17, 2006]*

5.8.3 Requirements.¹² *[Effective January 27, 1989]*

- a. A special permit for the use of an interior lot shall be approved only if the Zoning Commission determines that there is no logical or feasible alternative for the lot to be properly served by an accepted town road, street or highway in the foreseeable future.
- b. Lots are to be served by an access way (or right-of-way existing prior to January 1, 1983) of not less than fifty (50) feet in width throughout its length to a previously accepted street, road or state highway. There shall be no other access way within five hundred (500) feet, measured along the street line, of the access way for said lot. Rights of way acquired after January 1, 1983, shall not be deemed access ways.
- c. All interior lots are to be served by an access way and/or private road leading to a previously accepted public road. These access ways and private roads shall be not less than fifty (50) feet in width throughout their lengths.

¹¹ Revision to 5.8.2, recreated to clarify criteria for an Interior Lot, effective 12-17-2006.

¹² Section 5.8.3 effective 1-27-1989.

- d. The design and construction of driveways serving interior lots are subject to an ordinance of the Town of Roxbury.
[Amended January 27, 2002]
- e. To provide direction for emergency vehicles each interior lot shall be identified by a post or mailbox located at the street line showing the house number.
[Amended January 27, 2002]
- f. No building or other structure on an interior lot shall be closer than fifty (50) feet to any lot line.
- g. An interior lot created after the effective date of this change shall contain a minimum of six (6) acres, not including the area of the access way.¹³ *[Amended January 27, 2007 and May 9, 2008]*
- h. There shall be no access way to an interior lot within five hundred (500) feet, measured along the same side of the public road, of another access way to an interior lot.

5.8.4 Applications and Procedures: *[Amended January 27, 2002]¹⁴*

- a. Each applicant shall file with the Commission a letter giving the names and addresses of the person, persons, firm or corporation making the application. The letter shall provide the following information:
 - 1. Brief description of the property and the proposed use.
 - 2. Location and size of property that is included
- b. Each applicant shall file with the Commission three copies of an A-2 Survey with the following information:
 - 1. Name of owner of record, applicant and seal and signature of a Connecticut licensed engineer or land surveyor.¹⁵
[Amended December 17, 2006]
 - 2. The words “approved by the Roxbury Zoning Commission” with a designated place for the signature of the Chairman and date of signing.
 - 3. If only a portion of a tract is to be in the plan proposed for approval, the approximate boundaries of the entire tract shall be shown.

¹³ Revision to 5.8.3.g, changed to “twice the minimum lot area,” effective 1-27-2002;

Revision to 5.8.3.g, changed to “a minimum of six (6) acres,” amended 1-27-07 and 5-9-2008.

¹⁴ Revision to 5.8.4, removed 5.8.4.a.3 by deleting “Identification of adjacent property owners,” effective 1-27-2002

¹⁵ Revision to 5.8.4.b.1, changed “subdivider” to “applicant,” effective 12-17-2006.

4. Elevations shown by two-foot contour intervals to evaluate and determine the feasibility of the project unless the Commission determines that such information or detail is not required for a particular application.¹⁶ *[Amended December 17, 2006]*
 5. Names of property owners located within two hundred feet of the proposed plan, adjacent subdivisions where they exist, and the names of any towns other than Roxbury within five hundred (500) feet of the proposed plan.
 6. Indication on the map of provisions made for proposed rights-of-way, private roads or access ways.
- c. Each applicant shall provide a list of adjacent property owners and notice to adjacent property owners as provided at Section 18.9.¹⁷
[Amended December 17, 2006]
 - d. The Zoning Commission shall refer the application to the Planning Commission prior to a decision by the Zoning 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 the Subdivision Regulations when such lot is a part of subdivision or re-subdivision.
 - h. A Special Permit becomes effective when filed with the Town Clerk of Roxbury.

¹⁶ Revision to 5.8.4.b.4, rewritten to clarify elevation requirements, effective 12-17-06.

¹⁷ Revision to 5.8.4, 5.8.4.c created and d-h relettered, effective 12-17-06.

5.9 Large Lot Interior Zone: *[Effective January 21, 1986] [Amended January 27, 1991]*

5.9.1 Purpose. The purpose of a Large Lot Interior Zone is to provide:

- a. some reasonable protection of existing and potential agricultural land or other lands suitable for conservation from excessive residential development, and
- b. to provide owners of agricultural lands an opportunity to make reasonably beneficial use of those portions of land that are best suited for residential use.

5.9.2 Procedures. The applicant for designation of property as a Large Lot Interior Zone shall apply for a Special Permit in accordance with Section 5.8.4, Section 6, and Section 7. In addition, the applicant shall provide a written statement describing the purpose to be accomplished pursuant to 5.9.1.

5.9.3 Criteria. The Zoning Commission, in considering an application for a Large Lot Interior Zone shall require, but not be limited to, the following specific criteria:

- a. The minimum area of a Large Lot Interior Zone shall be fifty (50) acres.
- b. The Large Lot Interior Zone shall allow a maximum of three (3) lots containing a minimum of ten (10) acres each excluding access way.
- c. If the Large Lot Interior Zone is part of a larger subdivision, all lots in such subdivision shall contain a minimum of ten (10) acres.
- d. Each lot shall be capable of containing a four hundred (400) foot diameter circle.
- e. No structure shall be built within seventy-five (75) feet of any boundary line.
- f. Lots within a Large Lot Interior Zone shall comply with all subdivision regulations.
- g. Lots are to be served by a private road leading to a previously-accepted public road.
- h. Private roads shall be designed and constructed to Town Specifications for public roads with the exception of a bituminous surface, and:
 1. All private roads shall be constructed under the supervision of a licensed engineer.

2. A required road bond shall have the approval of the Town Attorney.
3. The private road shall be owned in fee simple by a Homeowners' Association.
4. Access ways to individual lots shall be separated by a minimum of one hundred (100) feet.
5. No private road shall have a grade more than ten percent (10%) except grades up to fifteen percent (15%) may be allowed for distances up to two hundred (200) feet for unusual conditions, but only if specifically authorized by the Zoning Commission.
6. The private road shall have a minimum fifty (50) foot right-of-way with the travel way having a minimum width of sixteen (16) feet.
 - i. The Large Lot Interior Zone shall be in compliance with applicable requirements of the Master Chart.

5.9.4 Conservation Easements. Up to two (2) additional lots, having a minimum of ten (10) acres each, may be granted on a private road which serves a Large Lot Interior Zone provided that a conservation easement is granted which would preserve a minimum of twenty (20) acres of agricultural land or other land suitable for conservation, such as fragile stream belts, hardwood forest, scenic areas, and the like. The selection of such a parcel shall be determined by the applicant with the approval of the Zoning commission, and:

- a. Said easements shall be contiguous and shall be in addition to minimum lot acreage requirements of the Large Lot Interior Zone.
- b. The conservation easement for agricultural or other land suitable for conservation shall be in perpetuity.
- c. There shall be a maximum of five (5) lots granted in a Large Lot Interior Zone including the additional lots granted due to conservation easements.

5.10 Non-commercial Earth Stations (Dish Antennas). For the purpose of these Regulations, Earth Stations, including noncommercial satellite or dish antennas, shall be defined as the outdoor portion of noncommercial radio and television receiving equipment. “Earth Stations” does not mean or include Ham Radio receivers or equipment, which are not regulated by these Regulations. Earth Stations shall be permitted as an accessory structure in all zones subject to the following requirements:

- 5.10.1 All Earth Stations must comply with the setbacks as set forth in the Master Chart
- 5.10.2 When roof mounted, it must conform to the zone's height limits and its installation be approved by the building official. When not roof mounted, the antenna shall not be installed no higher than required to accomplish its purpose and in no event shall it be more than one hundred (100) feet above existing grade.
- 5.10.3 Earth Stations shall be effectively screened from view from adjacent properties and streets as approved by the Commission or its agent.
- 5.10.4 One Earth Station shall be allowed per residence or business.
- 5.10.5 A zoning permit shall be required.

5.11. Telecommunication Antenna, Facilities and Antennae Towers including Personal Wireless Service Facilities and Towers:

- 5.11.1 The purposes of this regulation are to:
 - a. Preserve the character and appearance of the Town while simultaneously allowing adequate Personal Wireless Services to be developed:
 - b. Protect the rural, scenic, historic, environmental, and natural or man-made resources of the community and the Town of Roxbury including roads designated as scenic roads by the local, state or federal government:
 - c. Provide standards and requirements for regulation, placement, construction, monitoring, design, modification and removal of Personal Wireless Service Facilities;
 - d. Provide a procedural basis for action within a reasonable period of time for requests for authorization to place, construct, operate or modify Personal Wireless Service Facilities
 - e. Preserve property values;

- f. Minimize the total number and height of Towers throughout the community;
- g. Locate Towers so that they do not have negative impacts (such as, but not limited to, attractive nuisance, noise and falling objects) on the general safety, welfare and quality of life of the community;
- h. Require owners of Towers and Personal Wireless Service Facilities to configure them so as to minimize and mitigate the adverse visual impact of the Towers and Facilities;
- i. Require Tower sharing and the clustering of Personal Wireless Service Facilities where possible; maximize the use of existing communications towers, water towers, silos and other similar buildings, if available, to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community;
- j. Provide consistency with Federal Law: These regulations are intended to be consistent with The Telecommunications Act of 1996 in that: a) they do not prohibit or have the effect of prohibiting the provision of Personal Wireless Services; b) they are not intended to be used to unreasonably discriminate among providers of functionally equivalent Services; c) they do not regulate Personal Wireless Services on the basis of the environmental effects of radio frequency emissions to the extent that the regulated Services and Facilities comply with the FCC's regulations concerning such emissions;
- k. Provide Consistency with Roxbury's Plan Conservation and Development with respect to preserving the rural, historic and agrarian character of the land use including protection of the landscape and scenic views consisting of hills, historic settings, streams, trees, meadows, and other natural features;
- l. Facilitate the provision of wireless communication services to residents and businesses in Roxbury; and
- m. Avoid potential damage to adjacent properties from Tower failure through structural standards and setback requirements.

5.11.2 Definitions and word usage: As used in this Section 5.11, the following terms shall have the meanings indicated. The words "shall" or "will" indicate mandatory requirements; "may" is advisory and indicates recommendations which are not mandatory.

- a. ACT - The Telecommunications Act of 1996.
- b. ADEQUATE COVERAGE - Coverage is considered to be "adequate" within that area surrounding a Base Station where the predicted or

measured median field strength of the transmitted signal is greater than -95 dbm. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than -95 dbm, as long as the signal regains its strength to greater than -95 dbm further away from the Base Station. For the limited purpose of determining whether the use of a Repeater is necessary or desirable, there shall be deemed not to be Adequate Coverage within said holes. The outer boundary of the area of Adequate Coverage, however, is that location past which the signal does not regain a strength of greater than -95 dbm.

- c. **ADEQUATE CAPACITY** - Capacity is considered to be "adequate" if the Grade of Service is p.05 or better for at least 50% of the days in a preceding month, prior to the date of Application, as measured using direct traffic measurement of the Personal Wireless Service Facility in question, where the call blocking is due to frequency contention at the antenna(s).
- d. **ANTENNA** - A device which is attached to a Tower, or other structure for transmitting and receiving electromagnetic waves, telecommunication or radio signals. Examples include panels, microwave dishes (other than Earth Stations as defined herein) and Monopoles.
- e. **AVAILABLE SPACE** - The space on a Tower or structure to which Antennas of a Personal Wireless Service Provider are both Structurally Able and Electromagnetically Able to be attached.
- f. **BASE STATION** - The primary sending and receiving site in a wireless telecommunications network. More than one Base Station and/or more than one variety of Personal Wireless Service Provider can be located on a single Tower or structure.
- g. **CHANNEL** - The segment of the radiation spectrum from an Antenna which carries one signal. An Antenna may radiate on many Channels simultaneously.
- h. **COMMUNICATION EQUIPMENT SHELTER** - A structure located at a Base Station designed principally to enclose equipment used in connection with Personal Wireless Service transmissions.
- i. **DBM** - Unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to 1 milliwatt.
- j. **ELECTROMAGNETICALLY ABLE** - The determination that the new signal from and to the proposed new Antennas will not significantly interfere with the existing signals from and to other Facilities located on the same Tower or structure as determined by a qualified professional telecommunications engineer. The use of available technologies to alleviate such interference shall be considered when making this determination.
- k. **EMF** - Electromagnetic Frequency Radiation

- l. FACILITY SITE - A property or any part thereof, which is owned or leased by one or more Personal Wireless Service Providers and upon which one or more Personal Wireless Service Facility(s) and required landscaping are located.
- m. FCC - Federal Communications Commission. The Government agency responsible for regulating telecommunications in the United States.
- n. FCC 96-326 - A Report and Order which sets national standards for emissions of Radio-Frequency emissions from FCC-regulated transmitters.
- o. GHZ - Gigahertz: One billion hertz.
- p. GRADE OF SERVICE - A measure of the percentage of calls which are able to connect to the Base Station, during the busiest hour of the day. Grade of Service is expressed as a number, such as p.05 - which means that 95% of callers will connect on their first try. A lower number (p.04) indicates a better Grade of Service.
- q. HERTZ - One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.
- r. MAJOR MODIFICATION OF AN EXISTING FACILITY - Any change, or proposed change in power input or output, number of Antennas change in Antenna type or model, repositioning of Antenna(s), change in number of Channels per Antenna above the maximum number approved under an existing Special Permit.
- s. MAJOR MODIFICATION OF AN EXISTING TOWER - Any increase, or proposed increase in dimensions of an existing and permitted Tower or other structure designed to support Personal Wireless Service transmission, receiving and/or relaying antennas and/or equipment.
- t. MHZ - Megahertz: One million hertz.
- u. MONITORING - The measurement, by the use of instruments in the field, of the radiation from a Site as a whole, or from individual Personal Wireless Service Facilities, Towers, Antennas or Repeaters.
- v. MONITORING PROTOCOL - The testing protocol, initially the Cobbs Protocol, which is to be used to monitor the emissions from existing and new Personal Wireless Service Facilities upon adoption of this Section 5.11.1 The Commission may, as the technology changes, require, by written regulation, the use of other testing protocols. A copy of the Monitoring Protocol shall be on file with the Commission.
- w. MONOPOLE - A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other unpainted

metal, or a wooden pole with below grade foundations.

- x. **PERSONAL WIRELESS SERVICES** - Commercial Mobile Services, unlicensed wireless services, and common carrier wireless exchange access services. These services include: cellular services, personal communications services (PCS), Specialized Mobile Radio Services, and Paging Services.
- y. **PERSONAL WIRELESS SERVICE FACILITY** - All equipment (including any Repeaters) with which a Personal Wireless Service Provider broadcasts and receives the radio frequency waves which carry their services and all locations of said equipment or any part thereof. This Facility may be sited on one or more Towers or structure(s) owned and permitted by another owner or entity.
- z. **PERSONAL WIRELESS SERVICE PROVIDER** - An entity, licensed by the FCC to provide Personal Wireless Services to individuals or institutions.
- aa. **RADIATION PROPAGATION STUDIES OR RADIAL PLOTS** - Computer generated estimates of the radiation emanating from Antennas or Repeaters sited on a specific Tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are the primary tool for determining whether a site will provide Adequate Coverage for the Personal Wireless Telecommunications Service Facility proposed for that Site.
- bb. **REPEATER** - A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas, which are not able to receive Adequate Coverage directly from a Base Station.
- cc. **STRUCTURALLY ABLE** - The determination that a Tower or structure is capable of carrying the load imposed by the proposed new Antennas under all reasonably predictable conditions as determined by professional structural engineering analysis.
- dd. **TELEPORT** - A facility utilizing satellite dishes of greater than 2.0 meters in diameter designed to uplink to communications satellites for transmitting in the C-Band (4 - 6 GHz) spectrum.
- ee. **TOWER** - A lattice structure or framework, or Monopole that is free standing or attached to a building or another structure, that is used and designed to support Personal Wireless Service transmission, receiving and/or relaying antennas and/or equipment.

5.11.3 Exempted Wireless Telecommunications Uses. The following wireless telecommunications facilities uses are specifically exempted from this Section 5.11: police, fire, ambulance and other emergency dispatch; amateur (ham) radio; citizens band radio; any existing commercial radio tower; radio dispatch services

for local businesses. No Personal Wireless Service Facility shall be considered exempt from this regulation for any reason whether or not said Facility is proposed to share a Tower or other structure with such exempt uses.

5.11.4 Provision of Independent Consultants.

a. Upon submission of an Application for a Special Permit under this Section 5.11, the applicant shall pay the cost for the Commission to retain an independent consultant to analyze and report on the application including determining areas appropriate for towers and the cost of the town's monitoring of operations of the towers. These Consultants shall each be qualified professionals with a record of service to municipalities in one of the following fields: 1) telecommunications engineering, 2) structural engineering, 3) monitoring of electromagnetic fields, and 4) others as determined necessary by the Commission.

b. The Commission shall select the Independent Consultant(s).

5.11.6 Prohibition of Teleports. There shall be no Teleport(s) within the Town of Roxbury.

5.11.7 General Application Requirements. In addition to the requirements of Section 6, applications pursuant to Section 5.11 shall comply with the following.

a. Special Permit. No Tower or Personal Wireless Service Facility shall be erected, constructed, or installed without first obtaining a Special Permit from the Commission. One or both of two kinds of Special Permits are required; a) for new Tower construction (or Major Modification of an Existing Tower); b) for Personal Wireless Service Facilities (or Major Modification Of An Existing Facility) to be mounted on an existing, or newly permitted, Tower or structure. If Applicant is applying for both Permits, they shall be submitted and examined concurrently. Applications shall be submitted using an application in accordance with the requirements of Section 6 of these Regulations. The following additional information must also be submitted:

b. Adequate Coverage, Adequate Capacity, and Justification of Need. Applicant shall provide written documentation of any Facility Sites in Roxbury, and in abutting towns in which it has a legal or equitable interest whether by ownership, leasehold or otherwise. From each such Facility Site it shall demonstrate with written documentation that these Facility Sites are not already providing, or do not have the potential by adjusting the Site, to provide Adequate Coverage and/or Adequate Capacity to the Town of Roxbury. The documentation shall include, for each Facility Site listed, the exact location (in Longitude and latitude, to degrees, minutes and seconds), ground elevation, height of Tower or structure, type of Antennas, Antenna gain, height of

Antennas on Tower or structure, output frequency, number of channels, power input and maximum power output per channel. Potential adjustments to these existing Facility Sites, including changes in Antenna type, orientation, gain, height or power output shall be specified. Radial Plots from each of these Facility Sites, as they exist, and with adjustments as above, shall be provided as part of the Application. The applicant shall provide a map showing the extent of coverage through Roxbury.

