

Proposed Phase 3 Zoning Changes

(The Roxbury Zoning Commission voted unanimously on March 12, 2012, to approve these draft changes and schedule a public hearing for them.)

2.3.2 Where a boundary is indicated as ~~following~~ approximately following or parallel to a street, watercourse or other body of water, it shall be construed to be parallel thereto and at such distance there-from 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.

(Reason: a boundary could be parallel to a street a mile away; the vaguer “approximately following” seems adequate and suggests that the boundary is near the street.)

2.3.3 Where a ~~dimensioned~~ boundary coincides with, or is within ten (10) feet ~~or less with of~~, a lot line, the boundary shall be construed to be the lot line.

(Reason: the original phrase “coincides with ten (10) feet or less with a lot line” doesn’t make sense; also, this is the only mention of “dimensioned” in the regulations and it’s unclear what, if anything, the term means here.)

~~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.~~

3.2.2 (a) No portion of the lot or yard area required for one building may be used in calculating the lot or yard area required for any other building; (b) in the event lot or yard area requirements are changed after a building has been built, no lot or yard area required for that building may be reduced to a size less than what would be required under the changed requirements; and (c) no lot or yard area shall be divided and improved with one or more buildings, including accessory buildings, unless each and every lot and yard area resulting from such division shall conform to the requirements for lots and yard areas in the zone in which they are located.

(Reason: The original was too hard for a layman to understand.)

3.3.2 On any corner lot the ~~least minimum~~ 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.

(Reason: Clarifying the wording.)

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 one~~ 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 not 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.

(Reason: Clarifying the wording, though it still takes some work to figure out.)

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

(Reason: To make it more reader friendly.)

~~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.~~

3.10.1 Definitions. Nonconforming uses, buildings and lots shall be defined as set forth in Sections 20.53.1, 20.53.2, and 20.53.3 respectively.

(Reason: Town Attorney Gail McTaggart suggested the above change and new Sections 20.53.1, 20.53.2, and 20.53.3.)

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:

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

(Reason: A laymen may be confused by the less-common term "special exception.")

4.7.2 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 such parking areas~~the lot, preferably located on the rear portion of the lot.~~

(Reason: The commission decided to eliminate the reference to a rear location as an unnecessary recommendation.)

12.7.1 Uses for which a permit is required:

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

(Reason: Clarifying wording by adding the phrase “1 sign” to a. and the conjunction “or” to c.)

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 shall~~ 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. [Effective March 20, 2005]

(Reason: Inserting the word “shall” in the second sentence and eliminating the reference to the owner’s signature at the beginning, since it’s mentioned at the end.)

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 exceptions~~ special permit, 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.

(Reason: A layman may be confused by the less-common term “special exception.”)

19.2.2 Any business corporation incorporated pursuant to Connecticut General Statutes ~~Section 33-282 et seq. [for-profit stock corporations]~~ Chapter 601 or any predecessor statutes thereto, or ; ~~and~~ any partnership, limited partnership, joint venture, trust, limited liability company or association, providing each corporate or other entity shall have ~~having~~ as one of its purposes the construction, rehabilitation, ownership or operation of housing and shall have ~~having~~ basic documents of organization approved by the Connecticut Commissioner of Economic and Community Development in accordance with regulations adopted pursuant to Connecticut General Statutes Section 8-79a or B-79a or 8-84;

(Reason: Updating the title of the official and the section in the statutes, and adding wording proposed by the Town Attorney.)

19.2.4 A family or person approved by the Connecticut Commissioner of Housing Economic and Community Development 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 Chapter 128, Section 8-82 or Section 8-218a.~~

(Reason: Updating the title of the official and the section of the statutes.)

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.

(Adding quotation marks to clarify.)

20.37 Height Limitations: The height limitations of these Regulations shall not apply to penthouses, cupolas, church spires, church belfries, and church domes that are not used for, or intended for, human occupancy, nor to chimneys, silos, or antennae (excluding satellite dishes), except as may be otherwise specifically provided in these Regulations. Ssuch 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, or intended 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]*

(The first sentence was divided into two, as originally intended. The phrase “that are” was inserted in the first sentence to make clear that the occupancy restriction applies to all the preceding structures. The phrase “intended for” was inserted in two spots to make clear that any residential area, occupied or not, would be prohibited.)

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, for which the absolute maximum height allowed is twenty-four (24) feet. No structure in any zone shall be exceed 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.~~

(The maximum height for accessory buildings was added, from the Master Chart. The first sentence was divided in two, and what seemed to be dropped words were added. The second reference to 40 feet was deleted as superfluous. The word “vertical” was considered unnecessary and deleted. The sentence about how height is measured was deleted, since Section 20.36 has a more detailed and somewhat different explanation.)

20.XX Motor Vehicle: Any vehicle that is self-propelled by a battery-powered, electric or internal combustion engine, and that is permitted and requires a valid registration legally issued by a governmental authority in order to be operated on a public way, and that is consistent with the definition of "motor vehicle" at Connecticut General Statutes Section 14-1(50). A motor vehicle shall include but not be limited to automobiles, trucks, buses, motor homes, motorized campers, and motorcycles.

(Reason: Adding definition of "Motor Vehicle" provided by the Town Attorney.)

~~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.~~

20.53.1 Non-Conforming Use: A continuous use of land or of a structure which is currently not a permitted use in the district in which it is located, but which either legally existed at the time these Regulations were first established, or which was a permitted use under these Regulations prior to their being amended. A use which is permitted by variance shall be deemed to be a permitted non-conforming use.)

20.53.2 Non-Conforming Structure: A structure that does not conform to one or more of the standards required in the zoning district in which it is located, such as setback, coverage, floor area and height.

20.53.3 Non-Conforming Lot: A parcel of land that does not meet the requirements of the zoning district in which it is located such as, but not limited to, area, shape, frontage, depth, width or access.

(Reason: The Town Attorney suggested these three "Non-Conforming" definitions, and provided a new definition for 3.10.1)

20.XX Tag Sale: The sale of personal household goods conducted by the Town of Roxbury, or by the owner of those goods and at the owner's residential premises, or by the owners of those goods as part of a group sale by Roxbury residents at the residential premises of one of the residents, in conjunction with the cleaning out or vacating of residential premises in Roxbury. "Tag sale" shall also include "garage sale," "barn sale," "yard sale," "estate sale," and other similar activities with the same residential premises and ownership limitations.

(Reason: Adding definition of "Tag Sale.")

In the Master Chart, Maximum Height, Residence A, B, C, and Business D:

2-1/2 stories;
~~and~~ 40' max

(Reason: The existing wording ("2-1/2 stories and 40' max") might be interpreted as "2-1/2 stories plus 40' max." At the very least, a literal-minded resident might read it that way. Adding a semicolon and deleting "and" would clear up any confusion.)