



OFFICE OF THE
TOWN PLANNER

TOWN OF VERNON

55 WEST MAIN STREET, VERNON, CT 06066

Tel: (860) 870-3667

Fax: (860) 870-3683

E-mail: planning@vernon-ct.gov

Amendments to the Vernon Zoning Regulations

Adopted by the Vernon Planning and Zoning Commission

March 7 and March 21, 2013

Effective March 27, 2013

The following sections have been amended by deletions and *additions*:

4.9 COMMERCIAL

4.9.2. Permitted Uses:

4.9.2.12 Salesroom or display area for retail sale *of new vehicles* or rental of vehicles, including vehicle sales lots *for display of new vehicles*.

4.9.2.13 [Renumber as 4.9.2.14]

4.9.2.13 *Retail or wholesale sale of used vehicles shall be permitted only when affiliated with and located within 300 feet measured from the closest point of the property to the property used as a display area for retail sale of new vehicles.*

4.9.3 **Special Exceptions:** The following uses may be permitted when granted a special exception by the Zoning Board of Appeals.

~~4.9.3.1 Motor vehicle service facility. Accessory uses shall be limited to those uses which are strictly incidental to motor vehicle service facility operations. Deleted.~~

4.9.4 **Special Permits:** The following uses may be permitted when granted a Special Permit by the Planning and Zoning Commission.

4.9.4.14 General automotive repairing *and servicing*. The sale of gasoline *and/or used vehicles* is not permitted with this use.

SECTION 11 – NONCONFORMING USES AND BUILDINGS

11.1 Requirements, non-conforming uses:

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11.1.1 Any building or use lawfully existing at the time of adoption *or subsequent amendment* of these regulations which does not conform to the requirements for the zone in which it is located may be continued subject to compliance with the following conditions:

11.1.1.1 Such non-conforming use may not be changed to another non-conforming use without a Special Exception from the Zoning Board of Appeals, and then only to use equally or more nearly in conformity.

11.1.1.2 Such non-conforming use shall not be re-established after a ~~year~~ *three (3) months* of non-use unless the property owners can show that they intended not to abandon the use ~~and that they had a reason for such non-use for such year period.~~

SECTION 12 – OFF-STREET PARKING AND LOADING

12.5 *Access Management.*

The Planning and Zoning Commission shall institute access management wherever feasible as a means to manage driveways and intersections on state highways and other major streets in Vernon to reduce congestion and traffic conflicts. Provisions for immediate or future driveway connections to adjoining lots of similar existing or potential uses shall be made when such driveway connections will facilitate efficient emergency response and/or when such connections will enable the public to travel between adjoining lots without the need to travel upon a highway or street. The property owners' right to use and the obligation to maintain common driveways shall be assured by a written dedication and/or agreement between adjoining property owners to be recorded in the Vernon Land Records. Where street geometry, traffic volumes or traffic patterns warrant, the Commission may:

12.5.1 Limit the number of driveways that provide access to a lot from the street.

12.5.2 Designate the location of any street access.

12.5.3 Require the use and/or provision of a common driveway with an adjoining lot, an access easement to an adjoining lot for shared access, and limit access to and from a street.

12.5.4 As part of an application approval, the Commission may require a property owner to:

12.5.4.1 Establish mutual driveway or other easements to provide a single point of access for two or more abutting lots in a location acceptable to the Commission.

12.5.4.2 *File such easements on the land records in favor of the abutting lot owners and/or the Town of Vernon as shall be acceptable to the Commission and the Town Attorney, and/or*

12.5.4.3 *Utilize a mutual driveway or other easement that exists on an abutting lot in lieu of having a separate curb cut onto a road or street.*

12.5.5 *No property shall be penalized for the elimination of existing or proposed parking spaces in order to accommodate shared access driveway connections if such elimination reduces the number of spaces below that required by section 12.1, and the property owner(s) shall not be required to pay a fee for each space eliminated as otherwise required by section 12.3.13.*

12.6 *Shared Parking.*

12.6.1 *In order to minimize paved surfaces and eliminate the need to construct unnecessary parking spaces, the Commission may reduce the cumulative minimum parking requirements within a mixed-use development or for adjacent commercial or industrial properties if the applicant provides a parking study (based on empirical field data or similar data gathered by surveys by the American Planning Association, Institute of Transportation Engineers, or similar organizations) that demonstrates to the satisfaction of the Commission that one or more of the following conditions exist to warrant the reduction:*

12.6.1.1 *Differences in the timing of peak parking demands among existing and/or proposed uses result in a net peak parking demand that is significantly lower than the cumulative minimum parking requirements;*

12.6.1.2 *Synergistic relationships among uses create captive markets, resulting in multiple purpose walking trips within the development; and/or*

12.6.1.3 *The development is likely to generate bus, bicycle, or pedestrian trips and accommodations exist or are proposed to support these alternative modes of transportation.*

12.6.2 *If any use of the property changes at any time that negatively affects one or more of the conditions approved pursuant to section 12.6.1, this approval shall become invalid unless re-approved for the new use.*

12.6.3 *Shared parking that straddles the property line(s) of adjacent properties of a mixed use, commercial, or industrial development shall not be subject to the provisions of section 12.3.2. However, no such shared parking shall be located closer than ten (10) feet to any highway or street line.*