- c. Applicants shall demonstrate with written documentation that they have examined all Facility Sites located in Roxbury, and in abutting towns in which Applicant has no legal or equitable interest, whether by ownership leasehold or otherwise to determine whether those existing Facility Sites can be used to provide Adequate Coverage and/or Adequate Capacity to the Town of Roxbury. The documentation shall include, for each Facility Site examined, the exact location (in Longitude and latitude, to degrees, minutes and seconds), ground elevation, height of Tower or structure, type of Antennas proposed, proposed Antenna gain, height of proposed Antennas on Tower or structure, proposed output frequency, proposed number of channels, proposed power input and proposed maximum power output per channel. Radial Plots from each of these Facility Sites, as proposed, shall be provided as part of the Application.
- d. Applicants shall demonstrate with written documentation that they have analyzed the feasibility of Repeaters in conjunction with all Facility Sites listed in compliance with this section 5.11 to provide Adequate Coverage and/or Adequate Capacity to the Town of Roxbury. Radial Plots of all Repeaters considered for use in conjunction with these Facility Sites shall be provided as part of the Application.
- e. The Tower and Facilities shall be designed to withstand the maximum sustained wind speed for the location proposed. The fall zone shall be determined so that structures are not located within the fall zone.
- f. Required Documentation:
 - 1. Copies of all submittals and showings pertaining to: FCC licensing; Environmental Impact Statements; FAA Notice of Construction or Alteration; Aeronautical Studies; and, all data, assumptions and calculations relating to service coverage and power levels regardless of whether categorical exemption from Routine Environmental Evaluation under the FCC rules is claimed.
 - 2. Copies of all information submitted in compliance with requirements of the Connecticut Department of Public Health including without limitation all laws, regulations and requirements relating to facilities which generate electromagnetic fields in the frequency range of 300 KHZ to

100 GHz and Microwave ovens, or any revisions thereof as the Department of Public Health may, by written notice, create.

3. The exact legal name, address or principal place of business and phone number of the Applicant. If any Applicant is not a natural person, it shall also give the state under which it was created or organized.
4. The name, title, address, and phone number of the person to whom correspondence or communications in regard to the application are to be sent. Notice, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon the Applicant.
5. Name, address, phone number, and written consent to apply for this permit, of the owner of the property on which the proposed Tower shall be located, or of the owner(s) of the Tower or structure on which the proposed Facility shall be located.
6. Required Plans and engineering plans, prepared, stamped and signed by a Professional Engineer licensed to practice in Connecticut. (Note: survey plans should also be stamped and signed by a Professional Land Surveyor registered in Connecticut. Plans shall be on 24" x 36" sheets, on as many sheets as necessary, and at scales which are no smaller (i.e. no less precise) than listed below, and which show the following information: a. Each plan sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scale(s), and original seal and signature of the P.E. and other professionals who prepared the plan.

5.11.8 Special Permit Application Requirements for new Tower construction, or Major Modification of an Existing Tower. A Tower Construction Special Permit is required.

- a. Applicant shall provide a written, irrevocable commitment valid for the duration of the existence of the Tower to rent or lease Available Space for co-location on the Tower at fair-market prices and terms, without discrimination to other Personal Wireless Service Providers.
- b. If Applicant is not simultaneously applying for a Personal Wireless Service Facilities Special Permit, it shall provide a copy of its existing lease/contract with a Personal wireless Service Provider. A Tower Construction Special Permit shall not be granted for a Tower to be built on speculation.
- c. The following site plans and maps:

1. Location Map: Copy of a portion of the most recent U.S.G.S

Quadrangle map, at a scale of 1:25,000 and showing the area within at least two miles from the proposed tower site. Indicate the Tower location and the exact latitude and Longitude (degrees, minutes and seconds).

2. Vicinity Map at a scale of 1" = 200' (1:2400) with contour intervals no greater than 10 feet (3 meter) showing the entire vicinity within a 2000' radius of the Tower site and including the topography, public and private roads and driveways, buildings and structures, bodies of water, wetlands, landscape features including ridge lines, preserved open space, historic sites, recreational areas, habitats for endangered species. Indicate the property lines of the proposed Tower Site Parcel and of all abutters within 300' of the Tower Site Parcel (from assessors' maps or available surveys). Include the names of all abutters within 300' of the Tower Site Parcel. Indicate any access easement or right of way needed for access from a public way to the Tower, and the names of all abutters or property owners along the access easement or who have deeded rights to the easement. Show all designated scenic roads in the vicinity of the site.
3. Existing Conditions Plan: A recent survey of the Tower Site at a scale no smaller than 1" = 40' (1:480 or metric equivalent 1:500) with topography drawn with a minimum of 2' (0.6 meter) contour intervals, showing existing utilities, property lines, existing buildings or structures, stone walls or fence lines, wooded areas, individual trees with diameters greater than 12" within a 200' radius from the base of the proposed Tower (labeled with their current heights). Show the boundary of any wetlands or floodplains or watercourses, and of any bodies of water included in the Watershed Protection District within 200' from the Tower or any related facilities or access ways or appurtenances. Show slopes, scenic vistas, stone walls, and other important environmental features of the site. Show any historically designated properties on or adjacent to the site or historic districts to which the site is part or adjacent. All permanently protected lands, such as State parks, forest lands, and land protected by a land trust on or adjacent to the site shall be shown. The survey plan must have been completed, on the ground, by a Professional Land Surveyor within two years prior to the application date.

d. The Applicant shall also provide the following:

1. An inventory of all Antennae and Towers not contained within fully enclosed buildings.
2. A map showing the extent of planned coverage within the Town of Roxbury and the location and service area of the proposed facilities.

3. A topographic profile showing the proposed tower and its associated equipment.
 4. Effect on bird habitats prepared by qualified wildlife biologist.
 5. Historic, architectural and archaeological sites listed on the National Register or the State Register of Historic places, or eligible for listing on them.
- e. Proposed Facility Site Plans: Proposed Facility Site layout, grading and utilities at the same scale or larger than the Existing Conditions Plan.
1. Proposed Tower location and any appurtenances, including supports and guy wires, if any, and any accessory building (Communication Equipment Shelter or other). Indicate property boundaries and setback distances to the base(s) of the Tower and to the nearest corners of each of the appurtenant structures to those boundaries, and dimensions of all proposed improvements.
 2. Indicate proposed spot elevations at the base of the proposed Tower and at the base of any guy wires, and the corners of all appurtenant structures.
 3. Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines, and whether underground or above ground.
 4. Limits of areas where vegetation is to be cleared or altered, and justification for any such clearing or alteration.
 5. Any direct or indirect wetlands alteration proposed.
 6. Detailed plans for drainage of surface and/or sub-surface water; plans to control erosion and sedimentation both during construction and as a permanent measure.
 7. Plans indicating locations and specifics of proposed screening, landscaping, ground cover, and fencing; any allowed exterior lighting or signs.
 8. Plans, including length, of proposed access driveway or roadway and parking area at the Tower Site. Include grading drainage, traveled width. Include a cross section of the access drive indicating the width, depth of gravel, paving or surface materials. Provide soil erosion and sedimentation control plans for all site improvements.

f. Proposed Tower and Appurtenances:

1. Plans, elevations, sections and details at appropriate scales but no smaller than 1" = 10'.
2. Two cross sections through proposed Tower drawn at right angles to each other, and showing the ground profile to at least one hundred (100) feet beyond the limit of clearing, and showing any guy wires or supports. The dimension of the proposed height of tower above average grade at Tower Base. Show all proposed antennas, including their location on the Tower.
3. Details of proposed Tower foundation, including cross sections and details. Show all ground attachments, specifications for anchor bolts and other anchoring hardware.
4. Detail proposed exterior finish of the Tower. Provide an architectural rendering of the view of the Tower from adjoining properties
5. Indicate relative height of the Tower to the tops of surrounding trees as they presently exist, and the height to which they are expected to grow in ten years.
6. Illustration of the modular structure of the proposed Tower indicating the heights of sections which could be removed or added in the future to adapt to changing communications conditions or demands.
7. A Structural Professional Engineer's written description of the proposed Tower structure and its capacity to support additional Antennas or other communications facilities at different heights and the ability of the Tower to be shortened if future communications facilities no longer require the original height.
8. A description of Available Space on the Tower, providing illustrations and examples of the type and number of Personal Wireless Service Facilities which could be mounted on the structure.
9. The power and frequency of all transmissions to be broadcast from the facility.
10. The location of the fall zone so that structures are not located within the fall zone.

11. An elevation drawing showing the ridge line on all sides of the proposed tower and showing the tower and facilities on the ridgeline as seen from the town hall.
 12. If known, indicate whether other development is being proposed or considered near the proposed site.
- g. Proposed Communications Equipment Shelter.
1. Floor Plans, elevations and cross sections at a scale of no smaller than 1/4" = 1(1:48) of any proposed appurtenant structure.
 2. Representative elevation views, indicating the roof, facades, doors and other exterior appearance and materials.
- h. Sight Lines.
1. A minimum of eight (8) view lines in a zero (0) to two (2) mile radius from the site, shown beginning at True North and continuing clockwise at forty-five degree intervals.
 2. A plan map of a circle of two (2) miles radius of the Facility Site on which any visibility of the proposed Tower from a public way shall be indicated.
 3. Applicant shall utilize the U.S.G.S. Quadrangle map, at a scale of 1:25,000, and submit profile drawings on a horizontal scale of 1" = 500' with a vertical scale of 1"=40'. Trees shall be shown at existing heights and at projected heights in ten years.
- i. Balloon Test: Prior to the public hearing on the Application, Applicant shall arrange to fly, or raise upon a temporary mast, a three foot diameter brightly colored balloon at the maximum height of the proposed Tower. The dates (including a second date, in case of poor visibility on the initial date), times and location of this balloon test shall be advertised, by the Applicant, at 7 and 14 days in advance of the first test date in a newspaper with a general circulation in the Town of Roxbury. The Applicant shall inform the Commission, in writing, of the dates and times of the test, at least 14 days in advance. The balloon shall remain in place as long as practical but not less than four consecutive hours sometime between 9:00 am and 5:00 pm of the dates chosen.
- j. Waiver. The Commission may waive any of the application requirements for a Major Modification of An Existing Tower if it finds that the modification or addition will not have a significant impact.

- k. Site justification Statement. Provide a statement containing the description of the sitting criteria employed in the application and the process by which other possible sites were considered and eliminated. Discuss whether alternative sites were exhausted.
- l. Describe the technological alternatives and their costs for the proposed Tower and a statement containing the reasons for the choice of the proposed facility.
- m. Provide a statement of the impact on human health, if any, of signal frequency and power density to be transmitted and/or received at the proposed facility and site.
- n. Provide such other additional information necessary or useful for evaluating the environmental impacts of the proposed site and alternative sites.

5.11.9 Applications for new Personal Wireless Service Facility, or Major Modification of An Existing Facility, A Personal Wireless Service Facility Special Permit is required and the following plans and maps.

- a. Location Map: Copy of a portion of the most recent U.S.G.S Quadrangle map, at a scale of 1:25,000, and showing the area within at least two miles from the proposed Facility Site. Indicate the location of the proposed Personal Wireless Service Facility, or of the Facility undergoing Major Modification, and the exact Latitude and Longitude (degrees, minutes and seconds).
- b. Proposed Facility Plan: A recent survey of the Facility Site at a scale no smaller than 1" = 40' (1:480 or metric equivalent 1:500) showing:
 - 1. Horizontal and radial distances of Antenna(s) to nearest point on property line.
 - 2. Horizontal and radial distances of Antenna(s) to nearest dwelling unit.
 - 3. Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines, and whether underground or above ground.
 - 4. Any changes to be made to the existing Facility's landscaping, screening, fencing, lighting, drainage, wetlands, grading, driveways or roadways, parking, or other infrastructure as a result of this proposed Modification of the Facility.
- c. Proposed Communications Equipment Shelter.

1. Floor Plans, elevations and cross sections at a scale of no smaller than $1/4" = 1$ foot of any proposed appurtenant structure.
 2. Representative elevation views, indicating the roof, facades, doors and other exterior appearance and materials. Screening shall be shown.
- d. Proposed Equipment Plan.
1. Plans, elevations, sections and details at appropriate scales but no smaller than $1" = 10'$.
 2. Number of Antennas and Repeaters, as well as the exact locations, of Antenna(s) and of all Repeaters (if any) located on a map as well as by Degrees, minutes and seconds of Latitude and Longitude.
 3. Mounting locations on Tower or structure, including height above ground.
 4. Antenna type(s), manufacturer(s), model number(s).
 5. For each Antenna, the Antenna gain and Antenna radiation pattern.
 6. Number of channels per Antenna, projected and maximum.
 7. Power input to the Antenna(s).
 8. Power output, in normal use and at maximum output for each Antenna and all Antennas as an aggregate.
 9. Output frequency of the Transmitter(s).
- e. An architectural rendering of the view of the antenna(e) from adjoining properties and roads abutting site.
- f. A description of the technological alternatives and their costs for the proposed antenna(e) and a statement providing the reason for the choice of the proposed location.
- g. A statement of the impact on human health, if any, of signal frequency and power density to be transmitted and/or received by the proposed antenna(e) site.
- h. Waiver. The Commission may waive any of the application

requirements for a Major Modification of An Existing Facility if it finds that the modification or addition will not have a significant impact.

5.11.10 General Requirements.

- a. All New Towers shall be set back at least one (1) time the height of the Tower plus fifty (50) feet from all boundaries of the Site on which the Tower is located. This setback requirement does not apply to Towers on Town property to be used in whole or in part by the Town to provide emergency communication services. However, the application for a Tower to be located and used for Town emergency communications shall include satisfactory evidence that the design and construction of the Tower shall permit it to be placed within said setback without undue danger to lives or property. The setback requirement in this section 5.11.10 supersedes all other setback requirements for the applicable zone.¹⁸ *[Effective November 12, 1998]*
- b. If the Facility or Tower Site is in a wooded area, a vegetated buffer strip of undisturbed trees shall be retained for at least fifty (50) feet in width around the entire perimeter except where the access drive is located. Further, in addition to the preservation of a buffer, landscaping shall be required around the fence, which shall consist of a row of evergreen trees planted ten (10) feet on center maximum. The evergreen screen shall be a minimum height of six (6) feet at planting and shall be reasonably projected to grow to a minimum height of fifteen (15) feet at maturity. The landscaping shall screen the building and fence from the view of streets and neighboring properties. The screen shall be maintained by the owner of the property to ensure its effectiveness. The Commission may substitute any combination of existing vegetation, topography, walls, or other features in lieu of evergreen screening, providing the substitute plan equals or exceeds the protection provided by the evergreen screen. Applicant shall provide financial surety (letter of credit, surety or cash bond) in a form and content acceptable to the Town Attorney and the Independent Consultant and or the Town's consulting engineer to cover the cost of the remediation of any damage to the landscape which occurs during the clearing of the site and to secure the installation of new landscaping required by the screening plan.
- c. Fencing and Signs: The area around the Tower and Communication Equipment Shelter(s) shall be completely fenced for security to a height of eight feet and gated. Use of razor wire is not permitted. A sign no greater than two (2) square feet indicating the name of the facility owner(s) and a 24-hour emergency telephone number shall be posted adjacent to the entry gate. In addition, No Trespassing or other warning signs may be posted on the fence. If in a residential zone, the fencing and gate shall be designed and made of materials so as to be in keeping with the neighborhood and to appear residential in character

¹⁸ Revision to 5.11.10.a, revised setback requirement, effective 11-12-1998.
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rather than commercial. No signs other than as required and approved by the FCC or other state or federal governmental agency having jurisdiction, shall be permitted on the Tower. No advertising shall be permitted from the Tower.

- d. Communication Equipment Shelters and Accessory Buildings shall be designed to be architecturally similar and compatible with each other, and shall be no more than twelve (12) feet high. The buildings shall be used only for the housing of equipment related to this particular site. Manned equipment incidental to the business office, maintenance depot and vehicle storage is prohibited. Whenever possible, the buildings shall be joined or clustered so as to appear as one building. Any building shall be designed to be in harmony with the surrounding neighborhood properties on the site and impact that the tower will have on these resources. If located in a residential zone, the buildings shall be designed to appear residential. The buildings shall be no larger than necessary to accomplish the functions required.
- e. Height and size: New Towers shall not exceed the minimum height necessary to provide Adequate Coverage for the Personal Wireless Service Facilities proposed for use on the Tower. Applicant may submit a request for additional height to accommodate future sharing, and shall provide design information to justify such additional height. Building or roof-top mounted antenna(e) shall be located or screened so as not to be visible from abutting public streets or adjoining residences. If the equipment is located on the roof of a building, the area of the equipment building and other equipment structures shall not occupy more than twenty-five (25) percent of the roof area. Roof-located equipment must be set back at least ten (10) feet or ten (10%) percent of the roof depth, whichever is greater.
- f. Tower Finish, Antenna design: The Commission may require the Tower(s) to be painted or otherwise camouflaged to minimize the adverse visual impact. Antenna located on a building shall be compatible with the underlying structure.
- g. Tower(s) must be of a type, which will maximize potential sharing. Lattice type structures are preferred, but where a Monopole is requested, Applicants must demonstrate the future utility of such structure for expansion of service for Applicant and other future Applicants. If possible, each Tower has the capacity to accommodate at least three Service Providers. The proposed support structure shall be designed for additional facilities including other wireless communications companies, and local police, fire and ambulance need, unless it is determined to be technically unfeasible. The Antenna(e) shall be located on existing communication towers, silos, water towers and the like where available; If no existing Towers are available, antennae may be located on new Towers, where existing topography, vegetation, buildings or other structures provide the greatest amount of screening.
- h. The use of Repeaters to assure Adequate Coverage, or to fill holes

within areas of otherwise Adequate Coverage, while minimizing the number of required Towers is permitted and encouraged. An Applicant who has received a Personal Wireless Service Facility Special Permit under this regulation, may, with at least thirty (30) days written notice to the Commission, the Director of Health, Inland Wetlands and Watercourses Commission, Building Inspector and Town Clerk, install one or more additional Repeaters by right. Site Plan Review by the Zoning Commission shall be required. Applicants shall detail the number, location, power output, and coverage of any proposed Repeaters in their systems and provide engineering data to justify their use.

- i. If primary coverage (greater than fifty percent (50%) from proposed Personal Wireless Service Facility is outside Roxbury then permit may be denied unless the Applicant can show that they are unable to locate within the Town which is primarily receiving service from the proposed Facility.
- j. Commercial advertising is prohibited on any Antenna Tower, or Accessory Building or Communication Equipment Shelter.
- k. Unless required by the Federal Aviation (Agency) Administration, The FCC or the Connecticut Siting Council, no lighting or illumination of Towers, or the Personal Wireless Service Facility, is permitted, except for manually operated emergency lights for use only when operating personnel are on site.
- l. No Tower or Personal Wireless Service Facility that would be classified as a hazard to air navigation, as defined by the Federal Aviation regulations (Title 14 CFR) is permitted.
- m. No clear cutting of timber, except as approved in connection with construction, is allowed within Section 5.8.a setback area.
- n. No Tower or Personal Wireless Service Facility, including any guy wires, with the exception of Repeaters shall be located:
 - 1. Closer than fifteen hundred (1500') feet, on a horizontal plane, to any structure, existing at the time of Application, which is, or is able to be, occupied or habitable, on the property of any school (both public and private).
 - 2. Closer than seven hundred fifty (750') feet, on a horizontal plane, to an existing Dwelling Unit, or, day-care center, hospital, nursing home, church, synagogue or other place of worship.
- o. No Repeater shall be located closer than fifty (50') feet to an existing Dwelling Unit, nor less than twenty-five (25') feet above ground.
- p. No Tower or Personal Wireless Service Facility, including any guy wires, with the exception of Repeaters shall be located within any of

the following prohibited areas:

1. Local or federally regulated wetland or vernal pool;
2. The habitat of any State-listed Rare or Endangered Wildlife or Rare Plant Species;
3. Within the two hundred (200') feet horizontally of the Outer Riparian Zone measured horizontally from any river or watercourse;
4. Within five hundred (500') feet horizontally from any Historic District or property listed or eligible to be listed on the State or Federal Register of Historic Places;
5. Within five hundred (500') feet horizontally from any known archaeological site.
6. Within five hundred (500') feet of a local state or federally designated scenic road.
7. On property designated as a scenic ridgeline pursuant to the Planning Commission approved Plan of Conservation and Development.
8. On a lot which is less than the minimum lot size required for the zoning district in which it is located.

