Town of Vernon
Connecticut

ZONING REGULATIONS

Zoning Regulations
Amendments through January 1, 2018
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info@municode.com | 800.262.2633
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SECTION 1 - GENERAL

1.1 The following regulations have been designed for the purpose of lessening congestion to the streets; to secure safety from fire, panic, flood, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and facilitate the adequate provision for transportation, water, sewage, schools, parks, and other public requirements.

1.2 The Town of Vernon is divided into zoning districts as described under individual classifications as follows:

R-10	Single Family Residential
R-15	Single Family Residential
R-22	Single Family Residential
R-27	Single Family Residential
R-40	Single Family Residential
MHP	Mobile Home Parks
PRD	Planned Residential Development
C	Commercial
I	Industrial
FZ-ID	Special Floating Zone Industrial Development
PND	Planned Neighborhood Development
NR-10	Neighborhood R-10
RC	Residential Commercial
RW	Restricted Watershed
HD-I	Historic District Industrial
SED	Special Economic Development
PC	Planned Commercial
SFZ-GZ	Special Floating Zone - Garden Zone
DBR	Downtown Business & Residential
PDZ Gerber	Planned Development Zone: Geber Farm Area
PDZ Exit 67	Planned Development Zone: I-84 Exit 67 Area
OS	Open Space
CMD	Comprehensive Multifamily Dwelling

1.3 The boundaries of these zones are shown on a series of maps entitled, "Zoning Map, Town of Vernon, Connecticut," which are declared to be a part of these regulations.

1.3A Proposed changes to the Zoning Map shall be identified on a map prepared to Class D survey accuracy showing the properties proposed for the zone change and all properties within a 200 foot radius of the boundaries of the proposed zone change. Owners shall be identified for all properties referenced above.

1.4 Where the boundary is shown following a street, railroad or utility right-of-way, the boundary shall be the centerline thereon, unless otherwise indicated. Where the boundary is shown outside of a street, railroad or utility right-of-way and approximately parallel thereto, the boundary shall be deemed parallel to the nearest line thereof, and the figure placed on the zoning map shall be the distance in feet between them, as measured at a right angle from such line, unless otherwise stated. Where the boundary of a district follows a river, stream, pond or other watercourse, the boundary line shall be the centerline thereon, unless otherwise indicated.

Where the location of a district boundary line is uncertain, the zoning enforcement officer shall determine its position in accordance with the distance in feet from other lines as given or as measured from the scale of the map.

The provision of these regulations shall be construed to be minimum requirements.

1.5 Withdrawal of Application: No application coming in before the Planning and Zoning Commission may be withdrawn after it has been advertised for a public hearing unless the Chairman or Secretary of the Planning and Zoning Commission is notified in writing by the applicant or his representative not later than 48 hours prior to the scheduled hearing before the Commission unless good cause for such withdrawal is found by the Commission after a hearing on the withdrawal.

1.6 This set of zoning regulations was compiled from regulations in force for the City of Rockville and the Vernon Fire District at the time of their consolidation into the Town of Vernon on July 1, 1965. The regulations have been further amended and supplemented as herein set out.

1.7 As per public referendum passed by the voters on November 6, 1984, the Planning and Zoning Commissions were combined into one body effective January 1, 1985. As a result, the word "Commission" as used in these regulations, shall include both the Planning and Zoning Commission.

1.8 The operative date of the regulations for the purpose of establishing non-conformance status is July 1, 1965, the effective date of consolidation of the Town of Vernon.

SECTION 2 - DEFINITIONS

For purposes of these regulations, the following terms shall be defined as below:

2.1 **Affordable Housing:** Housing for which persons and families pay thirty percent or less of their annual income, where such income is less than or equal to the area median income for municipality in which such housing is located as determined by the United States Department of Housing and Urban Development.

2.2 **Antenna:** Means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip antennas and dish antennas.

2.3 **Applicant:** The property owner, the property owner's agent, or someone who has a direct financial interest in the subject property and said interest shall be explained. Written permission for an application must be obtained from the property owner if the applicant is not the property owner.

2.4 **Aquifer:** Geologic formation composed of rock or sand and gravel that contain significant amounts of potentially recoverable potable water.

2.5 **Aquifer Protection Zone:** All materials, liquid and solid, natural and man-made overlying stratified drift aquifers and their primary recharge areas identified or to be identified for the purpose of developing regulations to facilitate the management of activities that may degrade, pollute or destroy the quality of ground waters.

2.6 **Deleted.**

2.7 **Deleted.**

2.8 **Assisted Living Facility:** A managed residential community having support services including adult and child day areas that encourage residents primarily 55 years or older to maintain a maximum level of independence. It includes on-site 24 hour nursing services, recreational services and food services, and provides necessary assistance with activities of daily living. The included services shall provide an alternative for elderly and/or handicapped persons who require some help or aid with activities of daily living in order to remain in their independent, private residential units within the managed community.

2.9 **Bed & Breakfast:** An owner occupied residential property providing over-night accommodations for a period not exceeding twenty-one (21) days and meals to guests, but not operating a restaurant open to the public. A Bed & Breakfast establishment provides accommodations to transients with the hospitality of a residential environment. The provision of accommodations and/or meals is not an activity defined as "boarding house, convalescent home, group home, hotel, motel, restaurant, rooming home, or shelter."

2.10 **Best Management Practices:** A practice, procedure or facility designed to prevent, minimize or control spills, leaks or other releases that pose a threat to groundwater.

2.11 **Boarding Home:** A building, owner occupied, solely intended to provide food and/or lodging on a permanent basis to individuals.

2.12 **Building Area:** The ground area enclosed by the walls of a building, together with the area of all covered porches and other roofed portions.

2.13 **Building Coverage:** The percentage, which the aggregate area of all buildings on the lot bears to the area of the lot.

2.14 Building Height: The vertical distance from the average grade of a structure to the highest point on the structure. For the purposes of this ordinance, the following shall be excluded from height determinations: Church spires, chimneys, flagpoles, supports for overhead utility lines, radio and television masts in commercial and industrial zones, radio and television masts and towers in residential zones that are less than 100 feet in height and are not operated for financial gain.

2.15 Building Line: The line, which denotes the distance between the lot frontage and the point at which the principal building is constructed.

2.16 Camping Park: A parcel of land, which has been planned for the temporary placement of two (2) or more seasonal or recreational vehicles.

2.17A Certification: A signed, written approval by the Certifying Agent that a plan complies with the applicable requirements of these regulations.

2.17B Charitable Donation Bin: An outdoor receptacle made of steel or a similar product, placed in public locations that is intended to accept and store donated items such as books, clothing or other nonperishable goods or materials.

2.18 Co-Location: Means locating wireless communication facilities from more than one provider on a single site.

2.19 Commercial Educational Service or Facility: Any service or facility where a fee is paid in exchange for instruction given or classes held to improve an individual's knowledge or skills.

2.20 Commercial Recreational Facility: Any facility where a fee is paid in exchange for activities, events, or programs related to athletics, physical conditioning and accessory activities.

2.21 Commercial Wireless Telecommunication Facility: Means a facility operated by a licensed commercial wireless telecommunication service provider, which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves, associated with wireless telecommunication services.

2.22 Commercial Wireless Telecommunication Services: Means a service operated by a licensed commercial wireless telecommunication provider including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

2.23 Condominium, Residential: Individual ownership in fee simple of a residential dwelling unit located in a detached dwelling, an attached dwelling, a semi-detached dwelling, or a multi-family dwelling, with ownership of an undivided interest held in common with all of the other owners of the dwelling units contained in a community housing development, and as further defined under the Unit Ownership Act, Chapter 825 of the Connecticut General Statutes.

2.24 Cone of Depression: A three dimensional conical cavity produced in a water table by a pumping well.

2.25 Convalescent and Nursing Homes: A building or group of buildings intended and designed solely for the temporary care of the aged or infirm with full-time medical staff. Accessory uses to convalescent and nursing homes include child day care centers and adult day care center, as defined in these regulations.

2.26 Conversion Condominium: A change in the type of ownership of a parcel or parcels of real property, together with the existing attached, detached, semi-detached and/or multi-family dwellings and any accessory structures, to that defined as a community housing development regardless of the present or prior use of such land and structures and whether substantial improvements have been made or are to be made to such structures.

2.27 Cooperative Unit: A housing unit where the mortgage on the unit is held by a nonprofit sponsor and the individual members qualify by acquiring a share in the cooperative as well as residing in the unit.

2.28 County Soil and Water Conservation District: The Tolland County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the General Statutes.

2.29 All Day Care services shall be registered with the State and shall include:

2.29.1 **Adult Day Care:** A service which provides a program of supplemental care to adults outside of their own residences on a regular basis for a part of the twenty four hours in one or more days of the week.

2.29.2 A "**child day care center**" which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in the week.

2.29.3 A "**family day care home**" which consists of a private family home caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis. During the regular school year, a maximum of three additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three children who are in school full time, all of the provider's children shall be permitted.