5.11.11 Towers and Personal Wireless Service Facilities shall be located so as to minimize the following potential impacts:

- a. Visual / Aesthetic: Towers shall, when possible, be sited where their visual impact is least detrimental to areas that possess scenic quality of local, regional or state-wide significance such as:
 1. Ridge lines;
 2. Connecticut State Forests, Connecticut Natural Area Preserves, Natural Area Inventory Sites
 3. Areas permanently preserved by land trusts and similar organizations.
 4. Areas marked as "rural" on the State Plan of Conservation and Development set forth at Conn. Gen. Stat. Section 15a-24 et. seq.
 5. Roads designated as Scenic Roads pursuant to Connecticut Gen. Stat. Section 7-149a and 13b-31b through 13b-31e.
- b. Diminution of residential property values: Siting shall be in as low population density areas as possible.

- c. Structural failure and attractive nuisances.
- d. Safety from excessive electromagnetic radiation: In case the Tower or Personal Wireless Service Facility is found to exceed the FCC guidelines.

5.11.12 The following locations are ranked in order of preference for Tower sittings:

- a. The use of municipal lands, with the approval of the Town, which comply with other requirements of this Section 5.11 and where visual impact can be minimized and mitigated, shall be encouraged.
- b. Shared use (co-location) of existing Personal Wireless Service Facilities shall be encouraged.
- c. The use of Repeaters to provide Adequate Coverage without requiring new Tower(s) shall be encouraged.
- d. Clustering of Towers: Applications for Towers adjacent to Existing Towers shall be encouraged, providing the location is suitable (based on the criteria of this Regulation) for such an impact.

5.11.13 Towers and Personal Wireless Service Facilities shall be located so as to provide Adequate Coverage and Adequate Capacity with the least number of Towers and Antennas which is technically and economically feasible.

5.11.14 The Commission shall request input from the chiefs (or their designees) of Fire, Police, Ambulance and other Emergency services regarding the adequacy for emergency access of the planned driveway or roadway to the site. The Commission shall require the access way, driveway or right of way to the site be constructed and maintained to meet the Town's road standards ordinance unless where it is shown that such standards are unnecessary for safety and traffic use.

5.11.15 The Commission may impose conditions that foster a compatible design of the Tower with the site and the surrounding neighborhood and to carry out the requirements of these regulations.

5.11.16 Evaluation by Independent Consultants:

- a. Upon submission of a complete Application for a Special Permit under this Section 5.11, the Commission shall provide its Independent Consultant(s) with the full Application for their analysis and review.
- b. Applicants for any Special Permit under this Section 511 shall obtain permission from the Owner(s) of the proposed property(s) or Facilities Site(s) for the Town's Independent Consultant(s), to conduct any necessary site visit(s).

5.11.17 Approval Criteria:

- a. In acting on the Special Permit Application, the Commission shall

proceed in accordance with the procedures and timelines established for Special Permits in Section 6 of the Zoning Regulations.

- b. In addition to the requirements of Section 6, the Commission shall make all of the applicable findings before granting the Special Permit, as follows:
 1. That Applicant is not already providing Adequate Coverage and/or Adequate Capacity to the Town of Roxbury; and
 2. That Applicant is not able to use Existing Towers/Facility Sites either with or without the use of Repeaters to provide Adequate Coverage and/or Adequate Capacity to the Town of Roxbury; and
 3. That the Applicant has agreed to rent or lease Available Space on the Tower, under the terms of a fair-market lease, without discrimination to other Personal Wireless Service Providers; and
 4. That proposed Personal Wireless Service Facility or Tower will not have an undue adverse impact on historic resources, wetlands and watercourses, conservation areas and parks, scenic views including ride lines, scenic roads, residential property values, natural or man-made resources; and
 5. That the Applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the facilities; and
 6. That the proposal shall comply with FCC Regulation 96-326 regarding emissions of electromagnetic radiation and that the required Monitoring program is in place and shall be paid for by the Applicant; and
- c. Any decision by the Commission to deny an Application for a Special Permit under this Section 5.11 shall be in conformance with SEC. 332 147 U.S.C. 3321 (7)(B)(iii) of the Act, in that it shall be in writing and supported by substantial evidence contained in a written record.
- d. That each Tower has the capacity to accommodate at least three Service Providers.

5.11.18 Monitoring and Evaluation of Compliance:

- a. Pre-testing: After the granting of a Special Permit and before Applicant's Personal Wireless Service Facilities begin transmission, the applicant shall pay for an Independent Consultant, hired by the Town, to Monitor the background levels of EMF radiation, around the proposed Facility Site and/or any Repeater locations to be utilized for Applicant's Personal Wireless Service Facilities. The Independent Consultant shall use the Monitoring Protocol. A report of the Monitoring results shall be prepared by the Independent Consultant

and submitted to the Zoning Commission, the Director of Health, the town's consulting engineer, and the Building Inspector.

- b. Post-testing: After transmission begins, the owner(s) of any Personal Wireless Service Facility(s) located on any Facility Site shall pay for an Independent Consultant, hired by the Town, to conduct testing and Monitoring of EMF radiation emitted from said Site, and to report results of said Monitoring, as follows:
 1. There shall be routine annual Monitoring of emissions by the Independent Consultant using actual field measurement of radiation, utilizing the Monitoring Protocol. This Monitoring shall measure levels of EMF radiation from the Facility Site's primary Antennas as well as from Repeaters (if any). A report of the Monitoring results shall be prepared by the Independent Consultant and submitted to the Commission, the Director of Health or his successor, the Town consulting engineer, and the Building Inspector.
 2. Any Major Modification of Existing Facility, or the activation of any additional permitted channels, shall require new Monitoring.
- c. Excessive Emissions: Should the Monitoring of a Facility Site reveal that the Site exceeds the FCC 96-326 standard, then the owner(s) of all Facilities utilizing that Site shall be so notified. The owner(s) shall submit to the Commission and the Building Inspector a plan for the reduction of emissions to a level that complies with the FCC 96-326 standard within ten (10) business days of notification of non-compliance. That plan shall reduce emissions to the standard within fifteen (15) business days of initial notification of non-compliance. Failure to accomplish this reduction of emission within fifteen (15) business days of initial notification of non-compliance shall be a violation of the Special Permit and subject to penalties and fines as specified in these Regulations. Such fines shall be payable by the owner(s) of the Facilities with Antennas on the Facility Site, until compliance is achieved.
- d. Structural Inspection: Tower owner(s) shall pay for an Independent Consultant (a licensed professional structural engineer), hired by the Town, to conduct inspections of the Tower's structural integrity and safety. Guyed towers shall be inspected every three years. Monopoles and non-guyed lattice towers shall be inspected every five years. A report of the inspection results shall be prepared by the Independent Consultant and submitted to the Commission, the Director of Health or his successor, the Town's consulting engineer, and the Building Inspector. Any Major Modification of Existing Facility which includes changes to Tower dimensions or antenna numbers or type shall require new structural inspection
- e. Unsafe Structure: Should the inspection of any Tower reveal any structural defect(s) which, in the opinion of the Independent

Consultant render(s) that Tower unsafe, the following actions must be taken. Within ten (10) business days of notification of unsafe structure, the owner(s) of the Tower shall submit a plan to remediate the structural defect(s). This plan shall be initiated within ten (10) days of the submission of the remediation plan and completed as soon as reasonably possible. Failure to accomplish this remediation of structural defect(s) within ten (10) business days of initial notification shall be a violation of the Special Permit and subject to penalties and fines as specified in Section 18 these regulations.

5.11.19 Removal and Reporting Requirements: The following shall apply to removal of abandoned Towers and Personal Wireless Service Facilities. Any Personal Wireless Service Facility which ceases to operate for a period of six months shall be removed by the owner. "Cease to operate" is defined as not performing the normal functions associated with the Personal Wireless Service Facility and its equipment on a continuous and ongoing basis for a period of one year. At the time of removal, the Facility Site shall be remediated such that all Personal Wireless Service Facility improvements which have ceased to operate are removed. If all Facilities on a Tower have ceased to operate, the Tower shall also be removed, and the Site shall be revegetated. Existing trees shall only be removed if necessary to complete the required removal. Applicant, upon obtaining a Permit, shall obtain a financial surety to cover the cost of removal of the Personal Wireless Service Facility and the remediation of the landscape, should the Facility cease to operate. The removal required by Section 5.11.12 shall be completed within ninety (90) days of the end of the six-month period. The owner of a Tower and/or Facility shall submit a report every year indicating that the Facility and/or Tower remains in use. Failure to timely provide such a report shall be deemed conclusive evidence that the Tower and/or the facility is no longer used and shall prompt immediate removal. Further, the failure to operate a Tower or Facility for one year shall indicate an intent to abandon the use or uses.

5.11.20 Fees and Insurance:

- a. Towers and Personal Wireless Service Facilities shall be insured by the owner(s) against damage to persons or property. The owner(s) shall provide a Certificate of Insurance to the Selectmen's Office on an annual basis in which the Town of Roxbury shall be an additional named insured.
- b. A schedule of fees for Towers and Personal Wireless Service Facilities permitting and renewal, any Monitoring of emissions and inspection of structures, and any other fees shall be established by the Commission. This schedule may be amended from time to time.

5.11.21 Siting Council: If any or all of the Towers and Facilities and related structures regulated by this Section 5.11 become subject to the jurisdiction of the Connecticut Siting Council, this regulation shall remain in effect to the extent it is not pre-empted by the statutory Siting Council jurisdiction and even to the extent pre-empted shall serve as a guide to the siting Council as to the factors important to the Town in the location of Towers and related facilities defined under this Section 5.11.

Further these regulations shall remain effective to the extent that they do not conflict with the laws and regulations of the Connecticut Siting Council.

5.11.22 Severability Clause: The invalidity of any section or provision of this Section 5.11 shall not invalidate any other section or provision hereof.

SECTION 6 AUTHORIZATION OF USE BY SPECIAL PERMIT

6.1 Standard: In authorization uses by special permit, in addition to the standards of Section 5, the Zoning Commission or commission to which such authority is delegated shall determine that the proposed use conforms with the overall intent of these Regulations.¹⁹

[Amended December 17, 2006]

6.2 Procedure:

6.2.1 Application for a special permit shall be submitted in writing to the Commission and shall be accompanied by the following:

- a. Statement of Use: a written statement describing the proposed use in sufficient detail to determine compliance with the use provisions of these Regulations; three (3) copies shall be submitted.
- b. Survey: three (3) copies of an A-2 Survey, in accordance with the provisions of Section 5.²⁰ *[Amended September 11, 2000]*
- c. Architectural Plan: three (3) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 5.
- d. List of all adjacent property owners of record according to the current Grand List and Town Assessor's records. Applicant shall be required to provide and certify notice to such adjacent property owners as provided at Section 18.9 of these Regulations.²¹ *[Amended December 17, 2006]*
- e. Waiver: The Commission or other commission delegated authority by the Commission to review the application, upon written request by the applicant, may by resolution waive the required submissions of that part of the information specified under Section 5 if the Commission finds that the information is not necessary in order to decide on the application.²² *[Amended December 17, 2006]*

6.2.2 When reviewing zoning permits and special permits together, the period of review of the site plan shall be in accordance with Section 8-3c of the Connecticut General Statutes. *[Amended December 17, 2006]*

6.2.3 All determinations of the Commission shall be made after public notice and hearing in accordance with Section 8-3c, 8-7 and 8-7d of the General Statutes. *[Amended December 17, 2006]*

¹⁹ Revision to 6.1, add "or commission to which such authority is delegated," effective 12-17-2006.

²⁰ Revision to 6.2.1.b, add "A-2 Survey," effective 9-11-2000.

²¹ Section 6.2.1.d created, effective 12-17-2006.

²² Section 6.2.1.e, relettered and recreated, effective 12-17-2006.

6.2.4 In reviewing special permit applications, after the conclusion of the public hearing, the Zoning Commission or other agency delegated authority to review special permits may approve an application for the establishment of one or more of the uses for which a special permit must be secured if it shall find that the proposed use and any building or other structure in connection therewith will conform to the following general standards in addition to any specific standards set forth in these Regulations:²³ *[Amended December 17, 2006]*

- a. The location, type, character, size, scale, proportion, appearance, and intensity of the proposed use and any building or other structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and shall not hinder or discourage the appropriate development and use of adjacent property or substantially or permanently impair the value thereof. *[New December 17, 2006]*
- b. The proposed use shall not obstruct significant views that are important elements in maintaining the character of the Town for the purpose of promoting the general welfare and conserving the value of buildings. *[New December 17, 2006]*
- c. The lot on which the use is to be established shall be of sufficient size and adequate shape, dimension, and topography to permit conduct of the proposed use and any building or other structure in connection therewith in such a manner that shall not be detrimental to the neighborhood or adjacent property. *[New December 17, 2006]*
- d. Provision shall be made for suitable landscaping to protect the neighborhood and adjacent property with a permanent landscaped buffer of evergreens, natural topography, stonewalls, or other appropriate screening material. *[New December 17, 2006]*
- e. The proposed plans shall provide for the conservation of natural features, drainage basins, the protection of the environment of the area, and sustained maintenance of the development.²⁴ *[New December 17, 2006]*

6.2.5 Special Permit Approval.²⁵

[Amended December 11, 2005]

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

- a. The Planning Commission shall follow the procedures set forth at Section 8-3 and 8-3c of the General Statutes with respect to Special

²³ Revision 6.2.4, substantially recreated, effective 12-17-2006.

²⁴ Section 6.2.4a-6.2.4e created, effective 12-17-2006.

²⁵ Revision to 6.2.5, substantially recreated (Cluster Subdivision changed to Conservation Subdivision), effective 12-11-2005.

Permits, including without limitation requirements for public notice, public hearing, notice of decision, filing of the Special Permit, and Section 18.9 of these Regulations.²⁶ *[Amended December 17, 2006]*

- b. The Conservation Subdivision shall meet the standards and requirements of Section 16 of these Regulations.
- c. Review and disposition: Following the close of the public hearing on an application, the Planning Commission shall deliberate as to whether the proposed development meets all applicable standards and shall either approve, approve with conditions as permitted hereunder, or deny the application.
- d. The Planning Commission shall act upon the application in accordance with the timing requirements of Section 8-7d of the General Statutes and Section 18.9 of these Regulations. The decision of the Planning Commission shall be in writing and shall set forth the reasons for any condition imposed or for a denial.²⁷ *[Amended December 17, 2006]*
- e. In granting a Conservation Subdivision Special Permit, the Planning Commission may attach such conditions as it deems necessary to affect the standards and requirements of Section 16 of these Regulations

6.2.6 The approval of a Conservation Subdivision Special Permit shall be noted on the final record subdivision map filed in the Roxbury Land Records along with the Special Permit that shall reference said map.

²⁶ Revision to 6.2.5a, add “Section 8.19 of these Regulations,” effective 12-17-2006.

²⁷ Revision to 6.2.5d, add “and Section 8.19 of these Regulations,” effective 12-17-2006.

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. This 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. An A- 2 Survey must be included with all applications for a Zoning Permit. These requirements may be waived at the sole discretion of the Zoning Enforcement Officer.²⁸ [Created May 19, 1997] [Amended March 24, 2002]
- 7.2 Decision Time Limit: A decision by the Commission on a site plan shall be rendered within sixty-five (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 (2) further 65-day periods, or may withdraw plans.
- 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 Conservation and 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 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 landscaping within and bordering parking and loading facilities;
 - e. Interconnection of parking areas via access drives within and between adjacent lots, in order to provide maximum efficiency, to minimize curb cuts, and to encourage safe and convenient traffic circulation;

²⁸ Revision to 7.1, delete exception for single family dwellings and permitted uses, effective 3-24-2002.
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- 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;

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 multifamily 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 one hundred twenty-five percent (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, and 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 Sediment Control: In order to comply with Connecticut General Statutes, Sections 22a-325 to 22a-329, a soil erosion and sediment control plan shall be submitted with any application for development if the development includes, cumulatively, a disturbed area of more than one-half (1/2) acre. All development not specifically exempted shall require a certificate of compliance.

7.7.1 A single family dwelling that is not a part of a subdivision of land may be exempt from these soil erosion and sediment control regulations, contingent upon approval by the Zoning Commission and/or Zoning Enforcement Official.²⁹
[Amended January 22, 2003].

7.7.2 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provision to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

7.7.3 The erosion and sedimentation control plan shall include, but not be limited to, the following:

a. A narrative describing:

1. The development;

2. The schedule for grading and construction activities including:

i. start and completion dates;

ii. sequence of grading and construction activities;

iii. sequence for installation and/or application of soil erosion and sediment control measures;

iv. sequence for final stabilization of the project site.

3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.

²⁹ Revision to 7.7.1, delete "shall," add "may," add "contingent upon approval by the Zoning Commission and/or Zoning Enforcement Official," effective 1-22-2003.
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4. The construction details for proposed soil erosion and sediment control measures and storm water management facilities. These measures and facilities shall result in a zero increase in run-off from the proposed subdivision or other proposed project.

[Effective January 1, 1987]

5. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
6. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

b. A site plan map at a sufficient scale to show:

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

c. Any other information deemed necessary and appropriate by applicant or requested by the Commission or its designated agent.

7.7.4 The Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this Regulation or deny certification when the development proposal does not comply with these Regulations.

7.7.5 Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126, Connecticut

General Statutes.

7.7.6 Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained.

7.7.7 Any application for a subdivision which, when said subdivision is fully developed, will result in a disturbed area that is cumulatively more than one-half (1/2) acre in size, shall include a soil erosion and sediment control plan, developed and implemented under requirements of Section 7 of these Zoning Regulations.

In case of a subdivision in which individual lots are to be sold and developed over a period of time, in which the cumulative effect of developing all lots and related improvements will result in a disturbed area of more than one-half (1/2) acre-a soil erosion and sediment control plan shall be submitted on a lot by lot basis to the Zoning Commission for its review and approval prior to the issuance of a Zoning Permit for each lot. In addition, a note shall be added to the map for said subdivision and in the deed for each lot stating that no development may take place on any lot until a soil erosion and sediment control plan for said lot has been reviewed and approved by the Zoning Commission.

7.7.8 The definitions of Connecticut General Statutes, §22a-327 are incorporated herein by reference. Subdivision of Land shall include all subdivisions, whether created or approved, after passage of this Regulation.

7.7.9 This Regulation shall become effective on July 1, 1985.

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 shall 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 twenty (20) feet. Such strip shall be sodded or seeded to grass and may be planted with trees or shrubs, provided they do not interfere with visibility from driveways in both directions along the street.

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 (25) feet of yard length. Trees may be planted in groups. Planting strips shall be at least five (5) 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 (4) feet wide and set back ten (10) 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 (50) feet 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 9:00 A.M. and 3:00 P.M. E.S.T. on December 21st of any year.
- 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 (2) corrected copies shall be presented to the Zoning 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 HOME ENTERPRISE³⁰
[Repealed and recreated, effective December 14, 2003]

- 8.1 Purpose: The purpose of this section is to permit and regulate Home Enterprise.
- 8.2 Home Enterprises Categorized: Home Enterprise permitted uses shall be divided into three categories according to the degree of potential neighborhood impact.
- 8.3 Category I (No Zoning permit required): Use of a residence for a home office: This category shall consist of Home Enterprises that have no impact on the neighborhood such as the use of a residence for a home office and meet all of the following requirements:
- 8.3.1 No visible exterior evidence of the Home Enterprise. There shall be no exterior change to the residence in connection with the Home Enterprise.
 - 8.3.2 No clients or customers allowed on premises.
 - 8.3.3 No employees, except residents of the dwelling.
 - 8.3.4 Meets all general requirements in section 8.6
- 8.4 Category II (Zoning permit required): Use of a residence for a home office with limited client or customer visits: This category shall consist of Home Enterprises that have a very low impact on the neighborhood such as the use of a residence for a home office with limited clients or customers, and that meet all of the following requirements:
- 8.4.1 No visible exterior evidence of the Home Enterprise, except as provided in Section 8.8 and a sign permitted by Section 12. There shall be no exterior change to the residence in connection with the Home Enterprise.
 - 8.4.2 Clients or customers are allowed on premises by appointment only.
 - 8.4.3 The Home Enterprise is limited to a maximum of 3 part-time or full-time outside employees, regardless of the number of Home Enterprises conducted at the premises.
 - 8.4.4 No on-street parking shall be permitted. The residence shall provide sufficient parking areas, not less than twenty-five (25) feet from highways or lot lines. The Commission may limit the number and types of vehicles on the premises for business purposes. Parking areas shall be screened from adjoining residential property and from the street. An appropriate screening material shall be used, such as five (5) foot high evergreens on four (4) foot centers or a solid fence sufficient to screen parking.
 - 8.4.5 Meets all general requirements in section 8.6

³⁰ Section 8 repealed and recreated effective 12-14-2003.

8.5 Category III (By Special Permit only): This category shall consist of Home Enterprises that are not classified as Category I or II that have a low impact on the neighborhood so as to preserve the residential and rural character of the neighborhood. Each application shall be assessed based upon the particular characteristics of the proposed Home Enterprise. In reaching a decision, the Commission shall be guided by the standards and requirements set forth in this section. In approving a Home Enterprise use, the Commission may attach conditions to the Special Use Permit, which are necessary to assure compliance with the standards set forth in this section. Failure to comply with the conditions of the Special Use Permit shall be grounds for revocation. The issuance of a Special Use Permit is subject to the following requirements.

- 8.5.1 The applicant shall submit a site plan showing exterior changes or improvements associated with establishing the proposed use. The Commission may waive portions of the site plan where it determines such information is not applicable or necessary to render its decision on the proposed use.
- 8.5.2 If the Zoning Enforcement Officer or Zoning Commission determines that the proposed application involves no exterior changes or site improvements, the applicant shall provide a plot plan drawn to scale showing the location of the buildings and parking areas, screening as well as other relevant information regarding the areas of property utilized for the proposed use.
- 8.5.3 The applicant shall submit a floor plan drawn to scale showing the total square footage to be devoted to the Home Enterprise in the home and any accessory building. It shall also show and label the different activity areas, i.e. office area, customer area, work area, storage area.
- 8.5.4 The applicant shall submit a business use and activity plan. This shall consist of a written statement describing in general the type and nature of the proposed activity, the product, equipment and processes involved, projected typical volume and type of vehicular activity, employee and customer / client activity and such other information as the Commission shall require to make a determination that the proposed use qualifies under the standards and requirements of these regulations.
- 8.5.5 The Home Enterprises are limited to a maximum of three (3) part-time or full-time outside employees (other than residents of the premises), regardless of the number of Home Enterprises conducted at the premises.
- 8.5.6 No Home Enterprise use shall be primarily devoted to retail sales on the premises. No goods offered for sale shall be visible outside the buildings. The application shall specify the types of products offered for sale. Where requested by the Commission, samples of products proposed for retail sale shall be provided as part of the application. Retail sales associated with a Home Enterprise may be permitted only where such sales are related and accessory to the primary product or service and clearly incidental to the primary Home Enterprise use.

- 8.5.7 No on-street parking shall be permitted. The residence shall provide sufficient parking areas to accommodate the proposed use, and these areas shall be not less than twenty-five (25) feet from highways or lot lines. The commission may limit the number and types of vehicles on the premises for business purposes. Parking areas shall be screened from adjoining residential property and from the street. An appropriate screening material shall be used, such as five (5) foot high evergreens on four (4) foot centers or a solid fence sufficient to screen parking.
- 8.5.8 Property owners and /or residents within five hundred (500) feet of the property line of the proposed Home Enterprise shall be notified by certified mail by the applicant at least ten (10) days prior to the public hearing.
- 8.5.9 Meets all general requirements in Section 8.6

8.6 General Requirements:

- 8.6.1 Home Enterprise uses shall be clearly subordinate to the use of the premises as a residence.
- 8.6.2 Subject to the requirements of 8.3, 8.4 and 8.5 of this Section 8 as applicable, a home enterprise may be conducted in the residential building or in an accessory building or both, with the following limitations.
 - a. Not more than thirty percent (30%) of the floor area of the residential building shall be used for Home Enterprise uses.
 - b. The total area used for Home Enterprise uses including accessory buildings and indoor storage areas shall not exceed ninety percent (90%) of the floor area of the residential building or 2,000 square feet, whichever is less.
 - c. All accessory buildings shall be architecturally compatible with the character of the residence and shall be set back from the front property line at least as far as the back line of the residential building or 100 feet, whichever is greater, with the following exception. If the residential building is set back 200 feet or more from the front property line, the accessory building shall be set back 200 feet or more. Accessory building sideline requirements shall comply with the Master Chart.
- 8.6.3 There shall be no traffic, activity or noise of a nature or volume that causes a safety hazard or detracts from the rural character of the neighborhood.
- 8.6.4 No finished goods acquired from off the premises shall be sold from the premises in the form acquired in connection with the home enterprise.
- 8.6.5 There shall be no interference with radio, television or other electronic devices in the vicinity.

- 8.6.6 The Home Enterprise shall not create a health or safety hazard, use or store any hazardous materials not customarily associated with residential use or adversely affect ground water. The Home Enterprise shall comply with all Federal and State statutes pertaining thereto.
- 8.6.7 Except for the growing and sale of agricultural products, all Home Enterprise activities shall be engaged within the area of the residential building and/or the accessory buildings.
- 8.6.8 To ensure the residential characteristics of the neighborhood, the Commission may set hours of operation, as it may deem appropriate.
- 8.6.9 Deliveries to and from the Home Enterprise shall be restricted to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday and 9:00 A.M. to 12:00 noon on Saturday, local time.
- 8.7 Revocation and/or Reclassification: Violation of a requirement of Section 8 may result in reclassification of a Home Enterprise into a different category or revocation of a Zoning Permit or Special Permit without limitation of other remedies available. Home Enterprises requiring a Zoning Permit or a Special Permit shall comply with applicable provisions of Section 18 of the Zoning Regulations.
- 8.8 Outdoor Storage: Outdoor storage for a Home Enterprise may be permitted by a Special permit satisfying Section 6 and applicable requirements of Section 8, together with the following additional requirements:
- 8.8.1 Storage areas shall be a minimum of one hundred (100) feet from a wetland or watercourse as determined by the Inland-Wetlands and Watercourses Commission.
- 8.8.2 Property owners within five hundred (500) feet of the property of the applicant upon which the outside storage area is to be located shall be notified by certified mail by the applicant at least ten (10) days prior to the grant or renewal of a special permit.
- 8.8.3 Underground storage tanks shall be prohibited.
- 8.8.4 All storage tanks shall have year round screening from the street and adjacent properties.
- 8.8.5 The Commission may specify the type of screening in accordance with Section 8.5.7.
- 8.8.6 The Commission may limit the number and type of vehicles to be stored in an outdoor storage area.

- 8.8.7 Outdoor storage areas shall comply as accessory buildings in accordance with the Master Chart and Subsection 8.6.2, and shall not exceed five hundred (500) square feet. Outside storage items shall not exceed a height of, and shall not be stored or stacked higher than, ten (10) feet.
- 8.8.8 Outdoor storage will not be permitted when indoor storage is possible in compliance with Section 8.6.2.
- 8.8.9 A Special Permit for an outdoor storage area shall be renewed annually. Such renewal shall be upon filing of an affidavit of compliance and approval by the Zoning Enforcement Officer or the Commission.

SECTION 9 EARTH REMOVAL³¹

- 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 and 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 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.
 - 9.1.6 Earth removal and filling as separate, for profit-uses of land are not permitted in any zone under these Regulations. Earth removal and filling may be allowed only where such activities are incidental to and necessary for the conduct of another use otherwise permitted in the zone, and only in accordance with these Regulations. No excavation or removal of sand, gravel, clay, soil, humus, quarry-stone, rock, or other earth materials, and no filling of land shall be allowed in any zone.³² *[Effective December 2, 2000]*
- 9.2 Applicability: These Regulations shall be applicable to all excavations, extractions and depositions of earth materials except in instances which qualify under the following:
- 9.2.1 Necessary excavation and removal of less than one hundred (100) cubic yards 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 the 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.

³¹ Section 9.4 and 9.5 regarding Special Permits deleted per amendment, effective 12-2-2000.

³² Revision to 9.1.6, delete exception for special permit, effective 1-2-2000.

- 9.2.4 Necessary excavation, grading, deposit or removal of earth materials, not to be in excess of 2,000 cubic yards, in connection with incidental and bona fide grading, landscaping, drainage, pond construction or water course improvement for which a Zoning Permit is not required.
- 9.2.5 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 (4) 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 Subsection 9.2: The operations listed under Subsection 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 one hundred (100) feet thereof unless written approval has been given by the Inland Wetlands and Watercourses 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 Subsection 9.2 shall provide adequate protection against erosion and adequate drainage to prevent the formation of stagnant pools of water.
- 9.4 Restoration: In the event of disturbance, a land area shall be restored in order that the minimum amount of exposed soil loss shall occur at any given time. The procedure for restoration shall be:
- 9.4.1 Such area shall be evenly graded to slopes having a gradient of four (4) feet horizontal to one (1) foot 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.
- 9.4.2 Adequate drainways or gradual slope shall be provided to assure drainage.
- 9.4.3 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.
- 9.4.4 All debris and all loose boulders shall be buried or removed from the lot.

- 9.4.5 The top layer of any arable soil, to the extent available or to a depth of twelve (12) inches, whichever is greater, shall be retained on the 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.
- 9.4.6 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 so as to provide transition to any adjacent residential property and to hasten the return to a natural appearance to the lot.
- 9.5 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:
- 9.5.1 Three (3) sets of maps and plans drawn at a scale of 1"=40 feet 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 from the proposed excavation area;
 - c. Topographic contour lines at five (5) foot intervals except that where excavation is proposed, contour lines for both existing and proposed excavation shall be at two (2) foot intervals;
 - d. Existing and proposed drainage on the lot; existing rivers, streams, watercourses, ponds and other Inland Wetlands as shown on the Inland Wetlands and Watercourses Map of Roxbury within two hundred (200) feet of the permit area;
 - e. Proposed truck access to the excavation and the off-site haul route;
 - f. Location of any wooded areas, rock outcrops, and existing structures within two hundred (200) feet of the area.
- 9.5.2 A Conservation Plan reviewed by the U.S.D.A. 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.
- 9.5.3 A calculation of the number of cubic yards of earth material to be excavated, graded, or removed.

- 9.5.4 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.
- 9.5.5 A statement of the provisions to be made to prevent and control any nuisance conditions.
- 9.5.6 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.

9.6 Procedure:

- 9.6.1 The Zoning Commission shall review the application to be sure it is complete.
- 9.6.2 The procedure for a public hearing shall be followed as set forth in the General Statutes of the State of Connecticut.
- 9.6.3 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.

9.7 Administration:

- 9.7.1 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.
- 9.7.2 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.
- 9.7.3 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.
- 9.7.4 The Temporary Special Permit for Earth Material Removal shall be valid for a period of two (2) 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.
- 9.7.5 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 not satisfied with the work completed, the bond shall be held until the restoration is completed to the satisfaction of the Commission.

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

a. Paragraph 9.7.1 (insurance)

b. Paragraph 9.7.2 (bond).

9.8 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 (2) foot contour level, showing the area, which it is proposed to fill, together with finished grades at the conclusion of the operation. This map shall be drawn to a scale of not less than one inch equals two hundred (200) feet, shall include a key map showing property owners within a five hundred (500) foot distance of the proposed operation, such as the map required by subdivision regulations.

- b. In the case of filling operations, which abut or include natural bodies of water such as ponds, streams, lakes or swamps, the plan shall be accompanied by a report prepared by a Professional Engineer, licensed to practice in the State of Connecticut. Such report shall include an analysis of the effect of the filling on up and down stream flow of water. This report may be waived at the discretion of the 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 (1) foot of vertical rise in two (2) feet of horizontal distance. Necessary precaution against erosion shall be shown.
- d. At the conclusion of the operation or any substantial portion thereof, the whole area where the filling takes place shall be covered with not less than four (4) inches of topsoil and seeded with suitable cover crop.
- e. Safety measures necessary to protect vehicular and pedestrian traffic may be required, including but not limited to pavement of access roads to reduce dust and relieve traffic problems and paths to insure pedestrian safety.
- f. A cash or surety company bond may be required to be filed with the Town Treasurer satisfactory to him 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 Watercourses Commission and Conservation Commissions 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 (6) months.
- 11.3.2 Conditions of extenuating circumstances must be established by the applicant as a condition of approval are:
- 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 SIGNS³³
[Effective April 28, 1995]

12.1 Purpose:

- 12.1.1 To promote the safety, comfort, and well being of the users of streets, roads, and highways in the Town of Roxbury.
- 12.1.2 To reduce distractions and obstructions from signs, which would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching upon public ways.
- 12.1.3 To discourage excessive visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public.
- 12.1.4 To preserve Roxbury's rural character.

12.2 Signs: 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. The ZEO is hereby authorized to enforce this ordinance and the ZEO is authorized to order the repair or removal of any sign and its supporting structure which is judged dangerous, or in disrepair, or which is erected or maintained contrary to this bylaw. Traffic and street signs erected by the Town are not within the scope of this section.

12.2.1 The Zoning Enforcement Officer is authorized to remove and discard any signs that do not meet the provisions of Section 12.³⁴

12.3 Definition: Sign. Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted, goods, products, services or facilities available, either on the lot or on any other premises, excluding window displays and merchandise.

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

12.4 Permitted Signs:

12.4.1 Only signs which refer to a permitted use or an approved conditional use as set forth in the Zoning Regulations are permitted, provided such signs conform to the provisions of this Section.

12.4.2 No sign for which a permit is requested shall be erected, displayed, altered or

³³ Section 12 completely reformatted and renumbered for clarification.

³⁴ Assigned number 12.2.1.

enlarged until an application has been filed and until a permit for such action has been issued.

12.4.3 Permits shall be issued only if the Zoning Commission determines the sign complies or will comply with all applicable provisions of this ordinance and the State Building Code. Such application may be filed by the owner of the land or building, or any person who has the authority to erect a sign on the premises.

12.4.4 Any sign not specified as permitted is not permitted.

12.4.5 Uses for which a permit is required:

<u>Type of Use</u>	<u>Maximum Area Per Sign</u>
a. Name of business when conducted on premises.	4 sq. ft. total
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 immediately after the tag sale has concluded. Signs posted only on premises where tag sale is held.	8 sq. ft. total
c. Signs on the premises of churches, schools, and non-profit institutions.	6 sq. ft. total
d. Directional signs for such events as parades may be posted for a period not to exceed 4 weeks. Those persons responsible for putting up such signs, posters, or displays shall remove them immediately after the close of the event. Size of signs are to be approved by the Zoning Commission.	

12.4.6 Uses for which a permit is not required:

<u>Type of Use</u>	<u>Maximum Area per Sign</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 it is erected.	4 sq. ft. total
c. No Trespassing, No Hunting, No Fishing, Posted, Beware of Dog, or other such signs in sufficient number to meet State Law requirements.	2 sq. ft. each sign
d. Temporary posters or signs for a period not to exceed ten (10) days indicating private auction, church or civic function, or private sale, or the	4 sq. ft. total

like; political posters or the like; provided 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.³⁵

[Amended October 11, 2004]

12.5 Political Signs: A sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state, or other local election.

12.5.1 Such signs are permitted if they are stationary, unlighted, and temporary.

12.5.2 Such signs shall be removed within 48 hours after a voting day.³⁶
[Amended October 11, 2004]

12.5.3 Any sign not specified as permitted is not permitted.

12.6 Special Permit Uses:

12.6.1 Agricultural Signs. One permanent free-standing sign identifying the name and address of a farm or related agricultural activity will be permitted as long as it complies with Section 12.2 and is at a minimum of ten (10) feet from the edge of paved Town road or the shoulder of an unpaved Town road.

12.6.2 Land Trust/ Preservations. A non-profit preservation for public use may erect one free-standing sign to identify the name of the preserve and any rules and regulations for use as long as it complies with Section 12.2 and is a minimum of ten (10) feet from the edge of the road.

12.7 Permitted Signs in Business Zone D: In addition to the sign regulations for activities described in subsection 12.2, the following shall apply for all business-related signs in Business Zone D:

12.7.1 Uses for which a permit is required:

<u>Type of Use</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	

³⁵ Revision to 12.6 d, delete “political posters,” effective 10-11-2004.

³⁶ Revision to 12.5.2, delete “displayed no earlier than ten (10) days prior to a voting day, and shall be,” effective 10-11-2004.

common parking area.

Each business 1 sign, 4 sq. ft. total
1 directory sign, 6 sq. ft. total

12.7.2 In the Business Zone D, no sign shall be within twenty (20) feet of the boundary of a residential district.

12.7.3 All businesses in the same building or in separate buildings in an integrated shopping center shall have a uniform design and placement of signs.

12.8 General Sign Restrictions Applicable to All Zones:

12.8.1 All signs shall be located behind lot line.

12.8.2 A sign shall be maintained in a secure and safe condition. If the Zoning Enforcement Officer is of the opinion that a sign is not secure, safe, or in a good state of repair, written notice of this fact shall be given to the person responsible for maintenance of the sign. If the defect in the sign is not corrected within the time permitted by the ZEO, the ZEO may remove and take possession of the sign until the owner pays the cost of removal.

12.8.3 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.

a. No sign, except for a traffic, regulatory or informational sign, shall use the words "stop", "caution", or "danger", or shall resemble "stop" or "yield" signs in shape and color.

b. All on-premise signs identifying a contractor, architect, landscape architect and/or engineer's name, address, and other pertinent information must meet Zoning Regulations for signs and must be removed when the party has completed work.

c. All off-premise signs advertising property being sold, rented or leased are not permitted. Open house commercial directional signs are prohibited.

d. Marquee, moveable, painted wall, and awning signs are not permitted.