2.29.4 A "**group day care home**" which offers or provides a program of supplementary care to not less than seven or more than twelve related or unrelated children on a regular basis for a part of the twenty-four hours in one or more days in the week.

2.30 Developable Acreage: The gross acreage of a parcel less that area designated as inland wetlands or floodplain, less areas with slopes in excess of 15%.

2.31 Development: Any construction or grading activities to improved or unimproved real estate.

2.32 Discharge: The spilling, leaking, pumping, pouring, emitting, emptying, or dumping of toxic or hazardous materials upon or into any land or waters in the Town of Vernon. Discharge includes, without limitations, leakage of such materials from failed or discarded containers or storage systems, and disposal of such materials into any, on site sewage disposal system, drywell, catch basin, or unapproved landfill.

2.33 District: A division of an area established by the provision of Section 4 of these regulations.

2.34A Disturbed Area: An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

2.34B Dumpster: A large metal bin for refuse designed to be hoisted onto a specially equipped truck for emptying or hauling away.

2.35 Dwelling: A structure or portion thereof designed exclusively for residency, but not including hotels, motels, lodging houses or mobile homes or structures solely for transient or overnight occupancy.

2.36 Dwelling Attached: A dwelling having any portion of two walls in common with an adjoining dwelling.

2.37 **Dwelling, Multi-family:** A structure or group of structures designed as an integrated development which is used or is intended to be used by three (3) or more families living independently of each other.

2.38 **Dwelling, Multiple Single-family Dwellings:** Three or more single family dwellings, owner occupied, attached by a common wall, extending from foundation to roof.

2.39 **Dwelling, Seasonal:** A structure designed and used for human occupancy of a seasonal or recreational nature, which shall not be occupied for a total of more than thirty (30) days between October 15th and the next following May 15th.

2.40 **Dwelling, Semi-detached:** A dwelling having any portion of one wall in common with an adjoining building.

2.41 **Dwelling, Single-family:** A structure used or intended to be used exclusively for occupancy by one family.

2.42 **Dwelling, Two-family:** A structure used or intended to be used exclusively for occupancy by two (2) families living independently of each other.

2.43 **Dwelling Unit:** One or more rooms providing complete living facilities for one family including equipment for cooling or provisions for same, and including room or rooms for living, sleeping, bathing, and eating.

2.44 **Emergency Shelter for the Homeless:** A structure or portion of a structure intended to provide temporary shelter to people on an emergency basis only.

2.45 **Erosion:** The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

2.46 **Deleted.**

2.47 **Family:** Any number of individuals related by blood, marriage or adoption, living together as a single household unit, provided that a group of not more than seven (7) persons keeping house together but not necessarily related by blood or marriage or adoption may be considered a family.

2.48 **Floor Area:** The total area of all floors as compiled by measuring the outside horizontal dimensions of each floor. The required floor area shall not include the basement, attic, open or screened porch, breezeway or garage.

2.49 **Frontage:** The distance measured along a public street right-of-way between side lot lines or private streets within a mobile home park.

2.50 **Fur-bearing Animals:** Mammals that bear hairy coats or pelts of a commercially desired quality including, but not limited to; rabbits, foxes, mink, muskrats, raccoon, and beaver.

2.51 **Garden Center:** An establishment where horticultural products are sold for both indoor and outdoor use, including related dry goods to beautify the home or landscape, but not including an establishment where internal combustion wheeled equipment is sold and/or serviced.

2.52 **Grading:** Any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

2.53 **Greenhouse:** An enclosure used for the cultivation or protection of plants.

2.54 **Ground Water:** All the water found beneath the surface of the ground. In this regulation, the term refers to the slowly moving subsurface water present in aquifers and recharge areas.

2.55 Hazardous Material: See Section 2.129 Toxic or Hazardous Materials.

2.55A Historic District (use districts): Unique and distinctive areas in the Town of Vernon, which contribute significantly to the overall character and identity of the Town and are worthy of preservation and protection. Some of these districts contain designated Historic Districts while some of the others contain buildings and resources, which may have sufficient historical and architectural or cultural significance for future designation.

2.55B Historic District, Local: A defined area established by the Town of Vernon to protect distinctive and significant characteristics of an area and encourage modifications to existing buildings, structures, and other resources, and designs for new buildings, structures, and other resources that are compatible with the areas historic distinctiveness.

2.55C Historic District, National Register: A defined area accepted by the State Historic Preservation Office and the National Park Service by being placed on the Nation's official list of cultural resources worthy of protection as authorized under the National Historic Preservation Act of 1966. Properties listed in this district have been identified as part of a historic and/or archeological resource. A National Register District will include sites buildings, structures and other resources, which collectively are significant in American history, architecture, archeology, engineering and culture.

2.56 Home Based Business: a commercial venture operated within and/or from a principal dwelling as an accessory and subordinate use by one or more occupants of the dwelling, and further classified as:

Minor: a home based business which presents no visible evidence of its existence and has no discernible impact on neighboring properties.

Major - Type 1: a home based business which is visibly evident to passersby and to neighboring residents and which may have some impact on the immediate neighborhood by virtue of its operation, but which does not rely on customer trade at the dwelling or premises.

Major - Type 2: a home based business which relies on customer trade at the dwelling or premises.

2.57 Hospital: An institution licensed by the State of Connecticut as a hospital, which renders all customary and necessary functions including but not limited to both in and out patient medical and surgical care, laboratory and diagnostic services, emergency room services, offices for administrative and staff personnel, leased offices to physicians and other medical care providers, maintenance, and engineering facilities, parking spaces, food service and retail gift shop for the primary use of hospital patients, staff and visitors, accommodations for transportation of patients both by helicopter and ground transport and such other uses of the facility which are related to and necessary for the efficient operation of the facility.

2.58 Hotel: A building providing lodging for persons with or without meals, and intended for the accommodation of transients and so designed that normal access and egress are controlled from a central point.

2.59 Household Pet: Any domestic animal kept for pleasure rather than utility or profit which is normally kept within a residence and includes, among others, dogs, cats, gerbils, guinea pigs, hamsters, reptiles, birds, turtles, and tropical fish.

2.60 Impervious Surface: A paved surface, building or other structure, which does not allow water or other liquids to penetrate to the ground below.

2.61A Inspection: The periodic review of all aspects of a development.

2.61B Kennel: A facility, whether a building or outdoor area, for the keeping, boarding, care, training, or grooming of dogs or cats:

2.61B.1 **Commercial Kennel:** A facility that keeps, boards, cares for, trains, or grooms dogs or cats for a fee or is operated as an accessory use to a business providing animal care services.

2.61B.2 **Domestic Kennel:** A facility accommodating domestic pets as an accessory use to a residence, when the dogs or cats are owned by the occupant(s) of the residence and a commercial enterprise is not being conducted.

2.62 Landscaped Buffer Strip: A required landscaped strip which functions to provide a barrier to sound, vision, odors, artificial lighting, etc., in accordance with Section 9 of this ordinance.

2.63 Leachable Waste: Waste materials including solid wastes, sludge, and agricultural wastes that are capable of releasing water-borne contaminants to the surrounding environment.

2.64 Livestock: Any hoofed animal including cattle, sheep, goats, swine or equine raised for domestic or commercial use.

2.65 Lot or Parcel: A parcel of land in single ownership defined by metes, bounds or boundary lines in a recorded deed or shown on a recorded plan or plot with frontage and access on a public street. A parcel of land on which a principal structure, building or buildings and its accessories are placed or could be placed together with the required area and yards. A lot may or may not be the land shown as a lot on a duly recorded plot.

2.66 Lot, Corner: A lot at the intersection of two (2) or more streets. The rear yard shall be deemed to be opposite the portion of the lot having the least frontage.

2.67 Lot, Coverage: The area of a lot covered by impervious surface including but not limited to buildings and parking areas.

2.68 Lot, Depth: The distance measured from the lot frontage to the rear lot line without crossing any other lot lines.

2.69 Lot Line: The established line between lots or between a lot and a street.

2.70 Lot Line, Front: The boundary of a lot which abuts an existing or dedicated public street.

2.71 Lot Line, Rear: The line dividing one lot from other lots, being the boundary of a lot which is opposite or approximately opposite the front lot line. In the case of corner lots, the rear lot line shall be opposite the position of the lot having the least frontage.

2.72 Lot Line, Side: Any lot line other than a front or rear lot line.

2.73 Lot, Rear: Any lot which has less than 51 feet of frontage on a public or private street in a mobile home park, has at least 1.25 times the minimum required lot area (including the access strip) for the zone in which it is located and has less than the required lot width at any point within the fifty feet of the lot frontage.

2.74 Lot Width: The distance between the side lot lines measured to the side lot lines at the building line or setback line whichever is less restrictive. Where there is only one side lot line, lot width shall be measured between such lot line and the opposite lot line.

2.74.1 If the lot width is measured at the building line, the lot width line shall be parallel to the side of the structure closest [to] the front yard setback.