12.8.4 Freestanding 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.

No person may erect a sign which:

a. Is structurally unsafe;

b. Constitutes a hazard to public safety and health by reason of

inadequate maintenance, dilapidation or abandonment;

- c. Obstructs free entrance or exit from a required door, window, or fire escape;
- d. Obstructs light or air or interferes with proper functioning of the building; or
- e. Is capable of causing electrical shock;
- f. Has exposed electric wire.

12.8.5 Signs shall not be mounted on roofs or extend above the roofline.

12.8.6 No sign together with any supporting framework shall extend to a height above the maximum building height allowed in a district.

12.9 Placement Standards:

12.9.1 With the exception of "no trespassing" and "no passing" signs, no person may erect a sign which is affixed to a fence, utility pole, or structure, or tree, shrub, rock or other natural object.

12.9.2 Signs shall not cover architectural details such as, but not limited to arches, sills, molding, cornices, and transom windows.

12.9.3 No sign shall be located within or shall hang over the right-of-way of any street, sidewalk, driveway, walkway or access way.

12.9.4 No sign shall be located on the roof of any building or on any exterior wall so as to project above the top of said exterior wall at the location of the sign.

12.9.5 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. 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.

12.10 Illuminated Signs:

- a. A sign may be illuminated if illumination is confined to, or directed to, the surface of the sign.

- b. Signs shall be illuminated only with steady, stationary shielded light sources directed solely onto the sign without causing glare.
- c. 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.
- d. Gas-filled light tubes shall be allowed for indirect illumination and when placed in such a manner that the tubes are not exposed to view from any point along the public roadway.
- e. Interior illumination of a sign shall not be permitted unless such illumination is confined to letters and does not result in a distracting glare.
- f. Signs shall not be illuminated directly or indirectly between the hours of 11 p.m. and 6 a.m. unless the premises are open during such hours.
- g. Illuminated signs shall not be permitted to shine onto residential properties and travel ways.
- h. No internally illuminated sign is permitted.
- i. Strings of bulbs are not permitted, except as part of a holiday celebration.
- j. No person may erect a sign that constitutes a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.

12.11 Prohibited Signs:

- a. Billboards, streamers, pennants, ribbons, spinners or other similar devices shall not be constructed, posted or erected in any zone. Exceptions include flags and buntings exhibited to commemorate national patriotic holidays and temporary banners announcing charitable or civic events.
- b. Internally illuminated signs, flashing signs, roof signs, signs containing moving parts, and signs containing reflective elements which sparkle or twinkle in the sunlight are not permitted.
- c. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted.
- d. An on-premise sign advertising the property being sold, rented, or leased shall advertise only the property on which the sign is located. A maximum of one sign may be maintained on any property being sold, rented, or leased and it shall be removed by the owner or agent within seven (7) days of sale, rent, or lease.
- e. Any sign which has been ordered removed by the Zoning Enforcement Officer, or is abandoned or discontinued, shall be removed by the person, firm, or

corporation responsible for the sign within seven (7) days of written notice to remove.

- f. All moveable signs are in violation of this Ordinance and will be removed immediately and discarded.

12.12 Off-Premise: Directional signs for special functions such as parades shall be permitted as long as no advertising is displayed. Such signs are not subject to the permitting process but must be removed immediately following the event.

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. Home Enterprise	3 plus dwelling unit
c. Offices, financial institutions, retail stores, personal service establishments, unless otherwise specified herein	1 per 200 sq. ft. of area
d. Places of 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 maximum membership 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 personal normally employed
h. Adult Day Program [<i>Amended May 20, 1994</i>]	1 per 2 program participants plus 1 per person normally employed.
i. Commercial not included above	1 per 200 sq. ft. floor area
j. Every other use not listed above	1 per 200 sq. ft. floor space

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 Trailers used for the storage of construction materials and equipment are permitted during construction of a residence and or accessory building for a period of one year commencing with the date of the issuance of a building permit. A one-year extension may be granted upon approval by the Zoning Enforcement Officer. The trailer cannot be used for residential purposes.³⁷ *[Amended February 18, 2001]*
- 13.3.6 Any area used for motor vehicle parking shall include the number of spaces determined by the Zoning Commission in Section 13.2 and shall be designed to provide the minimum parking area set forth in the following table and diagrams or combination thereof.
- 13.3.7 All parking areas ten (10) spaces and larger shall have one shade tree for every ten parking spaces. The trees shall be evenly distributed throughout the parking area and shall be set in squares four feet on a side which are flush with the pavement. All trees shall be 4 inches in diameter or larger.
- 13.3.8 Dimensions for Parking Layouts in Feet:

a. Parking angle	b. Depth of stall	c. Width of aisle used for General Circulation
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

³⁷ Revision to 13.3, added 13.3.5, effective 2-18-2001.
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d. Width of stall to be nine (9) feet.

13.4 Driveways:³⁸ All driveways shall be constructed in accordance with the design standards set forth in a Town Ordinance entitled “Driveways, Utility Crossings and Gated Property Emergency Access Ordinance” adopted December 14, 2000 and as amended. A copy of the ordinance is appended to and made part of the Town Zoning Regulations.

[Repealed and recreated December 23, 2001]

13.4.1 Application for a Driveway Permit shall be made to the First Selectman.

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

13.4.3 Common Driveways Serving Two or More Dwellings, Not Permitted. Driveways may have a common bridge on grant of Special Permit under Section 6.³⁹

[Amended December 23, 2001]

³⁸ Revision to 13.4, repealed and recreated, effective 12-23-2001.

³⁹ Section 13.4.3 created 1-1-1987; Amended 2-25-1987; Amended 4-24-1987; Amended 12-23-2001--delete exception for common ownership.

SECTION 14 ACCESSORY APARTMENTS

[Repealed and recreated October 1, 1991]

14.1 Purpose: The intent of this Regulation is:

- a. To encourage the creation of accessory apartments within, or as adjunct to, existing single-family residences for the purpose of providing rental housing for the elderly, single persons and small families. This Regulation is designed to ensure that in creating an accessory apartment, the single-family character of the principal dwelling will be retained. Accessory apartments are further intended to enable the viability of Roxbury's single-family zones to be continued.
- b. To permit and regulate the use of guest houses.

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 Subsections 14.3 and 14.5. For purposes of this Section only, original unit shall mean the original single family dwelling prior to conversion; secondary unit shall mean the new dwelling resulting from conversion; and primary unit shall mean the portion of the converted dwelling which remains as the principal residence after the conversion has been completed.

14.3 Standards for Accessory Apartments:

- 14.3.1 Either the primary unit or the secondary unit shall be owner occupied on a full-time basis.
- 14.3.2 A secondary unit within the original unit shall have a minimum floor area of four hundred fifty (450) square feet and a maximum floor area equal to forty percent (40%) of the floor area of the original unit not including the garage.
- 14.3.3 No exterior alterations shall be made to the facade of the house except for the installation or removal of windows, doors and porches.
- 14.3.4 A secondary unit in an accessory building shall have a minimum floor area of four hundred fifty (450) square feet and a maximum floor area of fifty percent (50%) of the floor area of the original unit, not including the garage.
- 14.3.5 Parking as required in Section 13 of these Regulations for a single-family dwelling shall be provided for the secondary unit.
- 14.3.6 The primary unit shall retain conforming square footage for a single-family dwelling.

- 14.3.7 There shall be no more than one accessory apartment per primary unit.
- 14.3.8 Entry/exit doors to the primary and secondary units shall be a minimum of twenty (20) feet apart.
- 14.3.9 A principal residence shall have been occupied by the owner prior to the creation of an accessory apartment.⁴⁰ *[Amended September 17, 2000]*

14.4 Standards for Guest Houses:

- 14.4.1 The guest house shall have a minimum floor area of four hundred fifty (450) square feet and a maximum floor area of twenty-five (25%) of the floor area of the original unit and not including the garage.
- 14.4.2 There shall be no kitchen facilities in the guest house.
- 14.4.3 The guest house shall be located in an accessory building.
- 14.4.4 The guest house shall not be rented.
- 14.4.5 The guest house shall not be converted into an accessory apartment unless all requirements under Section 14 have been met.

14.5 Procedures for Approval: No conversion contemplated under this Section shall occur, nor any building permit or certificate of occupancy be issued under this Section until the owner of the building to be converted has received approval from the Zoning Commission or the Zoning Enforcement Officer. Information provided to the Zoning Enforcement Officer shall include, but not be limited to, the following:

- 14.5.1 A letter from the resident owner requesting review and approval.
- 14.5.2 A plot plan indicating the location of the single-family residence, accessory structures, lot area, zone designation; and yard distances.
- 14.5.3 Floor plans showing the existing room layout and proposed changes with regard to placement of kitchen (if applicable), bath, size of rooms, ingress-egress, placement of windows and doors.
- 14.5.4 Certification from the Town Sanitarian that the septic system shall have sufficient capacity to treat any additional wastes due to a converted unit.

14.6 Revocation: Any permit for a dwelling conversion or for an apartment in an accessory building shall be subject to revocation of the Zoning Permit by the Commission after a hearing:

⁴⁰ Revision to 14.3.9, delete “for a period of one (1) year,” effective 9-17-2000.
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- 14.6.1 If upon inspection by the Zoning Enforcement Officer and Building Official prior to or following certificate of occupancy it is found that all requirements have not or are not being met.
- 14.6.2 After occupancy the owner shall, at the request of the Commission, permit any inspection deemed necessary by the Commission. Failure to allow such an inspection of either or both the primary or secondary units would be grounds for revocation.

SECTION 15 ROXBURY ELDERLY HOUSING REGULATIONS

[Effective April 28, 1995]

- 15.1 Statement of Purpose: It is in the interest of the health and welfare of the Town of Roxbury to provide greater housing opportunities for its elderly citizens and to maintain Roxbury's rural character. The following regulations are designed to permit housing for the elderly, which provides for:
- 15.1.1 The special physical needs of the elderly in locations with convenient and safe access, especially for emergency vehicles;
 - 15.1.2 A site design and housing density compatible with Roxbury's rural residential character; and
 - 15.1.3 On site utilities, which are adequate for long-term use.
- 15.1 i The following regulations are intended to encourage the development of housing for the elderly as found in the housing plan prepared by the Town pursuant to Connecticut General Statutes § 8-23; and in the housing component and other applicable components of the State Plan of Development and Conservation prepared by the Town pursuant to Connecticut General Statutes §16a-26.
- 15.1 ii Where applicable, these regulations are intended to comply with the requirements of Connecticut General Statutes for the simultaneous provision of both elderly housing and "affordable housing" to Town residents.
- 15.1 iii. Where the term "affordable housing" appears in these regulations, it shall be defined according to Section 8-30g(a) of the Connecticut General Statutes, as amended.
- 15.2 Eligible Organizations: Elderly housing and related accessory structures shall be built by:
- 15.2.1 a nonprofit corporation;
 - 15.2.2 any business corporation incorporated pursuant to Connecticut General Statutes §33-282 et seq., [for-profit stock corporations]; or any partnership, limited partnership, joint venture, trust or association having as one of its purposes the construction, rehabilitation, ownership or operation of housing, having basic documents of organization approved by the commissioner in accordance with regulations adopted pursuant to Section 8-79 or 8-84 of the Connecticut General Statutes; or any combination of the above.
 - 15.2.3 "a housing authority" within the meaning of Section 8-39 of the Connecticut General Statutes; or
 - 15.2.4 a municipal developer, as defined by Section 8-39(x) of the Connecticut General Statutes.

15. 2.i No housing development for elderly persons to which Section 8-112a et. seq. of the Connecticut General Statutes applies, shall be developed without the approval of the Connecticut Commissioner of Housing, pursuant to Section 8-115a of the Connecticut General Statutes.
- 15.2.ii Any housing for elderly persons provided under a state or federal program referenced in 42 USCS 3607(b)(2)(A) or (C) must meet the requirements of any and all state and federal statutes and regulations applicable to said housing before said housing shall be approved by the Town.

15.3 Qualifying Standards:

- 15.3.1 All Elderly Housing projects shall be by Special Permit as set forth in Section 6 of the Roxbury Zoning Regulations; Submission of a site plan in accordance with Section 7 of the Roxbury Zoning Regulations shall be required.
- 15.3.2 Subject to the provisions of Section 15.3.3 of these regulations, the applicant shall submit an application, which shall include information demonstrating a local need for the type and amount of proposed elderly housing. To assess the need for Elderly Housing, the Roxbury Zoning Commission will look to the Comprehensive Housing Availability Strategy prepared by the Connecticut Department of Housing.
- 15.3.3 Should the applicant desire to construct “affordable housing” for the elderly, the applicant shall demonstrate a need for such “affordable housing” in Roxbury in accordance with Section 15.3.2 of these regulations, provided that the conditions of subsections (f) or (g) of Section 8-30g of the Connecticut General Statutes, limiting the applicability of the affordable housing appeals procedure, are satisfied.
- 15.3.4 Special Permits are subject to standards set forth in these regulations, the Town's Plan of Conservation and Development, and to conditions necessary to protect the public health, safety, convenience, and property values.
- 15.3.5 If an application under Section 15 involves an activity regulated by the Roxbury Inland Wetlands and Watercourses Commission, the applicant shall submit an application to such commission no later than the day the application is filed for a Special Permit under Section 15 or Section 19.
- 15.3.6 These regulations shall encourage the development of housing opportunities consistent with soil types, terrain, and infrastructure capacity for elderly residents of the town and its planning region.
- 15.3.7 In acting on an application under this section the Commission shall find that the proposed application if approved will maintain the Town of Roxbury's predominantly rural residential character consistent with the Roxbury Plan of Conservation and Development.

15.3.8 The developer, owner or manager of an affordable housing development developed pursuant to Connecticut General Statute §8-30g(a) and this Section 15 of the regulations that includes rental units shall provide annual certifications to the Zoning Commission that the development continues to be in compliance with the covenants and deed restrictions which may be required by the commission to preserve the housing units as affordable housing as defined in 8-39a and 8-30g. Any such development that does not comply with the applicable covenants and deed restrictions shall be required to rent the next available units to persons whose incomes satisfy the requirements of the covenants and deed restrictions until the development is in compliance. The commission may inspect the income statements of tenants of the restricted units upon which the developer, owner or manager bases the certification.

15.4 Residential Eligibility Requirements:

15.4.1 Only "elderly persons" as that term is defined by Section 8-113a(m) of the Connecticut General Statutes shall be eligible to rent or purchase elderly housing; a helper may occupy unit. However, no person who is deemed totally disabled due to a drug or alcohol dependency shall be deemed an "elderly person" for purposes of applying these regulations.

15.4.2 Priority for occupancy of "elderly housing" units shall first be granted to residents of Roxbury, aged 62 years or older who have been residents of Roxbury for a minimum of two consecutive years immediately preceding their application for occupancy; then to residents of Litchfield County aged 62 years or older who have been residents of Litchfield County for a minimum of two consecutive years immediately preceding their application for occupancy; then to all other eligible "elderly persons," as provided in these regulations.

15.4.3 The town shall require verification that a prospective resident of an elderly housing unit meets the eligibility requirements for such occupancy.

15.5 Building and Site Requirements: No parcel shall be considered for elderly housing unless it meets the following building requirements:

15.5.1 The minimum lot area shall be six (6) acres exclusive or the acreage of wetlands, watercourses, ledge, and slopes above twenty-five (25%) percent grade.

15.5.2 The minimum frontage requirement shall be three hundred fifty (350) feet on a Town-maintained, paved road or a State highway.

15.5.3 Housing for elderly persons shall include:

- a. Attached single-family buildings containing not more than three (3) dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings; and/or

- b. Detached single-family units;
- c. And related accessory structures and uses, and non-residential common uses specifically designed to meet the physical or social needs of elderly persons including: recreation rooms, management, maintenance, storage space and central laundry facilities and such other structures and uses as may be required or deemed necessary and subject to State or Federal requirements for housing for the elderly.

15.5.4 The maximum number of dwelling units per acre shall be three (3).

15.5.5 Each dwelling unit shall have not more than two (2) bedrooms.

15.5.6 The minimum and maximum floor area (exclusive of bathroom and hall floor area) for elderly dwelling units:

Floor Area Requirement in Square Feet:

<u>Dwelling</u>	<u>Minimum</u>	<u>Maximum</u>
1 bedroom efficiency	520	550
1 bedroom dwelling	550	700
2 bedroom dwelling	700	900

15.5.7 The floor area for dwelling units shall comply with the standards required by the State of Connecticut Department of Housing for the design of rental housing. Each dwelling unit is to include its own kitchen, bath and utility service.

15.5.8 The architectural design, scale and mass of buildings and other structures, including among other elements the exterior building materials, roof lines, and building elevations, shall be residential in character in accordance with the standard listed below so as to harmonize and be compatible with the neighborhood, to protect property values, and preserve and improve the beauty and appearance of the community.

15.5.9 Pitched-roof buildings with a clapboard façade appearance shall be encouraged. Maximum building height shall be thirty-five (35) feet with a maximum of 2 1/2 stories.

15.5.10 No building shall extend in a continuous plane for more than fifty (50) feet without a horizontal offset from grade to eaves of at least two (2) feet.

15.5.11 Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the lot.

15.5.12 Buildings and parking areas shall be located not less than seventy-five (75) feet from the front and one hundred and fifty (150) feet from the side and rear property lines.

- 15.5.13 All dwelling units shall be constructed to allow passage into and within all premises within the dwelling units by disabled persons in wheelchairs. In addition, all units must be constructed in accordance with ANSI Standard A1 17.1 for accessibility and shall be equipped with a sprinkler system.
- 15.5.14 The shortest distance between any two residential buildings shall be not less than the height or the highest residential building.
- 15.5.15 Attached housing units shall be connected to a walkway system by paved pathways.
- 15.5.16 Minimum setbacks from internal roadways shall be twenty-five (25) feet.

15.6 Requirements for Water and Sanitary, Utility Service and Other Construction Improvements:

- 15.6.1 A comprehensive report on water and sanitary requirements shall be prepared by a Professional Engineer registered in the State of Connecticut in accordance with the Standards and Requirements set forth in the Roxbury Subdivision Regulations, Section 11, and the Roxbury Zoning Regulations, Section 3.6.
- 15.6.2 All dwelling units shall be served by a subsurface sewage disposal system and water system approved by the Town Health Officer and, where required, by the State Department of Health Services.
- 15.6.3 No Zoning Permit for construction of housing units shall be issued until the Health Officer and/or the State Health Department has approved the quantity and quality of the water supply for the housing units. Said water usage shall not adversely affect the existing water supply of adjoining properties.
- 15.6.4 At the direction of the Health Officer the applicant shall conduct and report on the results of deep hole tests, percolation tests, test wells and such other on site analysis as necessary to substantiate suitability of the site for water service and septic disposal. The applicant shall meet applicable Connecticut Health Regulation requirements for approval by the State Health Department that there is sufficient water.
- 15.6.5 Water storage supply for the purpose of fire protection shall be provided subject to the approval of the Fire Marshall with advisory referral to the volunteer fire department of the Town of Roxbury
- 15.6.6 All electric, telephone, cable and other utility wires shall be underground. The applicant shall provide adequate deep hole tests to demonstrate feasibility of underground utility wire installation.
- 15.6.7 The applicant's engineer shall submit a comprehensive storm drainage site

analysis and improvement plan and erosion and sedimentation control plan in accordance with the requirements of Section 7 of these Regulations and the Roxbury Subdivision Regulations (Appendix B-1, B-2, Appendix C).

15.7 Landscape Standards for Affordable Housing for the Elderly:

- 15.7.1 Landscape Buffer. The applicant shall demonstrate to the Zoning Commission's satisfaction that the proposed construction shall be adequately screened from surrounding single-family residences by use of building form, height, material and landscaping.
- 15.7.2 Applicant shall provide detailed landscape plans for common areas, usable open space, and perimeter areas including proposed grading, plant materials and method of maintenance. (No less than one hundred fifty (150) square feet of permanent open space per dwelling unit shall be provided.)
- 15.7.3 Existing mature vegetation on the site, desirable trees, such as oaks, ash, hickory shall be retained in areas not disturbed by construction. In areas disturbed by construction, or in areas where existing vegetation is sparse, new plant material shall be provided as follows:
- 15.7.4 Shade trees, evergreen trees and/or deciduous flowering trees shall be planted adjacent to parking areas. At least one (1) tree shall be planted for each three (3) spaces or fraction thereof in locations, sizes and varieties, approved by the Zoning Commission. Evergreen trees shall be a minimum of four (4) feet in height.
- 15.7.5 Trees and shrubs shall be planted around foundations and between structures as approved by the Zoning Commission.
- 15.7.6 Where the Commission determines that the location of the proposed site construction may be visible from neighboring single-family residences, the applicant shall submit a landscape buffer plan prepared by a Connecticut Licensed Landscape Architect meeting the following requirements:
- 15.7.7 The area from the property line to the proposed parking site or buildings shall be landscaped with evergreen shrubs or trees, or such evergreens in combination with embankments, fences and/or walls, so as to provide a screen and transition from the developed portion of the site to neighboring residences. Suitable natural terrain and existing evergreen trees and shrubs may be preserved, or augmented with new planting, to satisfy the landscape requirement in the setback area. All undeveloped portions of the lot shall be landscaped with trees, shrubs, lawns or other suitable landscaping.
- 15.7.8 Lighting. The applicant shall submit a lighting plan. The plan shall demonstrate that the headlight beam from vehicles on the site will not direct a beam into an adjacent property residential living area.
- 15.7.9 Refuse containers shall be located on paved areas and screened from view.

15.8 Parking and Safety Standards:

- 15.8.1 The design of all interior vehicle access ways shall conform to Town Road specifications and shall be approved by the Fire Marshall to assure ready access in case of emergency.
- 15.8.2 Parking shall be sufficient to accommodate the needs of the occupants. One (1) parking space per dwelling unit shall be required and one space per unit for visitor parking. Visitor parking shall be located within two hundred (200) feet of the dwelling it serves.⁴¹ *[Effective December 1, 1998]*
- 15.8.3 The applicant shall provide for continuing maintenance of private vehicle access ways, parking areas, stormwater drainage facilities, open space and other amenities.
- 15.8.4 There shall be not more than one (1) sign per entrance as required in section 12.
- 15.8.5 The applicant shall provide the Zoning Commission with a report prepared by a Traffic Engineer that shall address but not be limited to, the following specific factors:
- 15.8.6 The preferred site location will have direct access to a state highway or direct access to a paved Town road where the intersection of the Town road and vehicular accessway to the site is within two thousand (2000) feet of a State highway.
- 15.8.7 Where a site is proposed with access to a paved Town road and the distance from the vehicular accessway to a State highway is greater than 2000 feet, the Zoning Commission shall make a determination that the site has a safe and convenient access to a State highway.
- 15.8.8 The road grade, pavement width and cleared right-of-way width of the road system leading to the site as it would affect access by emergency equipment and the potential for a temporary blockage.
- 15.8.9 Identify and evaluate all existing and potential conditions on the road system which could pose a threat to temporary blockage between the vehicle accessway to the site and a State highway (bridges, steep slope, rock areas, large trees adjacent to the roadway, location of utility lines, etc.).
- 15.8.10 Identify potential alternative emergency routes to and from the site.
- 15.8.11 In determining the safety of access to the site the Commission shall consider the above stated factors, the traffic engineer's report and any report submitted by the Commission's engineer.

⁴¹ Revision to 15.8.2, add "one parking space per dwelling unit shall be required," delete "one parking space per bedroom," effective 12-1-1998.

- 15.8.12 No more than ten (10) parking spaces shall be located along an access driveway or in a parking lot without a separating landscaped buffer strip of at least ten (10) feet in width. Detached garages shall not exceed one story in height and shall be fully enclosed. Garage buildings shall be used solely for the storage of vehicles of residents or resident-owned commercial vehicles. In the absence of enclosed garages, all resident-owned commercial vehicles may be parked only in the visitor parking lot. The area of a garage apron shall not be included in the calculation of required off-street parking space.
- 15.8.13 The intersection of the access drive to the state highway or Town road shall be in a location that provides a five hundred (500) foot Stopping Sight Distance in both directions. The method of measuring Stopping Sight Distance shall conform with the AASHTO Standard as modified by the Connecticut Department of Transportation in a document titled "Interim Guidance for Implementation of AASHTO (1984) Green Bk."
- 15.8.14 The center line of the vehicle accessway intersection with the State highway or Town maintained paved road shall be not less than one hundred (100) feet from the intersection of the lot's side property line with the street line. The maximum grade of the vehicle accessway at the intersection with the State highway or Town maintained road shall be a maximum of five percent (5%) for a distance of not less than twenty (20) feet.
- 15.8.15 Access Drive Design and Construction. The vehicle access way shall be constructed in accordance with the design and construction requirements of the Town Road Ordinance, except the paved width for the travelway may be twenty-two (22) feet with the requirement for two (2) foot stable shoulders, providing the right-of-way remains at fifty (50) feet.

15.9 Procedure:

- 15.9.1 The location of the elderly housing units shall be subject to approval of a preliminary development plan by the Roxbury Zoning Commission, and shall include information on land areas adjacent to the housing units, and evidence that the development and design of the housing units shall be in harmony with the neighborhood. Applicant may submit preliminary plan to the Zoning Commission which includes information on its location. This review by the Roxbury Zoning Commission will be non-binding.
- 15.9.2 Upon approval by the Zoning Commission, the applicant shall file one copy of the approved site plan showing the Commission's approval, date and any modifications. Any reconstruction, enlargement, extension, structural alteration or modification of the approved plan shall require a new Special Permit application be submitted to the Commission for approval.
- 15.9.3 A minimum of half of the housing units must be built within each of the first two years, otherwise, the Zoning Commission shall determine the developer's intent to

proceed. The Zoning Commission may have good cause to allow for extensions for completion of the project. If the Commission determines that the developer does not intend to proceed with construction, the Commission may revoke such approval. Notice shall be given to the developer or his successors in interest by certified mail at least ten (10) days prior to the date of the meeting at which such action is proposed

- 15.9.4 Those standards articulated in Section 19.9 of these regulations are hereby incorporated and made the standards of Section 15.10.4, applicable solely to those elderly housing units which are intended to be "affordable housing."

15.10 Resale and Renting Restrictions:

15.10.1 To maintain its elderly status, title to said properties shall be restricted so that all elderly housing units shall be subject to covenants and other legally binding restrictions which shall limit the rental, sale, or resale of the units to insure that they continue to remain elderly housing in accordance with Connecticut General Statutes Section 8-112a and/or 42 U.S.C.S. Section 3607.

15.10.2 These covenants shall run with the land and shall be enforceable by the Zoning Commission of the Town of Roxbury

15.10.3 The sale or resale, sublease and re-letting of elderly housing units shall not occur until the new purchaser or renter provides the Zoning Commission of the Town of Roxbury with evidence of compliance according to Section 15.4 of these regulations

15.10.4 Those standards articulated in Section 19.10 of these regulations are hereby incorporated and made the standards of Section 15.11.4, for those elderly housing units which are intended to be "affordable housing".

15.11 Bonding: The Zoning Commission may require Bonding for proposed improvements which will become public improvements such as roads and drainage. The Bond or Letter of Credit must be satisfactory to the Zoning Commission.

15.12 Mixed Affordable and Elderly Developments: Should an applicant propose to provide a development composed of elderly units (affordable or not) and non-elderly affordable units, the applicant must meet the requirements of Section 15 of these regulations for the provision of elderly units, and the requirements of Section 19 for the provision of affordable non-elderly units, and the density for such a mixed development shall not exceed those density requirements provided in Sections 15.5.4 through 15.5.7 of these regulations.

SECTION 16 CONSERVATION SUBDIVISION

[Amended December 11, 2005]

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

- 16.1 General: The Roxbury Planning Commission may grant a Special Permit simultaneously with the approval of a subdivision plan under the Subdivision Regulations, Town of Roxbury, Connecticut, to permit establishment of a Conservation Subdivision. The Planning Commission shall follow the procedures herein specified, and before granting a Special Permit shall find that the Special Permit will create the open space, as defined in Section 20.55 and consistent with the purpose, intent, requirements and standards of this Section 16.
- 16.2 Purpose: The intent of this Section is to provide, pursuant to Sections 8.2 and 8.18 of the Connecticut General Statutes concerning cluster development, alternatives to conventional residential subdivision development and to development permitted under other sections of these Regulations when such alternatives will more appropriately assure the conservation of land by taking advantage of the natural features of the tract so as to leave substantial unfragmented areas (which may include agricultural lands) free of building lots.
- 16.3 Conservation Purposes: The Planning Commission upon application in the manner prescribed in this Section 16, Section 6.2.5 and other requirements of Section 8-3c of the Connecticut General Statutes may approve by Special Permit, residential development conforming to the standards and requirements prescribed in this Section 16 when the following conservation purpose(s) are accomplished:
- a. Permanently conserve and preserve land to assure that its development will best maintain or enhance the appearance, character, natural beauty and scenic views of an area;
 - b. Preserve land for park and passive recreation purposes;
 - c. Preserve or create prime farmland and unique agricultural features such as orchards and vineyards;
 - d. Protect streams, rivers, ponds, and their associated stream belts, and other wildlife habitats, wetlands as natural resources and environments, and to avoid flooding, erosion and water pollution, and/or;
 - e. Preserve natural features along roadways so as to maintain their existing rural character and the rural character of the community.
- 16.4 Limitations: On the effective date of this Section 16, as amended hereby, existing parcels meeting all requirements for Conservation Subdivision will be limited to one (1) Conservation Subdivision.
- 16.5 Size of Subdivision: The acreage for any Conservation Subdivision shall consist of not

less than thirty (30) acres, and less than fifty (50) acres.

- 16.6 Uses: The permitted principal use shall be single family residential and the related permitted accessory uses as permitted in the existing zone.
- 16.7 Number of Dwelling Units: The number of residential lots permitted in a Conservation Subdivision shall not exceed the number of lots permitted in a standard subdivision of equal acreage.
- 16.8 Permitted Locations: Conservation Subdivisions shall be permitted only in Zones B and C.
- 16.9 Lot and Building Requirements:
- 16.9.1 The lot size may be reduced by twenty-five percent (25%) maximum in Zones B and C. Except for the variation in lot size as permitted under this subsection, Conservation Subdivisions must conform to all other requirements of these Regulations.
- 16.9.2 All buildings and other structures shall have a minimum setback of one hundred (100') feet from the perimeter property lines of the Conservations Subdivision. This setback supersedes any other setback requirement for the relevant zone.
- 16.10 Road Requirements: All roads including private roads in a Conservation Subdivision shall conform to Town road specifications set forth in the Roxbury Code of Ordinances.
- 16.11 Open Space Requirements: The open space land in any Conservation Subdivision shall be located entirely within the subdivision and shall meet the following requirements:
- 16.11.1 The Open Space areas shall be in one contiguous piece, except where the Planning Commission finds that the purposes of subsection 16.2 would be more effectively served by not more than two (2) separated parcels of open space.
- 16.11.2 The Open Space land meeting the minimum requirements of this Section 16, shall not be part of any lots, shall have suitable access from a street and shall have shape, dimensions, character and location to promote the conservation purposes specified in Subsection 16.2.
- 16.11.3 The Open Space land provided shall include areas adjacent to the road frontage to preserve the streetscape including features such as tree cover and stonewalls that will retain the rural character of the Town.
- 16.11.4 The permanently preserved open space area in any Conservation Subdivision shall be not less than thirty-three and one-third percent (33.3%) of the total tract and shall not include the area of the setbacks as defined in Section 16.9.2.⁴² *[Amended December 17, 2006].*

⁴² Revision to 16.11.4, add “and shall not include the area of the setback” amended 12-17-2006.
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- 16.11.5 The Open Space land shall be used, preserved and maintained consistent with the purposes specified in Subsection 16.2.
- 16.11.6 The Open Space land in a Conservation Subdivision shall consist of not more than fifty percent (50%) wetlands.
- 16.11.7 Subject to the approval of the Planning Commission, the method for carrying out such preservation and maintenance of the Open Space land shall be:
 - a. The establishment of a Homeowner's Association made up of all lot owners in the Conservation Subdivision, which Association shall own an undivided interest in the Open Space land. Said Association shall have the power to assess the members for all necessary cost for the permanent preservation of the Open Space. Membership in said association shall be mandatory; or
 - b. The conveyance of Open Space land to a local or national Land Trust subject to conservation restrictions, or to the Town of Roxbury for permanent preservation when the Planning Commission deems such conveyance appropriate. Conveyance of land to the Town is subject to acceptance by Town Meeting.

16.12 Filing of Open Space Deed, Easement or Restrictive Covenant for Open Space Land:

Under the method prescribed in Subsection(s) 16.11 through 16.11.7b, the Planning Commission shall require the owner of the Open Space land to execute, acknowledge, and file with the Land Records of the Town such maps and documents, as in the opinion of the Town Attorney, will effectively create for the benefit of the adjoining landowners within the Conservation Subdivision and of the Town, a deed of conveyance, easement, or covenant running with the land that:

- 16.12.1 Will be permanent, perpetual and binding on all future owners of the Open Space land;
- 16.12.2 May be enforced for adjoining property owners in the Conservation Subdivision or the Town by appropriate action in court for damages or equitable relief;
- 16.12.3 Will assure appropriate maintenance, preservation and stewardship of the Open Space land to the satisfaction of the Planning Commission;
- 16.12.4 Shall provide that such Open Space deed, easement, or covenant may not be modified, altered, amended, or changed to revise the covenants, restrictions and other protective provisions of the Open Space without the written approval of the municipal officers or agencies with jurisdiction over the Conservation Subdivision; and the unanimous approval of all of the property owners in the Conservation Subdivision; and
- 16.12.5 Shall provide that if maintenance, preservation and/or use of the Open Space area no longer comply with the provision of the Open Space deed, easement or covenant approved under this Section 16, the Town may take all necessary action

to assure compliance and assess the association or other owner all costs incurred by the Town for such enforcement.

- 16.13 Open Space Documentation: Under the method prescribed in section 16.11, the recipient of the Open Space land shall be required to give assurances satisfactory to the Planning Commission that the Open Space land shall be preserved and maintained solely for the purposes specified in subsection 16.2 and shall execute, acknowledge and file in the Land Records of the Town such maps and documents as the Planning Commission shall deem appropriate for such purposes. Such legal documents shall be reviewed and approved by the Town Attorney and the Planning Commission prior to filing of the record subdivision map in the Roxbury Land Records.
- 16.14 Application: The Application for a Conservation Subdivision Special Permit shall be submitted to the Planning Commission in writing in quadruplicate, and shall consist of the following:
- 16.14.1 A written statement describing the purposes to be accomplished pursuant to subsection 16.2, the proposed method of preservation, disposition, use and maintenance of Open Space land;
 - 16.14.2 An environmental assessment of the entire track by a person recognized as qualified by the Planning Commission
 - 16.14.3 A subdivision plan meeting all of the requirements of the Subdivision Regulations, Town of Roxbury, Connecticut, except as modified by these Regulations.
- 16.15 Special Permit Procedure: The Planning Commission shall follow the procedure outlined in Special Permit Section 6.2.5 of these Regulations in acting upon a Conservation Subdivision.
- 16.16 Possible Conflicts: If the requirements of this Section 16 are in conflict with other sections of these Regulations or any provision of the Subdivision Regulations, the provisions of this Section 16, shall take priority.

SECTION 17 ZONING BOARD OF APPEALS

[Recreated Effective December 17, 2006]

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

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

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

17.2 Procedure:

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

- a. A statement describing the circumstances of the case or proposed use.
- b. The specific provision of the Regulations involved, the exact details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted.
- c. Such site plans to approximate scale and/or architectural plans and other information as may be necessary in the opinion of the Board to decide on the application.
- d. All applications shall be accompanied by a fee to cover the cost of advertising and processing.
- e. Such variance shall become effective upon the filing of a copy thereof in the Office of the Town Clerk and in the land records of the Town in accordance with the provisions of Section 8-3d of the General Statutes.

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

- a. The appeal shall be taken to the Zoning Board of Appeals within fifteen (15) days of the decision appealed from, and the appellant shall file with the Zoning Commission a copy of the appeal together with copies of all accompanying data. Such appeal period shall commence at the earliest of the following: (1) Upon receipt of the order, requirement, or decision from which such person may appeal, (2) Upon the publication of a notice in accordance with subsection (f) of section 8-3 of the General Statutes, or (3) Upon actual or constructive notice of such order, requirement, or decision.
- b. The appeal shall clearly state the specific provision of the Regulations involved, and shall exactly set forth the interpretation that is claimed and the grounds on which it is claimed that the same should be granted.
- c. All appeals shall be accompanied by a fee to cover the cost of advertising and processing.
- d. The Zoning Enforcement Officer (or Commission) shall forthwith transmit to said board all the papers constituting the record upon with

the action appealed from was taken.

- e. An appeal shall not stay any such order, requirement or decision that prohibits further construction or expansion of a use in violation of such Zoning Regulations except to such extent that the board grants a stay thereof. An appeal from any other order, requirement, or decision shall stay all proceedings in the action appealed from unless the Zoning Commission or the officer from whom the appeal has been taken certifies to the Zoning Board of Appeals after the notice of appeal has been filed that by reason of facts stated in the certificate a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed, except by a restraining order that may be granted by a court of record on application, on notice to the Zoning Commission or the officer from which the appeal has been taken and on due cause shown.
- f. The Zoning Board of Appeals may reverse or affirm wholly or partly or may modify any order, requirement, or decision appealed from and shall make such order, requirement, or decision as in its opinion should be made on the facts and circumstances presented and shall have all the powers of the Zoning Enforcement Officer, Chairman, or Commission from whom the appeal has been taken but only in accordance with Section 8-7 of the General Statutes.