2.74.2 In the case when the building line is unknown or no portion of the principal structure has a side facing the street, lot width shall be measured at the midpoint of and perpendicular to the lot depth line or the set back line whichever is the less restrictive.

2.74A Town LID Manual: the Town of Vernon Low Impact Development Stormwater Quality Manual adopted by the Planning and Zoning Commission February 21, 2013, as may be amended.

2.75 Massage: Means the systematic and scientific manipulation and treatment of the soft tissues of the body, by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion and nonspecific stretching. Massage therapy may include the use of oil, ice, hot and cold packs, tub, shower, stream, dry heat, or cabinet baths for the purpose of, but not limited to, maintaining good health and establishing and maintaining good physical and mental condition. Massage therapy does not encompass diagnosis, the prescribing of drugs or medicines, spinal or other joint manipulations, nor any service or procedure for which a license to practice medicine, chiropractic, naturopathy, physical therapy, or podiatry is required by law.

2.76 Massage Area or Establishment: Any area or establishment by whatever name called, where any person engages in or carries on or permits to be engaged in or carries on or permits to be engaged in or carried on any of the activities of massage, as defined in the practice of massage therapy.

2.77 Massage Therapist: Massage Practitioner, Massagist, Masseur, and Masseuse: Any person licensed by the State under CGS20-206b, who for any consideration whatsoever, engages in the practice of massage working in accordance with the laws of the State of Connecticut and holds a valid license to practice massage therapy.

2.78 Mining of Land: The removal of geologic materials such as topsoil, sand, gravel, or bedrock.

2.79 Mobile Home: Means a manufactured detached residential unit having three- dimensional components which are intrinsically mobile with or without a wheeled chassis or a detached residential unit built on or after June 15, 1976 in accordance with federal manufactured home construction and safety standards and, in either case, containing sleeping accommodations, a flush toilet, tub or shower bath, kitchen facilities and plumbing and electrical connections for attachment to outside systems, and designed for long-term occupancy and to be placed on rigid supports at the site where it is to be occupied as a residence, complete and ready for occupancy; except for minor and incidental unpacking and assembly operations and connection to utilities systems.

2.80 Mobile Home Park: A parcel of land, which has been planned for the placement of two (2) or more mobile homes.

2.81 Mobile Home Site: A designated site within a mobile home park for the exclusive use of the occupants of a single mobile home.

2.82 Motel: A building or group of buildings providing lodging for persons with or without meals and intended for the accommodation of transients and so designed to have private outside entrances for each room or suite of rooms.

2.83 Nursery: An area where trees, shrubs, or plants are grown for transplanting, for use as stocks for budding and grafting, or for sale.

2.84 Open Space: Land protected from development by legislation, dedication, conservation or other legal means, which shall be used only for recreational, conservation, educational and agricultural purposes.

2.85 Deleted.

2.86A Poultry: Domestic fowls such as chickens, turkeys or ducks raised for flesh or eggs.

2.86B Portable Storage Container (Temporary): A transportable unit designed and used primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, and other such materials for use on a limited basis (typically known as PODS, MODS etc.), please also see 2.104B Shipping/ Cargo Storage Container.

2.87 Deleted.

2.88 Professional Office: The office of a physician, surgeon or dentist, provided there are no hospital facilities in connection therewith. The office or studio of an architect, artist, musician, and other offices, which in the judgment of the Planning and Zoning Commission are similar in nature.

2.89 Public Institution: Any church building, library or charitable institution which is supported by public or private funds, or any public or parochial school, and any federally, state or municipally owned park or open space land.

2.90 Public Utility Structure: A structure utilized by an organization such as a telephone company that provides a public service under governmental regulation. Public utility structures shall not include poles, traffic control devices or telephone or electrical switching equipment of less than 50 square feet.

2.91 Recharge Areas: Areas that collect precipitation or surface water and transmit it into the cone of depression of existing or potential water supply wells. Primary recharge areas are mapped as unconsolidated aquifer areas surrounding existing or potential water supply well sites. Secondary recharge area is till and bedrock areas adjacent to the primary areas, which contribute stream flow to streams or undefined watercourses or groundwater flowing through or onto the primary, recharge areas.

2.92 Redemption Center for Used Beverage Containers: A facility wholly within a building or complex of buildings at which the public submits used beverage containers, such as bottles and cans, to receive refund or rebate of deposits paid on the containers when the beverage was purchased.

2.93 Resident Facilities for Special Education: A residential living facility for children having been classified by their school district Planning and Placement Teams as in need of Special Education under Connecticut General Statutes, Sections 10-76a through 10-76q inclusive, and the appropriate staff. Which facility shall be operated by a Regional Educational Service Center as defined and authorized by Connecticut General Statutes, Sections 10-66a through 10-66m inclusive, and shall be operated in accordance with the regulations and licensing requirements promulgated for such a program by the Connecticut Department of Children and Youth Services.

2.94 Restaurant:

2.94.1.1 **Restaurant, Full Service:** A full service restaurant is any establishment whose principal business is the sale of foods and beverages to the customer in a ready-to-consume state where customers are provided with an individual menu and are served their foods and beverages by a restaurant employee at the same table at which their foods and beverages are consumed, and if permitted to serve alcoholic beverages under Section 17 of these regulations, does so under either a restaurant permit, a restaurant permit for beer only, or a restaurant permit for wine and beer only, as said permits are defined in the Liquor Control Act, Chapter 545 of the General Statutes, as amended.

2.94.1.2 **Restaurant, Non Full Service:** A non full service restaurant is any establishment whose principal business is the sale of foods and beverages to the customer in a ready-to-consume state where customers are served their foods and beverages by a restaurant employee and their foods and beverages can be consumer on the premises. Alcoholic beverages are not permitted in a non-full service restaurant.

2.95 Retail Sales: The sale of commodities or goods such as food, drugs, clothing, jewelry, hardware, stationery, household items, appliances or furnishings, in small quantities to ultimate consumers, but does not include restaurants.

2.96 Re-use, Adaptive: The remediation, redevelopment, rehabilitation, renovation, modernization, and conversion of an existing obsolete and deteriorated building or complex based upon a comprehensive site and facility plan to accommodate a change of use, which may include mixed-use, that is designed in relation to the unique characteristics of the site and structures to conform with contemporary building codes, to offer modern amenities, and to be economically viable.

2.97 Deleted.

2.98 Sanitary Waste Water: Waste waters arising from ordinary domestic water use as from toilets, sinks, bathing facilities, etc., and containing such concentrations and types of pollutants as to be considered normal wastes.

2.99 School: An institution of formalized instruction, given by state certified instructors who follow prescribed curriculum. The institution must be licensed by a governing body and the instruction must ultimately lead to a formal graduation and granting of a diploma or degree.

2.100 Deleted.

2.101 Sediment: Solid material, either mineral or organic that is in suspension, is transported or has been moved from its site of origin by erosion.

2.102 Seller of Alcoholic Beverages: An establishment which sells alcoholic beverages as defined in the Connecticut Liquor Control Act for consumption off the premises, including but not limited to such uses as package stores, pharmacies with an alcoholic beverage permit, and grocery and convenience stores with a beer permit.

2.103 Separating Distance: The straight line measured from the building or enclosure within a building housing a regulated use to the nearest point of a building or enclosure within a building housing another regulated use.

2.104A Server of Alcoholic Beverages: An establishment, which serves alcoholic beverages as defined in the Connecticut Liquor Control Act for consumption on the premises, including but not limited to such uses as restaurants, bars, grills, taverns, and clubs.

2.104B Shipping/Cargo Storage Container: An industrial, standardized (typically 8ft x 20ft or 8ft x 40ft) reusable portable container that was originally, specifically or formally designed for use in the packing, shipping or transportation of goods or commodities, and designed to be mounted on rail car, truck or ship.

2.105 Sign: Any sign or device and all parts thereof which are used to advertise products, goods, services or otherwise promote the sale or rental of objects or identify objects for sale or for rent or the occupancy or use of any land, structure or building. Excludes interior signs visible from the exterior. For the purpose of this definition and these regulations, the word "sign" does not include the flag, pennant, or insignia of any nation, state, city or other political unit, or official traffic control signs, or notices required by law.

2.106 Sign, Advertising:

2.106.1 **Off-premises, Billboard, Outdoor Advertising:** A sign which directs attention to a business, commodity, service, or activity which is generally sold, offered or conducted elsewhere than upon the premises where such sign is located.

2.106.2 **Message Board:** A sign that identifies and/or promotes the sale of specific products or services and/or sales prices; a sign that provides sales information about a business, product, or service; a sign that presents information in addition to the identification, location, and nature of a business at a specific location.

2.106.3 **Electronic Message Board (EMB):** A message board that displays messages by way of electrically illuminated lights against a contrasting background whose message may be changed at intervals that are preset by means of electronic programming.

2.106.4 **Menu Board:** A sign that identifies specific products or services that me be ordered and ordered and obtained at a retail facility, including sales at a service window.

2.107 Sign, Face: A sign face is a plane defined by the continuous perimeter enclosing the extreme limits of the message or messages of the sign, including other representation or material or color lying within said plan that draws attention to a message or messages. However, such perimeter shall not include any structural elements lying outside the limits of such a sign and not forming an integral part of the display.

2.108 Sign, Double Faced: A sign with two faces, neither face exceeding the maximum area allowed for the district in which it is located, and where the faces are mounted back to back not more than 18" apart and parallel.

2.109 Sign, Multiple Faced: A sign with two or more faces, except double-faced sign.

2.110 Sign, Single Faced: A sign with one face.

2.111 Sign, Gross Area Of: The "Gross Area" of a sign shall be defined and measured as follows:

2.111.1 **Sign, Single Faced:** The Gross Area shall be the area of the single face.

2.111.2 **Sign, Double Faced:** The Gross Area shall be the area of largest face or the area of one face if both faces have equal area.

2.111.3 **Sign, Multiple Faced:** The Gross Ares shall be the confined area of all faces.

2.112 Sign, Directional: A sign on the premises indicating the use or purpose of a building, doorway, or area; or signs indicating danger or whether or not a facility is open for business.

2.113 Sign, Identification: A sign on the premises bearing the name of a subdivision, the name of a group housing project or of a school, college, park, church building, or other public or quasi-public facility, or a professional or firm nameplate, or the name of the person, firm or corporation occupying the premises, but bearing information pertaining only to the premises on which such sign is located. Excludes interior signs visible from the exterior.

2.114 Deleted.

2.115 Sign, Temporary: A sign intended to advertise special events, products or services on a temporary basis. Temporary signs shall not include "For Sale" or "For Rent" real estate signs, nor signs erected to advertise non-commercial community or civic projects or construction projects.

2.116 Soil: Any unconsolidated mineral or organic material of any origin.

2.117 Soil Erosion and Sediment Control Plan: A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

2.118 Solid Waste: Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, and scrap materials, junk, refuse, inert fill material, and landscape refuse.

2.119 Stratified Drift: Means predominantly sorted sediment laid down by or in melt water from glaciers and includes sand, gravel, silt, and clay arranged in layers.

2.120 Street, Private: Any non public street, avenue, boulevard, road, land, highway or other way open to public vehicular traffic and providing a principal means of access to abutting property and not owned or maintained by the Town of Vernon or the State of Connecticut. Streets proposed as part of a subdivision approved by the Vernon Planning or Planning and Zoning Commission and recorded in the Town Clerk's office, shall become a public street upon acceptance by the Vernon Town Council.

2.121 Street, Public: Any street, avenue, boulevard, road, land, highway, or other way open to public vehicular traffic and providing a means of access (direct or indirect) to abutting property and owned and/or maintained by the State of Connecticut or the Town of Vernon or given as an easement to the Town of Vernon. A public street shall include the entire right-of-way.

2.122 Structure or Building, Accessory: Any structure or building which is unattached from, and is incidental or subordinate to, and customarily in connection with, the principal structure or use and located on the same lot with such principal building or use.

2.123 Structure or Building: Anything constructed, erected on or attached to a fixed location on or below the ground to give support, provide shelter or satisfy other purposes.

2.124 Structure or Building, Nonconforming: Any structure or building which is nonconforming by reason of inadequate lot width, lot area, yards or floor area in relation to the requirements of Section 11 of this ordinance.

2.125 Deleted.

2.126 Till: Unconsolidated, unsorted material composed of a mixture of rock sizes ranging from clay to boulders that was deposited by glacial ice.

2.127 Tower: Means a structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of a tower included (a) self- supporting lattice, (b) guyed, and (c) monopole.

2.128 Tower Height: Means a distance from the ground elevation of such tower to the top most point of the tower including any antenna or other appurtenances.

2.129 Toxic or Hazardous Materials: Any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant, actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged into land or waters of this town. Toxic or hazardous materials include, without limitation, organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids, and alkalis, and include products such as pesticides, herbicides, solvents and thinners, unless and except to the extent that anyone using such products can demonstrate the contrary to the satisfaction of the Commission. Waste generated by the following activities, without limitation, are presumed to be toxic or hazardous unless and except to the extent that anyone engaging in such an activity can demonstrate the contrary to the satisfaction of the Commission:

- Airplane, boat and motor vehicle service and repair.
- Chemical and bacteriological laboratory operation.

- Cabinet making.
- Dry Cleaning.
- Electronic circuit assembly.
- Metal plating, finishing and polishing.
- Motor and machinery service and assembly.
- Painting, wood preserving and furniture stripping.
- Pesticide and herbicide application.
- Photographic processing and printing.

2.130 Upland: Ground elevated above the lowlands along rivers and between hills.

2.131 Use: The specific purpose, for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

2.132 Use, Accessory: A subordinate, secondary, or incidental activity or use of land or building, when the activity or use is customary, associated, complimentary, or inherent to the permitted use on the same parcel.

2.133 Use, Nonconforming: A legally existing use of land or building established prior to the enactment of this ordinance which fails to comply with the regulations set forth in this ordinance applicable to the zoning district in which such use is located.

2.134 Use, Permitted: Any use of land or building, which is specifically permitted within a specific zoning district under the provisions of this ordinance.

2.135 Yard, Depth or Width of: The depth of front and rear yards and the wide of side yards shall be measured perpendicularly to the respective lot lines.

2.136 Yards, Front: An area per Section 2.140 between the building, structure or accessory structure and the front lot line extending the full width of the lot or in the case of a corner lot or a through lot, extending along all streets.

2.137 Yards, Rear: An area per Section 2.140 between the building, structure or accessory structure and the rear lot line, extending the full width of the lot.

2.138 Yards, Required Front, Rear or Side: So much of the front, rear or side yard, as is required by the applicable provisions of this bylaw.

2.139 Yards, Side: An area per Section 2.140 between the building, structure or accessory structure and a side lot line, extending from the front yard to the rear yard.

2.140 Area and Yard Requirements: Area and yards are intended to establish the placement of buildings, structures or accessory structures (including roofs, overhangs, and canopies, but excluding chimneys and uncovered steps) and the dimensions of the lot upon which they are to be built.

SECTION 3 - GENERAL PROVISIONS

3.1 Compliance with Regulations: No land, building or premises or part thereof shall hereafter be used and no building or part thereof or other structure shall be constructed, reconstructed, extended or enlarged, moved or altered, except in conformity with these regulations.

3.2 Accessory Uses: Accessory uses, as defined in Section 2.132, are permitted on the same parcel as the permitted use, provided they are not located within the required yards and otherwise comply with the Zoning Regulations.

3.3 Accessory Building:

3.3.1 Not for Motor Vehicles: Accessory buildings, as defined in Section 2.132, that are not for the parking, storage, repair, or maintenance of motor vehicles are permitted on the same parcel as the permitted use, provided they are not located within the required yards, do not exceed the building height requirement of the zoning district, do not exceed four hundred square feet (400 sf) in floor area, are not used for human habitation or housing of animals, and otherwise comply with the Zoning Regulations.

3.3.2 For Motor Vehicles: Accessory buildings, as defined in Section 2.132, that are designed to be used for motor vehicle (including motor cycle) parking or storage with entrance/exit ways able to accommodate an average size passenger car, but are not used for the repair of motor vehicles, are permitted on the same parcel as the permitted use, provided they are not located within the required yards, do not exceed the building height requirements of the zoning district.

3.3.3 Lawn and garden equipment used for the maintenance of the property on which the accessory building is located are not considered motor vehicles as Zoning Regulation Section 3.4 applies to the use of accessory buildings.

3.4 Collection and Disposal of Storm Drainage: Proper provision shall be made for collection and disposal of storm water from roofs and parking areas through a pipe system connected to existing storm drains or carried to a natural watercourse or to an on-site area approved by the Town Engineer in compliance with the recommendations of the latest edition of the "Stormwater Quality Manual" of the Connecticut Department of Environmental Protection (DEP).

3.5 Common Wall: Abutting property owners in Commercial zoning districts may join together to construct a structure with a common wall along a common property line subject to the approval of a Special Permit by the Vernon Planning Commission.

3.6 Debris Resulting from Catastrophe: The site of structures damaged by fire, explosion or other catastrophe must be cleared of debris within sixty-days of the initial damage. The Zoning Commission may, upon written request of the owner, grant an extension of time; provided, however, that such extension does not exceed sixty-days.

3.7 Obstructions at Roadway Intersections: No fence, wall, hedge, shrubbery, tree canopy or other obstruction to sight distance vision shall be placed or allowed to be placed at roadway intersections, private access road intersections, and driveway curb cuts. The minimum sight distance from the roadway intersection, private access road intersection or driveway curb cut shall be based on the posted speed for the approach roadway being intersected as indicated below. If the speed limit for the approach roadway is not posted, the sight distance shall be based on a speed limit of 30 miles per hour (MPH).