17.2.3 The Zoning Board of Appeals shall fix a prompt and reasonable time for a public hearing on appeals or variance applications, give due notice of same, and render a decision, all in accordance with the provisions of Section 8-7 and 8-7d, Chapter 124 of the Connecticut General Statutes, as amended, and furnish to the Zoning Commission written notice of such decision. Notice of the hearing shall be published in a newspaper having general circulation in the Town of Roxbury at least twice at intervals of not less than two (2) days, the first no more than fifteen (15) days or less than ten (10) days and the last not less than two (2) days before the date set for the hearing. The public hearing shall be commenced within sixty-five (65) days after receipt of such applications and appeals and shall be completed within thirty-five (35) days after such hearing commences. All decisions on such matters shall be rendered within sixty-five (65) days after completion of such hearing. The applicant may consent to one or more extensions of such periods provided the aggregate total of all such extensions shall not be longer than sixty-five (65) days, or the applicant may withdraw the application or petition. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, or decision of the official charged with the enforcement of the Zoning Regulations, or to decide in favor of the applicant to vary to application of the Zoning Regulations.

17.2.4. In addition to newspaper publication notice for appeals and variance applications to the Zoning Board of Appeals, at least seven (7) days before the scheduled hearing notice shall be mailed by the appellant or applicant to persons who own land that is adjacent to the land that is the subject of the hearing. The notice shall

provide a brief description of the application or petition along with the date, time, and location of the public hearing. For purposes of this additional notice, the applicant shall provide at the public hearing proof of mailing as evidenced by a certificate of mailing, and the owner(s) to whom the notice is directed shall be the owner(s) indicated on the Town's property tax map or on the last-completed Grand List as of the date such notice is mailed. The application or appeal shall be deemed incomplete until certified receipts of mailing to all such adjacent property owners and a list of all property owners notified are filed with the Board, and if not so filed, the Board may deny the application on that basis.

SECTION 18 ADMINISTRATION

[Effective October 1, 1983]

18.1 Enforcement. These Regulations shall be enforced by the Zoning Enforcement Officer and Assistant Zoning Enforcement Officer, authorized agents of the Zoning Commission, who may cause any building, structure, place, or premises, to be inspected and examined.⁴³ *[Amended September 17, 2000]*

18.1.1 With the advice and concurrence of the Zoning Commission, the Chairman shall appoint a Zoning Enforcement Officer and may appoint an Assistant Zoning Enforcement Officer as authorized agents of the Zoning Commission. The appointees may or may not be members or alternates on the Zoning Commission.⁴⁴ *[Amended September 17, 2000; September 11, 2006]*

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, including rebuilding, 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 Commission or to the Zoning Enforcement Officer on the appropriate form(s) obtained from him and submitted along with any fee and three (3) copies of an "A-2 Survey" prescribed by these Regulations.⁴⁵ *[Amended September 17, 2000; March 20, 2005]*

18.2.2.1 The Town of Roxbury, "Owner Authorization to Obtain Permits" form shall be completed when the owner is not the applicant. The form may have an original signature of the owner and include the following information: work location, permit type, owner, owner address of property, owner mailing address if different, agent/applicant, agent/applicant address and mailing address, owner's signature and date.⁴⁶ *[Effective March 20, 2005]*

18.2.2.2 The Agent shall provide a notarized statement to the Commission or Zoning Enforcement Officer when the owner's signature is not an original. Said statement shall include the fact that the Agent is

⁴³ Revision to 18.1, add "Assistant Zoning Enforcement Officer," effective 9-17-2000.

⁴⁴ Revision to 18.1.1, delete "at the beginning of each administrative year," effective 9-11-2006.

⁴⁵ Section 18.2.2 effective 5-19-97; Amended 9-17-2000; Revised to add "the Zoning Commission," "the appropriate form (s)," and "three (3) copies," effective 3-20-2005.

⁴⁶ Section 18.2.2.1 added, effective 3-20-2005.

employed or known to the owner and approved to be the Agent. This requirement may be waived at the sole discretion of the Zoning Enforcement Officer.⁴⁷ [Effective March 20, 2005]

18.2.3 A zoning permit shall be valid for twelve (12) 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 or Assistant Zoning Enforcement Officer.⁴⁸ [Amended September 17, 2000]

18.2.6 Applications for single-family dwellings and accessory uses thereto shall be accompanied by an A-2 Survey 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.⁴⁹ [Amended September 17, 2000]

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 conditions on abutting streets.
- b. The number, locations and dimensions of vehicular entrances, exits

⁴⁷ 18.2.2.2 added, effective 3-20-2005.

⁴⁸ Revision to 18.2.5, add "or Assistant Zoning Enforcement Officer," effective 9-17-2000.

⁴⁹ Revision to 18.2.6, delete "a plot plan," add "A-2 Survey," effective 9-17-2000.

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 (65) 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 (2) further sixty-five (65) 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 (35) 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 (15) days after such decision is rendered.

- 18.4.3 A 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 these 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 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 Official for an Occupancy Permit. Within ten (10) days thereafter the Building Official 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 Commission 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.⁵⁰ *[Amended September 17, 2000]*
- 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 (5) days after notification from the permittee

⁵⁰ Revision to 18.4.9, change "Zoning Enforcement Officer" to Zoning Commission, effective 9-17-2000.
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that the premises are ready for occupancy if he finds:

- a. that the construction and proposed use is in conformance with these Regulations,
- 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 percent (75%) 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 percent (75%) 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 a finding by the Commission that they meet the special conditions prescribed in section 6 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 twenty percent (20%) or more of the area of lots included in such proposed change or of the lots within 500 feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds (2/3) of all the members of the Commission. Site plans are to be submitted with all Zone Change applications.
- 18.9 Required Hearings: The Commission or other agency to which the authority to issue a Special Permit is delegated shall conduct a public hearing on any application for a Special Permit or a change in zone boundaries or regulations. Such hearing shall commence within sixty-five (65) days after receipt of such application and shall be completed within thirty-five (35) days after such hearing commences. Notice of the hearing shall be published in a newspaper having general circulation in the Town of Roxbury at least twice at intervals of not less than two (2) days, the first no more than fifteen (15) days or less than ten (10) days and the last not less than two (2) days before the date set for the hearing. Applicant or petitioner shall be required to mail additional notification at least seven (7) days before the scheduled hearing to persons who own land that is adjacent to the land that is the subject of the hearing. The notice shall provide a brief description of the application or petition along with the date, time, and location of the public hearing. For purposes of this additional notice, the applicant shall provide at

the public hearing proof of mailing as evidenced by a certificate of mailing, and the owner(s) to whom the notice is addressed shall be the owner(s) indicated on the Town's property tax map or on the last-completed Grand List as of the date such notice is mailed. The application /petition shall be deemed incomplete until certified receipts of mailing to all such adjacent property owners and a list of all property owners notified are filed with the commission hearing the application, and if not filed, the Commission or other reviewing agency may deny the application on that basis. All decisions on such matters shall be rendered within sixty-five (65) days after completion of such hearing. The applicant may consent to an extension of any period specified in this paragraph, provided the aggregate of such extension for all such periods for any purpose shall not be longer than sixty-five days (65), or the applicant may withdraw such application. The commission hearing the application shall not be required to hear any petitions relating to the same changes, or substantially the same changes, in zoning text or boundaries more than once in a period of twelve (12) months.⁵¹

[Amended December 17, 2006]

- 18.10 Appeals and variances: Any person who alleges that there is an error in any order, requirement, or decision made by the Zoning Enforcement Officer in the enforcement of these Regulations may appeal such action to the Zoning Board of Appeals. Any person wishing to make a proposal that may not be consistent with the requirements of these Regulations, may apply to the Zoning Board of Appeals for a variance, except that a variance to permit a use not expressly allowed by these Regulations may not be granted by the Zoning Board of Appeals. A variance does not constitute a Zoning Permit, which must also be obtained before a building permit can be issued.
- 18.11 Recording: No Variance or Special Permit shall become effective until a copy thereof, certified by the Zoning Board of Appeals or this Commission, as appropriate, containing a description of the premises to which it relates and specifying the nature of such variance or special exception, including the zoning provision which is varied in its application or to which a special permit is granted, and stating the name of the owner of record, is recorded in the Town Land Records. The Town Clerk shall index the same in grantor's index under the name of the then record owner and 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,

⁵¹ Revision to 18.9, substantially recreated, effective 12-17-2006.
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or regulation require a greater width or size of yards, courts or other open spaces or a lower height of building or a fewer number of stories or a greater percentage of lot area to be left unoccupied or impose other and higher standards than are required by these Regulations, the provisions of such statute, bylaw, ordinance or regulation shall govern.

- 18.14 Violations: The Zoning Enforcement Officer may order the remedying of any condition found to exist therein or thereon in violation of any provision of these Regulations. When such violation involves unauthorized grading of land or the removal of earth products, the Zoning Enforcement Officer shall issue, in writing, a cease and desist order to be effective immediately.
- 18.15 Penalties: The owner or agent of any building or premises where a violation of any provision of these Regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists, shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each day that such violation continues, or imprisoned not more than ten (10) days for each day such violation continues, or both; and the Superior Court shall have jurisdiction of all such offenses, subject to appeal as in other cases. Any person who, having been served with an order to discontinue any such violation, fails to comply with such order within ten (10) days after such service, or having been served with a cease and desist order with respect to a violation involving grading of land or removal of earth, fails to comply with such order immediately, or continues to violate any provision of these Regulations in such order shall be subject to a civil penalty of Five Hundred Dollars (\$500.00), payable to the Treasurer of the Town of Roxbury.
- 18.16 Interpretation: These Regulations do not repeal or annul or in any way impair any statutory provisions, and in the event of any conflict between any of such provisions and these Regulations, the statutory provisions shall be controlling
- 18.17 Amendments: These Regulations, including the Zoning Map, may be amended by the Commission on its own initiation, or when initiated by a written petitions of one or more property owners. Any amendment may be adopted only after due notice and public hearing as prescribed by the General Statutes of the State of Connecticut. Any petition for amendment shall be prepared and submitted in accordance with any rules for submission of petitions adopted by resolution of the Zoning Commission.
- 18.18 Validity: If any provision of these Regulations is adjudged by a court of competent jurisdiction to be valid, the effect of such decision shall be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations shall continue to be valid and fully effective.

18.19. If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid as such provision applies to a particular building, other structure or lot, the effect of such decision shall be limited to the particular building, other structure or lot, and the general application of such provision to other buildings, structures or lots shall not be affected.

SECTION 19 AFFORDABLE HOUSING

[Effective October 31, 1994]

- 19.1 Statement of Purpose: It is in the interest of the health and welfare of the Town of Roxbury to provide greater housing opportunities for its citizens and to maintain Roxbury's rural character, consistent with Roxbury Planning Commission's Plan of Conservation and Development, Connecticut General Statute 8-23. The following regulations are intended to promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and shall encourage the development of housing which will meet the housing needs identified in the housing plan prepared pursuant to Connecticut General Statutes Section 8-37t and in the housing component and other components of the State Plan of Conservation and Development prepared pursuant to Connecticut Statutes Section 16a-26.
- 19.2 Eligible Organizations and Corporation: Affordable housing and related accessory structures shall be built by:
- 19.2.1 A nonprofit corporation;
- 19.2.2 Any business corporation incorporated pursuant to Connecticut General Statutes Section 33-282 et seq. [for-profit stock corporations]; and any partnership, limited partnership, joint venture, trust or association having as one of its purposes the construction, rehabilitation, ownership or operation of housing, having basic documents of organization approved by the Commissioner in accordance with regulations adopted pursuant to Connecticut General Statutes Section B-79a or 8-84;
- 19.2.3 A housing authority;
- 19.2.4 A family or person approved by the Connecticut Commissioner of Housing as qualified to own, construct, rehabilitate, manage and maintain housing under a mortgage loan made or insured under an agreement entered into pursuant to the provisions of Connecticut General Statutes Section 8-218a and/or 8-38. ETSEQ.
- 19.2.5 A municipal developer.
- 19.3 Qualifying Standards:
- 19.3.1 All Affordable Housing projects shall be by Special Permit as set forth in Section 6 of the Roxbury Zoning Regulations and State Regulations.
- 19.3.2 Applicant shall demonstrate a need for Affordable Housing in Roxbury as outlined in Connecticut Statutes Section 8-39a.
- 19.3.3 There shall be a demonstration of such a need if Roxbury does not meet the requirements of Connecticut General Statutes Section 8-30g (f and g).
- 19.3.4 Applicant shall propose an Affordable Housing Development as defined in Connecticut General Statutes Section 8-30g.

19.3.5 Eligibility for the rental or purchase of Affordable and Affordable/Elderly Housing is a person or family whose income is less than or equal to eighty percent (80%) of the median income for the Roxbury area or the state of Connecticut, whichever is lower as determined by the U.S. Department of Housing and Urban Development. *[Effective February 26, 1996]*

19.3.6 The Affordable Housing development shall give priority to residents of the Town of Roxbury. The second priority shall be for residents of Litchfield County. All must have been such residents for two years.

19.3.7 Special Permits are subject to standards set forth in these Regulations, the Town's plan of Conservation and Development, and to conditions necessary to protect the public safety, convenience, and property values.

19.3.8 If an application under Section 19 involves an activity regulated by the Roxbury Inland Wetlands and Watercourses Commission, the applicant shall submit an application to such Commission no later than the day the application is filed for a Special Permit under Section 19.

19.4 Requirements for Building Density and Lot Area, Frontage, and other related requirements:

19.4.1 No parcel shall be considered for Affordable Housing unless it complies with the following standards:

19.4.2 Minimum Lot Area. The minimum lot area shall be six (6) acres exclusive of the acreage of wetlands, watercourses, ledge, and steep slopes (i.e., slopes above 25% grade).

19.4.3 Minimum Frontage. The minimum frontage requirements shall be three hundred and fifty feet (350') on a State-maintained highway or Town maintained-paved vehicle accessway.

19.4.4 The maximum number of dwelling units per acre shall be three (3).

19.4.5 The floor area for dwelling units shall comply with the standards required by the State of Connecticut Department of Housing for the design of rental housing. Each dwelling unit is to include its own kitchen, bath and utility service.

19.4.6 Minimum Floor Area Requirement in Square Feet:

<u>Dwelling</u>	
1 bedroom efficiency	540 square feet
1 bedroom dwelling	800 square feet
2 bedroom dwelling	1050 square feet
Each additional bedroom	250 square feet

19.5 Requirements for Building Design and Siting:

- 19.5.1 In acting on an application under this section, the Commission shall find that the proposed application if approved will:
- 19.5.2 Maintain the Town of Roxbury's predominantly rural residential character consistent with the Roxbury Plan of Conservation and Development.
- 19.5.3 The type of housing permitted shall be detached single-family units or attached single-family units which shall be defined as a building containing no more than three dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by patio walls without openings.
- 19.5.4 The architectural design, scale and mass of buildings and other structures, including among other elements the exterior building materials, roof lines, and building elevations, shall be residential in character in accordance with the standard listed below so as to harmonize and be compatible with the neighborhood, to protect property values, and preserve and improve the beauty and appearance of the community.
- 19.5.5 Pitched-roofed buildings with a clapboard facade appearance shall be encouraged. Maximum building height shall be thirty-five (35') feet with a maximum of two and a half (2 ½) stories.
- 19.5.6 No building shall extend in a continuous plane for more than fifty (50') feet without a horizontal offset from grade to eaves of at least two (2') feet.
- 19.5.7 Buildings shall be designed and located on the site so as to retain the existing topography and natural features of the lot.
- 19.5.8 Buildings and parking areas shall be located not less than seventy-five (75') feet from the front and one hundred and fifty (150') from the side and rear property lines.
- 19.5.9 All dwelling units shall be constructed in accordance with ANSI Standard A117.1 for accessibility and shall be equipped with a sprinkler system.
- 19.5.10 The shortest distance between any two residential buildings shall be not less than the height of the highest residential building.
- 19.5.11 Attached Housing units shall be connected to a walkway system by paved pathways.
- 19.5.12 Minimum setbacks from internal roadways shall be twenty-five (25') feet.

19.6 Landscape Standards:

19.6.1 Landscape Buffer. The applicant shall demonstrate to the Zoning Commission's satisfaction that the proposed construction shall be adequately screened from surrounding single-family residences by use of building form, height, material and landscaping.

19.6.2 Applicant shall provide detailed landscape plans for common areas, usable open space, and perimeter areas including proposed grading, plant materials and method of maintenance. (No less than one hundred and fifty (150) square feet of permanent open space per dwelling unit shall be provided.)

19.6.3 Existing mature vegetation on the site, desirable trees, such as oaks, ash, and hickory shall be retained in areas not disturbed by construction. In areas disturbed by construction, or in areas where existing vegetation is sparse, new plant material shall be provided as follows:

19.6.4 Shade trees. Evergreen trees and/or deciduous flowering trees shall be planted adjacent to parking areas. At least one (1) tree shall be planted for each three (3) spaces or fraction thereof in locations, sizes and varieties, approved by the Zoning Commission. Evergreen trees shall be a minimum of four (4) feet in height.

19.6.5 Trees and shrubs shall be planted around foundations and between structures as approved by Zoning Commission.

19.6.6 Where the Zoning Commission determines that the location of the proposed site construction may be visible from neighboring single-family residences, the applicant shall submit a landscape buffer plan prepared by a Connecticut Licensed Landscape Architect meeting the following requirements:

19.6.7 The area from the property line to the proposed parking site or buildings shall be landscaped with evergreen shrubs or trees, or such evergreens in combination with embankments, fences and/or walls, so as to provide a screen and transition from the developed portion of the site to neighboring residences. Suitable natural terrain and existing evergreen trees and shrubs may be preserved, or augmented with new planting, to satisfy the landscape requirement in the setback area. All undeveloped portions of the lot shall be landscaped with trees, shrubs, lawns or other suitable landscaping.

19.6.8 Lighting. The applicant shall submit a lighting plan. The plan shall demonstrate that the headlight beam from vehicles on the site will not direct a beam into an adjacent property residential living area.

19.6.9 Refuse containers shall be located on paved areas and screened from view.

19.7 Parking and Safety Standards:

19.7.1 The design of all interior vehicle access-ways shall conform to Town Road

specifications and shall be approved by the Fire Marshall to assure ready access in case of emergency.

- 19.7.2 Parking shall be sufficient to accommodate the needs of the occupants. At least one (1) parking space per bedroom but with a minimum of two (2) for each dwelling unit and one (1) space per unit for visitor parking. Visitor parking shall be located within two hundred (200') feet of the dwelling it serves.
- 19.7.3 The applicant shall provide for continuing maintenance of private vehicle accessways, parking areas, stormwater drainage facilities, open space and other amenities.
- 19.7.4 There shall be not more than one (1) sign per entrance as required in Section 12.
- 19.7.5 The applicant shall provide the Zoning Commission with a report prepared by a Traffic Engineer that shall address but not be limited to, the following specific factors:
- 19.7.6 The preferred site location will have direct access to a State highway or direct access to a paved Town road where the intersection of the Town road and vehicular access-way to the site is within two thousand (2000') feet of a State Highway.
- 19.7.7 Where a site is proposed with access to a paved Town road and the distance from the vehicular access way to a State Highway is greater than two thousand (2000') feet, the Zoning Commission shall make a determination that the site has a safe and convenient access to a State Highway.
- 19.7.8 The road grade, pavement width and cleared right-of-way width of the road system leading to the site as it would affect access by emergency equipment and the potential for a temporary blockage.
- 19.7.9 Identify and evaluate all existing and potential conditions on the road system which could pose a threat to temporary blockage between the vehicle accessway to the site and a State Highway (bridges, steep slope, rock areas, large trees adjacent to the roadway, location of utility lines, etc.).
- 19.7.10 Identify potential alternative emergency routes to and from the site.
- 19.7.11 In determining the safety of access to the site the Commission shall consider the above stated factors, the traffic engineer's report and any report submitted by the Commission's engineer.
- 19.7.12 No more than ten (10) parking spaces shall be located along an access driveway or in a parking lot without a separating landscaped buffer strip of at least ten (10') feet in width. Detached garages shall not exceed one (1) story in height and shall be fully enclosed. Garage buildings shall be used solely for the storage of vehicles of residents or resident-owned commercial vehicles. In the absence

of enclosed garages, all resident-owned commercial vehicles may be parked only in the visitor parking lot. The area of a garage apron shall not be included in the calculation of required off-street parking space.