Posted Speed Limit	*Minimum Sight Distance*
30 MPH	350 feet
35 MPH	425 feet
40 MPH	475 feet

The sight distance shall be based on the front of the approach vehicle being ten (10) feet back from the extended curb line of the intersecting roadway. The Town Engineer or his representative may vary the above minimum sight distances on Town roads when he/she deems it necessary and on State roads in consultation with the Connecticut Department of Transportation (CT DOT).

3.8 Private Roads and Parking Areas: Where the permitted use of a property includes roads and parking areas to be retained under private ownership, the maintenance of such roads and parking areas shall be the sole responsibility of the owner of record, and proper maintenance shall be a condition of compliance with these regulations.

3.9 Reserved.

3.10 Reduction of Lot Area or Dimensions: No lot shall be diminished, nor shall any yard, court or any other area be reduced except in conformity with these regulations. No existing parcel of land shall be hereafter divided in such a manner that any portion of the parcel or any building thereon is not in conformance with these regulations.

3.11 Required Lot Frontage on Public Streets: No building shall be built on any lot unless such lot meets the definition of lot and has the required lot width as defined in Section 2 and has access to and a frontage of at least twenty-five (25) feet on a public street.

3.12 Storage of Trailers and Boats:

3.12.1 During the period from November 1 to and including March 31 (the seasonal storage period), camp trailers, utility trailers, travel trailers, recreational vehicles, boat trailers, and boats owned by the occupant of the premises zoned for residential use shall be stored behind the plane of the front wall of the principal dwelling and not in the required side or rear yards, notwithstanding the presence of a driveway within a side or rear yard, and shall not be inhabited for sleeping purposes.

3.12.2 If there is inadequate space at the side or rear of the dwelling to seasonally store a trailer, boat, or recreational vehicle without encroaching on the required side or rear yard, a zoning permit shall first be obtained from the Zoning Enforcement Officer before any trailer, boat, or recreational vehicle may be seasonally stored in a required side or rear yard.

3.12.3 To accommodate seasonal storage a surface shall be established in accordance with section 3.15 sufficient to envelope the trailer, recreational vehicle, and/or boat a minimum of one foot (1') beyond the largest dimensions of the trailer, recreational vehicle, and/or boat. All open portions of boats and trailers shall be covered to prevent entry during periods of seasonal storage.

3.12.4 During the period from April 1 to and including October 31, trailers, boats, and recreational vehicles may be parked in an established driveway on the property occupied by the owner(s) of the trailer, boat, or recreational vehicle, provided no part of such trailer, boat, or recreational vehicle shall extend over a property line or violate section 3.7 of these regulations. The parking of any such trailer, boat, or recreational vehicle before or after these dates shall require the issuance of a zoning permit by the Zoning Enforcement Officer.

3.13 Swimming Pools: Swimming pools are permitted as any accessory use in residential districts subject to Section 429.83 of the State of Connecticut Basic Building Code.

3.14 Storage of Waste and Refuse: In all zones, the temporary storage of waste, refuse, and debris shall be within a building, or within a solid enclosure that does not encroach upon the required yards and which is provided with a visual screen from adjoining property and public streets.

3.15 Surfacing: In all zones, all required parking, driveways, loading areas, motor vehicle storage, and display lots and access driveways shall have an adequate paved or alternate surface approved by the Town Engineer capable of allowing free and safe movement of all vehicles. Permeable pavement may be used for surfacing. If used it shall be designed in accordance with the Town LID Manual.

3.16 Radioactive Materials: The dumping, burial or otherwise disposal of radioactive material is not permitted in any zoning district under any circumstances.

3.17 Outdoor Motion Picture Theaters: The erection, operation or any other use of outdoor motion picture theaters is not permitted in any zoning district under any circumstance.

3.18 Building Above or Below Center Line of Road:

3.18.1 Prior to the issuance of a building permit for construction of a house, commercial building, accessory building, or any lot or parcel of land with the top of foundation more than five (5) feet above or below the center line grade of the road opposite the midpoint of the front foundation wall, a detailed site plan showing the existing and proposed topography, driveways, storm drainage, provisions for potable water supply and sewage disposal, location of existing and proposed structures, elevation, floor plans and any other information as may be required by the Town Engineer or Building Department, shall be submitted to the Building Department for approval by the Building Official.

3.18.1.1 No driveway shall exceed 14% at any point except as proposed in Driveway Ordinance #142 for grade between gutter and street line.

3.18.2 Retaining Wall - when required. When there is danger of dirt fill washing or sliding from the property to be filled onto other adjoining lots of land, a retaining wall shall be built and a plan showing construction and size of wall shall be submitted to the building department for approval before any work is started.

3.18.3 Dust Control. When dirt has been brought in or taken out and left in such a manner that there is danger of dust arising from said land, some form of grass or rye seed shall be planted or some form of chemical used to lay said dust.

3.19 Roadside Selling: The sale of commodities or goods, but not services, which takes place out of the public right-of-way in an area immediately adjacent to the right-of-way and within the required setbacks on a property.

3.19.1 Roadside selling activities may not violate Section 3.7 of these regulations.

3.19.2 Roadside selling is permitted in all zoning districts by special exception from the Zoning Board of Appeals except as outlined in Sections 4.9, 4.10, 4.17, 4.20, and 4.21. Homegrown vegetables may be sold without a special exception.

3.19.3 The seller of the goods or commodities shall be the owner of the property or have a lease from the property owner of at least thirty-days duration.

3.19.4 Carnivals, temporary alcoholic beverages sales and similar events shall be considered roadside selling and are subject to the provisions of Section 3.19.

3.19.5 The total area involved in any roadside selling activity shall not exceed 200 square feet.

3.20 In all zones which permit single or two family dwellings, excluding special permits issued for assisted living facilities or housing for the elderly, only one principal building or structure and any accessory building shall be permitted on a lot.

3.21 **Vacancy Rate:** At least once a year, the Town Planner shall establish a town wide vacancy rate. The Planning and Zoning Commission shall accept or reject the Town Planner's vacancy rate.

3.22 **Deleted.**

3.23 **Radio and Television Masts and Towers In Residential Zones:** Any mast or tower in excess of fifty (50) feet in height in a residential zone or any mast or tower permitted by variance or pre-existing use to be operated for financial gain in a residential zone shall be subject to approval of a Special permit by the Vernon Planning and Zoning Commission.

3.24 **Burial of Materials:** During construction, reconstruction, alterations, etc., there shall be no on-site burial of building materials or debris of any kind.

3.25 **Sidewalks:** Sidewalks shall be installed for all new developments in all areas, unless waived by a three-quarters vote of all members of the Commission. Sidewalks and granite curbs shall be installed in those areas designated as "Sidewalk Policy Areas," which is made part of these regulations. Alternative curb designs may be used for the purpose of managing stormwater in accordance with the Town LID Manual. For the purposes of managing stormwater, sidewalks should be constructed of pervious materials or be graded to other permeable surfaces whenever practicable.

3.26 **Re-use, Adaptive:** An Adaptive Re-use proposal, as defined in Section 2.96, may be approved by special permit for the redevelopment of an existing obsolete mill or former mill building or complex or building that is either (1) recorded as an architecturally or historically significant site or structure in the National Registry of Historic Places or (2) has been designated as an architecturally or historically significant site or structure by the Connecticut State Office of Historic Preservation or (3) is a structure constructed no later than 1910 which contains a minimum of 5,000 square feet (5,000 S.F.) of gross floor area, excluding attics, basements and porches, located in the Town of Vernon Historical Districts as shown on a map entitled "Town of Vernon Historical District and Properties" created by the Town of Vernon GIS Department and Community/Economic Development (CED) Coordinator, dated January 2009 that requires remediation, redevelopment, rehabilitation, renovation, modernization, and/or conversion based upon a comprehensive site plan to accommodate a change of use, which may include mixed-use, that is designed in relation to the unique characteristics of the site and structure(s) in order to preserve the historically significant structure or site or to prevent the deterioration or destruction of the site or structure due to functional obsolescence. The special permit for Adaptive Re-use may be granted for a use or combination of uses based upon an approved site plan of development, architectural plans, and specific uses of buildings and activities within buildings to assure the preservation of the property and the successful re-use of the site and structures without conflicts of uses within the complex or with the surrounding area.

3.27 **Drive-up Service Windows:** Approval of a drive-up service window, in zoning districts in which allowed, requires approval of both a Site Plan of development and Special Permit by the Planning & Zoning Commission (PZC) and may not be approved administratively as a "Minor Modification."

3.28 **Outdoor Wood Burning Furnaces:** As allowed by special permit in Sections 4.4 and 4.5, and regulated by CGS 22a-174k, Outdoor Wood Burning Furnaces (OWF) must operate only on wood that has not been chemically treated; must be located not less than 200 feet from the nearest residence not being served by the unit; and must have a chimney that is more than the height of the roof peaks of residences located within 500 feet of the OWF, provided the chimney height is not more than 55 feet. Prior to the installation of an OWF, the applicant shall submit to the Town of Vernon Zoning Enforcement Officer a map drawn by a licensed land survey or professional engineer showing vertical and horizontal measurements to all residences within the 500 foot radius required by law in order to demonstrate compliance with CGS 22a-174k.

3.29 Home Based Businesses. Home based businesses shall be permitted in accordance with the following requirements:

3.29.1 Minor home based businesses shall be permitted in any conforming residential dwelling, including condominiums and multifamily developments, in Use Districts 4.1 through 4.9, 4.15 through 4.17, and 4.23 upon issuance of a zoning permit in accordance with the following requirements:

3.29.1.1 The home based business shall not occupy more than 25 % of the habitable floor area of the dwelling and shall be conducted entirely within the principal dwelling;

3.29.1.2 The home based business shall not change the exterior residential character of the dwelling, building, or premises in any manner and shall not rely on a separate exterior entrance for exclusive access to the business space;

3.29.1.3 No person other than resident(s) of the dwelling shall be employed on the premises in the conduct of the business;

3.29.1.4 The home based business shall not generate any customer traffic to the dwelling or the premises;

3.29.1.5 Deliveries of goods to the home based business shall be limited to passenger vehicles, mail carriers, and express carriers using step vans; deliveries shall be limited to the hours between 8:00 am and 6:00 pm;

3.29.1.6 No parking shall be established beyond the normal parking demands for residential use of the premises in accordance with Section 12.1.7;

3.29.1.7 The home based business shall not display or advertise on the premises any commodity or service for purchase, except that signage identifying the business shall be permitted in accordance with Section 16.2.1;

3.29.1.8 No materials, products, or equipment for the home based business shall be stored outside of the space designated for the business in subsection 3.28.1.1, above;

3.29.1.9 The home based business shall not create any noise, odor, dust, vibrations, smoke, gas fumes, radiation, electromagnetic interference, unusual lighting, or unsightly conditions on the premises discernible at the property lines; use and storage of hazardous materials in excess of quantities permitted in residential structures shall not be permitted;

3.29.1.10 No commercial vehicles shall be parked or stored on the premises except as provided in section 12.3.11;

3.29.1.11 A home based business, if granted a zoning permit, shall not constitute a vested right in the property; discontinuance of the business by virtue of property conveyance or other action shall extinguish the permit;

3.29.1.12 The granting of a zoning permit for a home based business shall entitle the Zoning Enforcement Officer to make inspections of the home based business at least annually to verify compliance with the provisions of the permit; such inspections shall be performed during normal business hours by arrangement with the operator of the business.

3.29.2 Major - Type 1 home based businesses shall be permitted on conforming parcels and within conforming structures in Use Districts 4.1 through 4.9, 4.15 through 4.17, and 4.23 upon approval of a site plan in accordance with Section 14, Site Plans, and the following requirements:

3.29.2.1 The home based business shall not occupy more than 750 sq. ft. of floor area within the dwelling and/or within an accessory building on the premises; the floor area(s) intended for such use shall be indicated on floor plan(s) bearing room dimensions and floor areas and on the site plan;

3.29.2.2 The home based business shall not change the exterior residential character of the dwelling or premises in any manner except that (1) a separate exterior entrance may be installed for exclusive access to the business space, and (2) an area may be established for the parking of commercial vehicles used in the business and employees vehicles, as limited in section 3.28.2.5, below;

3.29.2.3 Not more than two persons other than resident(s) of the dwelling may be employed on the premises or start and finish their workday from the premises in the conduct of the business;

3.29.2.4 The home based business shall not be of a nature that relies on or generates customer traffic to the dwelling or the premises;

3.29.2.5 No commercial vehicles shall be parked or stored on the premises except as provided in section 12.3.11;

3.29.2.5.1 Parking shall be provided for nonresident employees, if any, in addition to the normal parking demands for residential use of the premises; off-street parking for residential and home based business use of the premises shall be in accordance with the requirements of Sections 12.1.7 and 12.1.9;

3.29.2.5.2 All parking of vehicles used by the home based business shall be located in the side or rear yard or, for a corner lot, in the innermost quadrant of the property, and shall be screened with fencing and/or vegetation of sufficient height and opacity to prevent viewing from neighboring properties and the street; parking for the home based business shall be shown on the site plan;

3.29.2.6 The home based business shall not display or advertise on the premises any commodity or service for purchase, except that signage identifying the business shall be permitted in accordance with Section 16.2.1;

3.29.2.7 No materials, products, equipment, or machinery used in the operation of the home based business shall be stored or operated on the premises outside of the space designated for the business in subsection 3.28.2.1, above;

3.29.2.8 The home based business shall not create any noise, odor, dust, vibrations, smoke, gas fumes, radiation, electromagnetic interference, unusual lighting, or unsightly conditions on the premises;

3.29.2.9 The following businesses shall not be permitted as a home based business:

3.29.2.9.1 Repair and servicing of vehicles or heavy equipment;

3.29.2.9.2 Manufacturing, except that which can reasonably be conducted in a home workshop or at a "kitchen table," such as computer assembly;

3.29.2.9.3 Machine shop;

3.29.2.9.4 Landscaping services;

3.29.2.10 The Commission, in granting site plan approval for a home based business, may attach reasonable conditions with respect to hours of operation, deliveries and shipping, external lighting, landscaping and visual screening, means of access for pedestrian and vehicles, and environmental safeguards, both physical and operational.

3.29.2.11 A home based business, if granted a zoning permit with site plan approval, shall not constitute a vested right in the property; discontinuance of the business by virtue of property conveyance or other action shall extinguish the permit.

3.29.2.12 The granting of site plan approval for a home based business entitles the Zoning Enforcement Officer to make inspections of the home based business at least annually to verify compliance with the provisions of the permit; such inspections shall be performed during normal business hours or by arrangement with the operator of the business.

3.29.3 Major - Type 2 home based businesses shall be permitted on conforming parcels and within conforming structures in Use Districts 4.1 through 4.9, 4.15 through 4.17, and 4.23 upon approval of a special permit and site plan in accordance with Sections 14, Site Plans, and Section 17.3, Special Permits, and the following requirements:

3.29.3.1 Requirements listed for Major - Type 1 home based businesses under subsections 3.28.2.1 through 3.28.2.3 and 3.28.2.6 through 3.28.2.10 shall be applicable to Major - Type 2 home based businesses;

3.29.3.2 With approval of a special permit and a site plan by the Commission, the home based business may be of a nature that relies on or generates customer traffic to the dwelling or the premises; the Commission may restrict the number of customers that patronize the home based business on a daily basis;

3.29.3.3 No commercial vehicles shall be parked or stored on the premises except as provided in section 12.3.11;

3.29.3.3.1 Parking shall be provided for nonresident employees, if any, and patrons in addition to the normal parking demands for residential use of the premises; off-street parking for residential and home based business use of the premises shall be in accordance with the requirements of Sections 12.1.7 and 12.1.9;

3.29.3.3.2 All parking of vehicles used by the home based business shall be located in the side or rear yard or, for a corner lot, in the innermost quadrant of the property, and shall be screened with fencing and/or vegetation of sufficient height and opacity to prevent viewing from neighboring properties and the street; parking for the home based business shall be shown on the site plan;

3.29.3.4 The Commission, in granting a special permit with site plan approval for a home based business, may attach reasonable conditions with respect to hours of operation, deliveries and shipping, external lighting, landscaping and visual screening, means of access for pedestrian and vehicles, and environmental safeguards, both physical and operational; the Commission may limit the duration of the special permit to a period of one or more years and require its renewal at such intervals as the Commission deems appropriate.

3.29.3.5 A home based business, if granted a special permit with site plan approval, shall not be changed to another home based business without approval by the Commission of a new special permit and site plan therefor.

3.29.3.6 The granting of a special permit with site plan approval for a home based business entitles the Zoning Enforcement Officer to make inspections of the home based business at least annually to verify compliance with the provisions of the permit; such inspections shall be performed during normal business hours or by arrangement with the operator of the business.

SECTION 4 - USE DISTRICTS

4.1 RESIDENTIAL 10—SINGLE FAMILY RESIDENTIAL

4.1.1 Area and Yard Requirements:

4.1.1.1 Minimum lot area: 10,000 square feet

4.1.1.2 Minimum lot width: 80 feet

4.1.1.3 Minimum front yard: 30 feet

4.1.1.4 Minimum side yard: 10 feet

4.1.1.5 Minimum rear yard: 20 feet

4.1.1.6 Minimum floor area: 1,000 square feet

4.1.1.7 Maximum building height; 35 feet (2 ½ stories)

4.1.1.8 Maximum lot coverage when not in an aquifer protection zone: 25%

4.1.1.8.1 When in an aquifer protection zone, a special permit for increased lot coverage shall be required for any lot coverage exceeding 25 percent above and subject to Section 20.5.

4.1.2 Permitted Uses:

4.1.2.1 Single-family dwellings.

4.1.2.2 Two-family dwellings.

4.1.2.3 Accessory uses customarily incidental to the above permitted uses, provided that such accessory use shall not include any activities conducted for gain.