- 19.7.13 The intersection of the access drive to the State Highway or Town road shall be in a location that provides a five hundred (500') foot Stopping Sight Distance in both directions. The method of measuring Stopping Sight Distance shall conform with the AASHTO Standard as modified by the Connecticut Department of Transportation in a document entitled "Interim Guidance for Implementation of AASHTO (1984) Green Bk."
- 19.7.14 The center line of the vehicle accessway intersection with the State highway or Town maintained paved road shall be not less than one hundred (100') feet from the intersection of the lot's side property line with the street line. The maximum grade of the vehicle accessway at the intersection with the State highway or Town maintained road shall be a maximum of five percent (5%) for a distance of not less than twenty (20') feet.
- 19.7.15 Access Drive Design and Construction. The vehicle access-way shall be constructed in accordance with the design and construction requirements of the Town Road Ordinance, except the paved width for the travel-way may be twenty-two (22') feet with the requirement for two (2') foot stable shoulders, providing the right-of-way remains at fifty (50') feet.

19.8 Requirement for Water and Sanitary, Utility Service and Other Construction Improvements:

- 19.8.1 A comprehensive report on water and sanitary requirements shall be prepared by a Professional Engineer registered in the State of Connecticut in accordance with the Standards and Requirements set forth in the Roxbury Subdivision Regulations, Section 11 and Roxbury Zoning Regulations, Section 3.6.
- 19.8.2 All dwelling units shall be served by a subsurface sewage disposal system and water system approved by the Town Health Officer and where required by the State Department of Health Services.
- 19.8.3 No Zoning Permit for construction of housing units shall be issued until the Health Officer and/or the State Health Department has approved the quantity and quality of the water supply for the housing units. In addition, said water usage shall not adversely affect the existing water supply of adjoining properties.
- 19.8.4 At the direction of the Health Officer, the applicant shall conduct and report on the results of deep hole tests, percolation tests, test wells and such other on-site analysis as necessary to substantiate suitability of the site for water service and septic disposal. The applicant shall meet applicable Connecticut Health Regulation requirements for approval by State Health Department that there is sufficient water.

19.8.5 Water storage supply for the purpose of fire protection shall be provided subject to the approval of the Fire Marshall with advisory referral to the Volunteer Fire Department of the Town of Roxbury.

19.8.6 All electric, telephone, cable and other utility wires shall be underground.

19.8.7 The applicant's engineer shall submit a comprehensive storm drainage site analysis and improvement plan and erosion and sedimentation control plan in accordance with the requirements of Section 7 of these Regulations and the Roxbury Subdivision Regulations (Appendix B-1, B-2, Appendix C.)

19.9 Procedure:

19.9.1 All applicants shall comply with all of Section 6 and Section 7 of the Roxbury Zoning Regulations.

19.9.2 The location of the affordable housing units shall be subject to approval of a preliminary development plan by the Roxbury Zoning Commission, and shall include information on land areas adjacent to the housing units, and evidence that the development and design of the housing units shall be in harmony with the neighborhood. Applicant may submit preliminary plan to the Zoning Commission which includes information on its location. This review by the Roxbury Zoning Commission will be non-binding.

19.9.3 Upon approval by the Zoning Commission, the applicant shall file one copy of the approved site plan showing the Commission's approval, date and any modifications. Any reconstruction, enlargement, extension, structural alteration or modification of the approved plan shall require a new Special Permit application be submitted to the Commission for approval.

19.9.4 Project completion. A minimum of half of the affordable housing units must be built within each of the first two (2) years, otherwise, the Zoning Commission shall determine the developers' intent to proceed. The Zoning Commission may have good cause to allow for extensions for completion of the project. If the Commission determines that the developer does not intend to proceed with construction, the Commission may revoke such approval. Notice shall be given to the developer or his successors in interest by certified mail at least ten (10) days prior to the date of the meeting at which such action is proposed.

19.10 Resale and Renting Restrictions:

19.10.1 To maintain affordability, the title to said properties shall be restricted so that all Affordable Housing units shall be subject to covenants and other legally binding restrictions which shall limit the rental, sale, or resale of the units to insure that they continue to remain Affordable Housing in accordance with Connecticut General Statute Section 8-39a and/or 8-30g.

19.10.2 These covenants shall run with the land and shall be enforceable by the Zoning

Commission of the Town of Roxbury.

- 19.10.3 Rent increases in units, which are rented shall be allowed only to the extent that the new rent does not exceed the then current maximum rental for the Affordable unit.
- 19.10.4 The developer, owner or manager of an Affordable Housing Development with rental units must file an annual certification of compliance with the Roxbury Zoning Commission. The Roxbury Zoning Commission has the right to inspect the income statements of the tenants.
- 19.10.5 The sale or re-sale, sublease and re-letting of Affordable Housing units shall not occur until the new purchaser or renter provides the Zoning Commission of the Town of Roxbury with evidence of income qualification compliance with Connecticut General Statutes §8-39a. The developer, owner or manager of the property involved in the Affordable Housing development shall also provide information verifying a person or family's income for the prior three years. Upon approval of an Affordable Housing development under this Section 19 of the Regulations, the developer, owner or manager of an affordable housing development developed pursuant to Connecticut General Statutes §8-30g(a) and this Section 19 of the Regulations that includes rental units shall provide annual certification to the Zoning Commission that the development continues to be in compliance with the covenants and deed restrictions which may be required by the Commission to preserve the housing units as affordable housing as defined in 8-39a and 8-30g. Any such development that does not comply with the applicable covenants and deed restrictions shall be required to rent the next available units to persons whose incomes satisfy the requirements of the covenants and deed restrictions until the development is in compliance. The Commission may inspect the income statements of tenants of the restricted units upon which the developer, owner or manager bases the certification.
- 19.11 Bonding: The Zoning Commission may require Bonding for proposed improvements, which will become public improvements such as roads and drainage. The Bond or Letter of Credit must be satisfactory to the Zoning Commission.
- 19.12 Mixed Affordable and Elderly Developments: Should an applicant propose to provide a development composed of elderly units (affordable or not) and non-elderly affordable units, the applicant must meet the requirements of Section 15 of these Regulations for the provision of elderly units, and the requirements of Section 19 for the provision of affordable non-elderly units, and the density for such a mixed development shall not exceed those density requirements provided in Sections 15.5.4 through 15.5.7 of these Regulations.

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 includes the plural; 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 non-conforming use of a building or premise, or the removal of the characteristic equipment or furnishing used in the performance of the non-conforming use, without its replacement by similar equipment or furnishings; 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 Accessory Apartment: A secondary residential unit located either within part of a building used as a principal residence or in an accessory building. *[Created October 1, 1991]*

20.5 Access Way: A part of the lot, owned in fee simple by the lot owner, used as an extended driveway to a single interior lot. *[Amended April 24, 1987]*

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 Adult Day Program: A program of employment opportunities and day services for adults with mental retardation provided by contract with the State of Connecticut Department of Mental Retardation pursuant to Connecticut General Statutes Section 17a-226 and including the following programs operated or funded by the Department of Mental Retardation for adults: supported employment, sheltered employment, community experience, adult day treatment and opportunities for adults. *[Amended May 20, 1994]*

20.8 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, and boarding of horses 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.⁵² [Effective June 8, 1998]

- 20.9 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.
- 20.10 Alteration: Any construction, reconstruction, or other action resulting in a change in the structural parts or height, number of stories, size, use or location of a building or other structure.
- 20.11 Attic Habitable: A habitable attic is an attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 feet 6 inches (7'6") above the attic floor, is not more than one-third (1/3) of the area of the next floor below.⁵³
[Amended September 11, 2000]
- 20.12 Bed and Breakfast: A bed and breakfast means a transient lodging consisting of a room or rooms for visitors in a dwelling house. This use shall not be permitted in an accessory building. [Created December 3, 1993]
- 20.13 Board: The Zoning Board of Appeals of the Town of Roxbury, Connecticut.
- 20.14 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.
- 20.14.1 Solar energy collector systems mounted on the ground shall not be considered buildings.
- 20.14.2 Roof shall include an awning or any similar covering, whether or not permanent in nature.
- 20.14.3 Building may be portable or fixed.
- 20.15 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.
- 20.16 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.
- 20.17 Business/Commercial: The retail sale of goods and services primarily to meet the needs of the residents of Roxbury.

⁵² Revision to 20.8, add "and boarding of horses," effective 6-8-1998.

⁵³ Revision to 20.11, changed to "7 feet 6 inches," effective 9-11-2000.

- 20.18 Camper: 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 pickup camper unit, and intended for seasonal or short duration use; length of unit not more than twenty-seven (27) feet, width not more than eight (8) feet.
- 20.19 Clinic: A place used for the care, diagnosis and treatment of sick, ailing, or injured persons or animals and those who are in need of medical or surgical attention but who are not provided with board or room or kept overnight on the premises.
- 20.20 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.
- 20.21 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.
- 20.22 Commission: The Zoning Commission of the Town of Roxbury.
- 20.23 Compatible: The architectural or landscape style and predominant plant material within visual site distance or two thousand (2,000) 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.
- 20.24 Contiguous: In contact, touching, adjoining.
- 20.25 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 measuring height.
- 20.26 Dwelling Unit: A building or portion thereof containing the complete housekeeping facilities for one family only.
- 20.27 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 (4) lodgers or roomers taken for hire; or group of individuals, of not more than six (6) 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.
- 20.28 Flood plain: The nearly level alluvial plain that borders a stream that is subject to flooding.
- 20.29 Floor Area: All the floor space contained within a building but shall not include areas below grade when devoted to the uses:

- 20.29.1 Mechanical spaces
- 20.29.2 Parking
- 20.29.3 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 (10%) of the floor area of the space enclosed by the walls of the building.
- 20.30 Floor/Area Ratio: The ratio of the floor area of a building to the total lot area on which the building is located.
- 20.31 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.
- 20.32 Garage (commercial): A building or structure for the storage or parking of motor vehicles and related equipment, motor powered boats, or commercial motor vehicles, and for the repairing *of*, or dispensing fuel to motor vehicles. *[Effective April 28, 1995]*
- 20.33 Garage (private): A garage for motor vehicles without provision for repairing or servicing such vehicles for profit. *[Effective April 28, 1995]*
- 20.34 Grade plane: A reference plane representing the average of finished ground level adjoining the building at all exterior walls when the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or when the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building. *[Effective April 28, 1995]*
- 20.35 Guest house: Guesthouses are residential buildings not used as permanent residences and which have no kitchen facilities. *[Created October 1, 1991]*
- 20.36 Height: The vertical distance from the "grade plane" measured six (6) feet from the building or structure to the highest point of a flat or mansard roof or to the mean level between the highest eaves and the ridges for gable, hip or gambrel roofs. *[Effective April 28, 1995]*
- 20.37 Height Limitations: The height limitations of these Regulations shall not apply to penthouse, cupolas, church spires, church belfries, and church domes not used for human occupancy, nor to chimneys, silos, or antennae (excluding satellite dishes), except as may be otherwise specifically provided in these Regulations such features, however, must be an integral part of the primary structure, must occupy in the aggregate no more than twenty-five (25%) of the building area, must not be used for human occupancy, and may be erected only to such heights as are reasonable and necessary to accomplish the purposes they are intended to serve. Cupolas and penthouses open to lower levels must include approved smoke detectors. *[Effective April 28, 1995]*

- 20.38 Height-Maximum: The absolute maximum height allowed for all structures not enumerated in "Height Limitations" is forty (40) feet in all zones with the exception of accessory buildings shall be two and one half (2 ½) stories and shall not exceed a vertical height of forty (40) feet. Height is measured from the average grade to the highest measurement of a mansard peak on a gambrel hip and the flat surface of a flat roof.⁵⁴
[Amended September 17, 2000]
- 20.39 Home Enterprise: An accessory use conducted for financial gain within a dwelling or accessory building on the same lot by the residents of the dwelling unit, which use is incidental and subordinate to the dwelling use. *[Amended November 1, 1990]*
- 20.40 Interior Lot: A lot that does not meet the frontage requirement for a conforming lot as defined elsewhere in these Regulations.
- 20.41 Junk yards: As defined in the General Statutes of the State of Connecticut.
- 20.42 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.
- 20.43 Lot Area: The actual area in square feet enclosed by the boundaries of the lot.
- 20.44 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.
- 20.45 Lot Depth: The mean horizontal distance between the front line and the rear lot line.
- 20.46 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.
- 20.47 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.
- 20.48 Lot Line, Side: Any lot line not a front or rear lot line.
- 20.49 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

⁵⁴ Revision to 20.38, redefined "Height-Maximum" as "two and a half (2-1/2) stories and not exceed forty (40) vertical feet," effective 9-17-2000.

these Regulations.

- 20.50 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.
- 20.51 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 nineteen and one half (19.5') feet in length.
- 20.52 Motor Vehicle for Hire: Any motor vehicle operated upon any street or highway or on call or demand accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported, or any motor vehicle used by any person, association or corporation which represents itself to be in the business of transporting passengers for hire. A Motor Vehicle for Hire includes the terms "taxicab" and "motor vehicle in livery service" as those terms are defined in the Connecticut General Statutes. *[Amended May 20, 1994]*
- 20.53 Nonconforming 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.
- 20.54 Nonprofit Organization: An organization exempt from federal Income Tax under Section 501(c) of the Internal Revenue Code.
- 20.55 Open Space Land: Any lands devoid of buildings or roofed structures. Lands which are used for park, natural areas, forests, wildlife habitat, wetlands preservation, etc.
- 20.56 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.
- 20.57 Private Airport: An area licensed by the Connecticut Department of Transportation for the takeoff, landing and storage of aircraft, and covering the terms "airstrip", "landing strip" and similar terms designating an area for the uses mentioned above; for private, non-commercial purposes.
- 20.58 Private Road: A road owned in fee simple by a Homeowners Association leading from a previously-accepted street, road, or State Highway to one or more interior lots or access ways in a Large Lot Interior Zone. *[Created April 24, 1987]*
- 20.59 Public Road, (Street): A 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.
- 20.60 Residence: A building in which living, cooking and sleeping accommodations are provided.

- 20.61 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, barber shop, beauty shop, 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, real estate shop, 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. *[Amended May 19, 1986]*
- 20.62 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.
- 20.63 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.
- 20.64 Rotor: The blades plus the hub to which the blades of a windmill are attached.
- 20.65 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.
- 20.66 Solar Energy System: Any system, design, assembly 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.
- 20.67 Special Event: An activity sponsored by the Town Roxbury, Town Commissions, Roxbury Volunteer Fire Department, Roxbury Ambulance Association, and Roxbury School.
- 20.68 Story: That portion of a building included between the upper surface of the floor or roof next above. *[Effective April 28, 1995]*
- 20.68.1 Half Story: For the purpose of determining the number of stories in a structure, a half story shall mean the highest most story of the structure, and having a stairway located within the wall of the building, and having a floor area with a ceiling height of at least seven feet six inches (7' 6"), equal to no more than fifty percent (50%) of the gross floor area immediately below.⁵⁵ *[Amended September 17, 2000]*

⁵⁵ Section 20.68.1 added 9-17-2000.
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- 20.69 Story Above Grade: Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface above the basement is:
- 20.69.1 More than six (6) feet above grade plane
 - 20.69.2 More than six (6) feet above the finished ground level for more than fifty percent (50%) of the total building perimeter or
 - 20.69.3 More than twelve (12) feet above the finished ground level at any point. *[Effective April 28, 1995]*
- 23.70 Stream belts: Are natural environmental corridors based on soil capabilities that occur on either bank of a watercourse. The areas and boundaries of a 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 stream belt.
- 20.71 Street Line: The dividing line between the highway limits and the lot.
- 20.72 Structure: Anything constructed or erected which requires location on the ground or is attached to anything having location on the ground.
- 20.73 Swimming Pool: A structure of concrete, steel, fiberglass, plastic or other relatively impervious material intended for bathing or swimming purposes, located either indoors or outdoors and provided with controlled water supply usually exceeding two hundred and fifty (250) square feet surface area, and twenty-four (24) inches deep. The pool and surrounding area is to meet State Regulations for safety. *[Effective April 28, 1995]*
- 20.74 Town: The Town of Roxbury, Connecticut.
- 20.75 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.
- 20.76 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.
- 20.77 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)

* Amended January 15, 2004

** Amended May 9, 2008

ZONE	AREA	(2) LOT (3)		MINIMUM YARD DIMENSIONS		
		FRONTAGE	WIDTH	Front (depth)	side (width)	rear (depth)
Residence A	3 acres	250 ft.	225ft.	50ft.	30ft.	50ft
Residence B	3 acres	250 ft.	225ft.	50ft.	30 ft.	50 ft.
Residence C ⁵⁶	**4 acres (10)	250 ft.	225ft.	50 ft.	30 ft.	50 ft.
Business D		Subject to Site Layout Requirements				
Accessory (4) Buildings	NA	NA	NA	50 ft.	30 ft.	50 ft.
ZONE	LOT (5) SHAPE	FLOOR AREA(6) RATIO	MAXIMUM HEIGHT ⁵⁷	MINIMUM AREA(7)		
				Ground Floor	Total Living	
Residence A	Circle 250' in diameter	.075	2-1/2_ stories *and 40' max	800 sq.'	1,000 sq.'	
Residence B	circle 250' in diameter	.075	2-1/2_ stories *and 40' max	800 sq.'	1,000 sq.'	
Residence C	circle 250' in diameter	.075	2-1/2_ stories *and 40' max	800 sq. '	1,000 sq. '	
Business D(8)			2-1/2 stories *and 40' max	800 sq.	1,000 sq.'	
Accessory Buildings	NANA	24' (9)	NA	NA		

⁵⁶ Residence Zone C – 4 acre minimum, effective 5-9-2008.

⁵⁷ Amendment of maximum height 2-1/2 stories (delete or) add **and** 40' max, effective 1-15-2004.
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Footnotes to Master Chart

- (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.) At front property line.
- (3.) At the setback line.
- (4.) An accessory building shall be constructed on a lot meeting the 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.
- (10.) ⁵⁸See Section 2.4.2 for the First Lot Exception permitting a minimum area of three (3) acres for a qualifying Lot or parcel and Sections 5.9 and 16 for lot sizes for Large Lot Interior Zone and Conservation Subdivision lots. *[Effective 5-9-08]*

⁵⁸ Footnote 10 added in conjunction with 4-acre minimum lot size, effective 5-9-2008.
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