4.1.2.4 Signs subject to Section 16.

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

4.1.2.5.1 Private non-profit clubs.

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

4.1.3.1 Professional office when located in the same building as a private residence. Not more than two (2) persons shall be engaged in such activity. Such offices shall not alter the essential residential character of the property. In the case of conversion of existing residential structures, said conversation shall not alter the residential character of the exterior of the building or increase the existing floor area of the building.

4.1.3.2 Convalescent homes or nursing homes or assisted living facilities when connected to public water and sanitary sewer.

4.1.3.3 Boarding houses.

4.1.3.4 Funeral Homes.

4.1.3.5 Hospitals, church buildings, schools, public libraries, public utility structures, governmental buildings, cemeteries, golf courses, country clubs, and telecommunication towers.

4.1.3.6 Lot coverage exceeding 25% subject to the provisions of Section 20.5.

4.1.3.7 Bed & Breakfast.

4.1.3.8 Home based businesses of Major—Type 2.

4.1.3.9 Radio and Television masts and towers in residential zones. Any mast or tower in excess of fifty (50) feet in height in a residential zone or any mast or tower permitted by variance or pre-existing use to be operated for financial gain in a residential zone.

4.1.4 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.1.3.

4.2 RESIDENTIAL 15—SINGLE-FAMILY RESIDENTIAL

4.2.1 Area and Yard Requirements:

4.2.1.1 Minimum lot area: 15,000 square feet

4.2.1.2 Minimum lot width: 100 feet

4.2.1.3 Minimum front yard: 30 feet

4.2.1.4 Minimum side yard: 10 feet

4.2.1.5 Minimum rear yard: 20 feet

4.2.1.6 Minimum floor area: 1,000 square feet

4.2.1.7 Maximum building height: 35 feet (2 ½ stories)

4.2.1.8 Maximum lot coverage when not in an aquifer protection zone: 25%

4.2.1.8.1 When in an aquifer protection zone, a special permit for increased lot coverage shall be required for any lot coverage exceeding 25 % and subject to Section 20.5.

4.2.2 Permitted Uses:

4.2.2.1 Single-family dwellings.

4.2.2.2 Accessory uses customarily incidental to the above permitted use, provided that such accessory use shall not include any activities conducted for gain.

4.2.2.3 Signs subject to Section 16.

4.2.2.4 Two-family dwellings.

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

4.2.3.1 Private non-profit clubs.

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

4.2.4.1 Professional office when located in the same building as a private residence. Not more than two (2) persons shall be engaged in such activity. Such offices shall not alter the essential residential character of the property. In the case of conversion of existing residential structures, said conversion shall not alter the residential character of the exterior of the building or increase the existing floor area of the building.

4.2.4.2 Convalescent homes or nursing homes and assisted living facilities when connected to public water and sanitary sewer.

4.2.4.3 Funeral homes.

4.2.4.4 Boarding houses.

4.2.4.5 Hospitals, church buildings, schools, public libraries, public utility structures, cemeteries, golf courses, country clubs, governmental buildings, and telecommunication towers.

4.2.4.6 Lot coverage exceeding 25%, subject to the provisions of Section 20.5

4.2.4.7 Bed & Breakfast.

4.2.4.8 Home based businesses of Major—Type 2.

4.2.4.9 Radio and television masts and towers in residential zones. Any mast or tower in excess of fifty (50) feet in height in a residential zone or any mast or tower permitted by variance or pre-existing use to be operated for financial gain in a residential zone.

4.2.5 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.2.4.

4.3 RESIDENTIAL 22—SINGLE-FAMILY RESIDENTIAL

4.3.1 Area and Yard Requirements:

4.3.1.1 Minimum lot area: 22,000 square feet

4.3.1.2 Minimum lot width: 125 feet

4.3.1.3 Minimum front yard: 30 feet

4.3.1.4 Minimum side yard: 10 feet

4.3.1.5 Minimum rear yard: 20 feet

4.3.1.6 Minimum floor area 1,000 square feet

4.3.1.7 Maximum building height 35 feet (2 ½ stories)

4.3.1.8 Maximum lot coverage when not in an aquifer protection zone: 25%

4.3.1.8.1 When in an aquifer protection zone, a Special Permit for increased lot coverage shall be required for any lot coverage exceeding 25% and subject to Section 20.5

4.3.2 Permitted Uses:

4.3.2.1 Single-family dwellings

4.3.2.2 Two-family dwellings

4.3.2.3 Accessory uses customarily incidental to the above permitted uses, provided that such accessory use shall not include any activities conducted for gain.

4.3.2.4 Signs subject to Section 16.

4.3.3. Special Exceptions: The following uses may be permitted when granted a Special Exception by the Vernon Zoning Board of Appeals.

4.3.3.1 Private non-profit clubs.

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

4.3.4.1 Professional office when located in the same building as a private residence. Not more than two (2) persons shall be engaged in such activity. Such offices shall not alter the essential residential character of the property. In the case of conversion of existing residential structures, said conversion shall not alter the residential character of the exterior of the building or increase the existing floor area of the building.

4.3.4.2 Convalescent homes or nursing homes and assisted living facilities when connected to public water and sanitary sewer.

4.3.4.3 Boarding houses.

4.3.4.4 Funeral homes.

4.3.4.5 Hospitals, church buildings, schools, public libraries, public utility structures, cemeteries, golf courses, country clubs and governmental buildings, municipal non-profit recreational facilities and telecommunication towers.

4.3.4.6 Lot coverage exceeding 25%, subject to the provision of Section 20.5.

4.3.4.7 Bed & Breakfast.

4.3.4.8 Home based businesses of Major—Type 2.

4.3.4.9 Radio and television masts and towers in residential zones. Any mast or tower in excess of 50 feet in height in a residential zone or any mast or tower permitted by variance or pre-existing use to be operated for financial gain in a residential zone.

4.3.5 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.3.4.

4.4 RESIDENTIAL 27—SINGLE-FAMILY RESIDENTIAL

4.4.1 Area and Yard Requirements:

4.4.1.1 Minimum lot area: 27,000 square feet

4.4.1.2 Minimum lot width: 150 feet

4.4.1.3 Minimum front yard: 30 feet

4.4.1.4 Minimum side yard: 10 feet

4.4.1.5 Minimum rear yard: 20 feet

4.4.1.6 Minimum floor area: 1,000 square feet

4.4.1.7 Maximum building height: 35 feet (2 ½ stories)

4.4.1.8 Maximum lot coverage when not in an aquifer protection zone: 25%

4.4.1.8.1 When in an aquifer protection zone, a Special Permit for increased lot coverage shall be required for any lot coverage exceeding 25% and subject to Section 20.5

4.4.2 Permitted Uses:

4.4.2.1 Single-family dwellings.

4.4.2.2 Accessory uses customarily incidental to the above permitted use, provided that such accessory use shall not include any activities conducted for gain.

4.4.2.3 Signs subject to Section 16

4.4.3 Special Exceptions: The following uses may be permitted when granted a Special Exception by the Zoning Board of Appeals.

4.4.3.1 Commercial farming excluding commercial piggeries and fur farms.

4.4.3.2 The keeping of livestock for either commercial or non-commercial purposes (excluding pigs and fur-bearing animals) subject to the following conditions:

4.4.3.2.1 The area to be used for raising or boarding livestock shall be entirely fenced. The maximum area to be fenced shall be defined by the year requirements of the R-27 district with an increase of side yard requirements to a minimum of twenty (20) feet.

4.4.3.2.2 The minimum area of a parcel on which livestock is to be housed shall be a minimum of two (2) acres in area.

4.4.3.2.3 The building or structure housing said livestock shall be located not less than eighty (80) feet from any property line.

4.4.3.2.4 All barnyards, corrals, sties, and similar structures shall be properly drained and free from excessive dust, odor, and mud.

4.4.3.2.5 No manure pile shall be placed less than fifty (50) feet from any property line and shall be so located that it will not drain on any adjoining premises.

4.4.3.2.6 The keeping of livestock shall be accompanied by a joint residential use on the same premises.

4.4.3.2.7 When livestock is kept for noncommercial purposes, no manure pile shall exceed one cord.

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

4.4.4.1 Professional office when located in the same building used by the person as his private residence; not more than two (2) persons shall be engaged in such activity. Such offices shall not alter the essential residential character of the property. In the case of conversion of existing residential structures, said conversion shall not alter the residential character of the exterior of the building or increase the existing floor area of the building.

4.4.4.2 Convalescent homes or nursing homes and assisted living facilities when connected to public water and sanitary sewer.

4.4.4.3 Boarding houses.

4.4.4.4 Funeral homes.

4.4.4.5 Hospitals, church buildings, schools, public libraries, public utility structures, cemeteries, golf courses, country clubs, and governmental buildings, facilities including recycling facilities for organic materials and telecommunication towers.

4.4.4.6 Lot coverage exceeding 25% subject to the provisions of Section 20.5.

4.4.4.7 Bed & Breakfast.

4.4.4.8 Home based businesses of Major—Type 2.

4.4.4.9 Radio and Television masts and towers in residential zones. Any mast or tower in excess of 50 feet in height in a residential zone or any mast or tower permitted by variance or pre-existing use to be operated for financial gain in a residential zone.

4.4.4.10 Outdoor Wood Burning Furnaces subject to Section 3.28 and CGS 22a-174k

4.4.4.11 Adaptive Re-Use per Sections 2.96 and 3.26

4.4.5 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.4.4.

4.5 RESIDENTIAL 40—SINGLE-FAMILY RESIDENTIAL

4.5.1 Area and Yard Requirements:

4.5.1.1 Minimum lot area: 40,000 square feet

4.5.1.2 Minimum lot width: 200 feet

4.5.1.3 Minimum front yard: 30 feet

4.5.1.4 Minimum side yard: 10 feet

4.5.1.5 Minimum rear yard: 20 feet

4.5.1.6 Minimum floor area: 1,000 square feet

4.5.1.7 Maximum building height: 35 feet (2 ½ stories)

4.5.1.8 Maximum lot coverage when not in an aquifer protection zone: 25%

4.5.1.8.1 When in an aquifer protection zone, a Special Permit for increased lot coverage shall be required for any lot coverage exceeding 25% and subject to Section 20.5.

4.5.2 Permitted Uses:

4.5.2.1 Single-family dwellings.

4.5.2.2 Accessory uses customarily incidental to the above permitted use, provided that such accessory use shall not include any activities conducted for gain.

4.5.2.3 Signs subject to Section 16.

4.5.3 Special Exceptions: The following uses may be permitted when granted a Special Exception by the Zoning Board of Appeals.

4.5.3.1 Commercial farming excluding commercial piggeries and fur farms.

4.5.3.2 The keeping of livestock for either commercial or non-commercial purposes (excluding pigs and fur-bearing animals) subject to the following conditions:

4.5.3.2.1 The area to be used for raising or boarding livestock shall be entirely fenced. The maximum area to be fenced shall be defined by the yard requirements of the R-27 district with an increase of side yard requirements to a minimum of thirty (30) feet.

4.5.3.2.2 The minimum area of a parcel on which livestock is to be housed shall be a minimum of two (2) acres in area. The building or structure housing said livestock shall be located not less than eighty (80) feet from any property line.

4.5.3.2.3 All barnyards, corrals, sites and similar structures shall be properly drained and free from excessive dust, odor, and mud.

4.5.3.2.4 No manure pile shall be placed less than fifty (50) feet from any property line and shall be so located that it will not drain on any adjoining premises.

4.5.3.2.5 The keeping of livestock shall be accompanied by a joint residential use on the same premises.

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

4.5.4.1 Professional office when located in the same building used by the person as his private residence; not more than two (2) persons shall be engaged in such activity. Such offices shall not alter the essential

residential character of the property. In the case of conversion of existing residential structures, said conversion shall not alter the residential character of the exterior of the building or increase the existing floor area of the building.

4.5.4.2 Convalescent homes or nursing homes and assisted living facilities when connected to public water and sanitary sewer.

4.5.4.3 Board houses.

4.5.4.4 Funeral homes.

4.5.4.5 Single-family cluster development in accordance with Section 7.

4.5.4.6 Hospitals, church buildings, schools, public libraries, public utility structures, cemeteries, golf courses, country clubs, and governmental buildings, facilities including recycling facilities for organic materials and telecommunication towers.

4.5.4.7 Lot coverage exceeding 25%, subject to the provision of Section 20.5

4.5.4.8 Bed & Breakfast

4.5.4.9 Home based businesses of Major—Type 2.

4.5.4.10 Radio and Television masts are towers in residential zones. Any mast or tower in excess of 50 feet in height in a residential zone or any mast or tower permitted by variance or pre-existing use to be operated for financial gain in a residential zone.

4.5.4.11 Outdoor Wood Burning Furnaces subject to Section 3.28 and CGS 22a-174k.

4.5.5 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.5.4.

4.6 RESIDENTIAL MHP—MOBILE HOME PARKS

4.6.1 Area and Yard Requirements:

4.6.1.1 Minimum lot area: 15 acres

4.6.1.2 Minimum lot width: 200 feet

4.6.1.3 Minimum front yard: 20 feet

4.6.1.4 Minimum side yard: 10 feet

4.6.1.5 Minimum rear yard: 20 feet

4.6.1.6 Maximum building height: 36 feet (2 ½ stories)

4.6.1.7 Maximum lot coverage when not in an aquifer protection zone: 40%

4.6.1.7.1 When in an aquifer protection zone, a Special Permit for increased lot coverage shall be required for any lot coverage exceeding 40 percent and subject to Section 20.5

4.6.2 Permitted Uses:

4.6.2.1 Mobile home parks and mobile home park subdivision subject to approval of site plan by the Planning and Zoning Commission in accordance with Section 14.

4.6.2.2 Accessory uses customarily incidental to the above.

4.6.2.3 Permitted use. Accessory uses may include but are not necessarily limited to community buildings and service buildings. A service building for each mobile home shall not exceed one hundred (100) square feet in ground floor area.

4.6.2.4 Signs subject to Section 16.

4.6.2.5 Temporary decks, patios, or porches not to exceed one-fourth of the total floor area of the mobile home.

4.6.3 Special Exceptions: There are no Special Exceptions in the Mobile Home Park Zone.

4.6.4 Special Permits:

4.6.4.1 Single-family homes on 10,000 square foot lots with side yards of 10 feet, front yards of 20 feet, and a rear yard of 20 feet.

4.6.5 Minimum protective provisions: The following minimum protective provisions shall be required in a Mobile Home Park District:

4.6.5.1 The owner of each mobile home shall secure a permit from the zoning enforcement officer within forty-eight (48) hours of placing the mobile home in a park. A fee of five dollars ($5.00) shall be paid said officer by the applicant. It shall be the duty of the park operator to inform the owners of incoming mobile homes of this provision.

4.6.5.2 Park operators shall promptly notify the Zoning Officer of any mobile homes removed from their park. The requirement shall remain in force until such time as the roads within the Mobile Home Park are accepted by the Town.

4.6.5.3 The park operator shall keep on file the names of all occupants of each mobile home. This requirement shall remain in force until such time as the roads within the Mobile Home Park are accepted by the Town.

4.6.5.4 Notwithstanding the provisions of Section 4.6.5.6 below, each mobile home site shall provide:

4.6.5.4.1 A minimum mobile home site frontage of fifty (50) feet.

4.6.5.4.2 A minimum mobile home site front yard of twenty (20) feet.

4.6.5.4.3 A minimum mobile home site side yard of ten (10) feet.

4.6.5.4.4 Deleted.

4.6.5.4.5 A minimum mobile home site rear yard of ten (10) feet.

4.6.5.4.6 A minimum mobile home site area for each mobile of five thousand (5,000) square feet.

4.6.5.5 Each mobile home shall have its frontage on a street having a fifty-(50) foot wide right-of-way, and all roadways in the park are to be built to Town of Vernon Road Standards.

4.6.5.6 All mobile home parks shall be entirely serviced by public sewers.

4.6.5.7 All mobile home parks shall be entirely serviced by a public water supply.

4.6.5.8 Repealed.

4.6.5.9 New streets, which are not through streets within a mobile home park, shall have a combined length of no more than 1500 feet.

4.6.5.10 Notwithstanding the provision of Section 4.6.5.4 and 4.6.5.5, existing mobile home sites which were created and occupied by a mobile home prior to January 1, 1992 may continue to be used subject to the following:

4.6.5.10.1 Existing manufactured mobile homes may continue to be used and maintained on their existing mobile home site, regardless of the size of the mobile home site.

4.6.5.10.2 If an existing manufactured mobile home shall be replaced, then a new manufactured mobile home may only be located upon an existing mobile home site which shall contain a minimum of two-thousand (2,000) square feet and shall have a minimum frontage of twenty-nine (29) feet on an existing corner mobile home site, the frontage shall be measured along the total right-of-way adjoining the mobile home site.

4.6.5.10.3 Any new manufactured mobile home placed upon an existing mobile home site must have a minimum side yard of at least five (5) feet on each side and must have a minimum rear yard of five (5) feet.

4.6.5.10.4 Any new manufactured mobile home placed upon an existing mobile home site must have a minimum front yard of ten (10) feet.

4.6.5.10.5 Any applicant who wishes to replace an existing manufactured mobile home that was in existence on January 1, 1992 by providing a survey prepared by a land surveyor, registered in the State of Connecticut as set forth in Section 4.6.5.10.2 above shall have the burden of proving the mobile home site, which survey shall show all the existing mobile home sites owned by the applicant, and which survey shall be filed with the Town Clerk of the Town of Vernon together with any related documents that the applicant may wish to provide or which the building Inspector or Town Planner may reasonably require.

4.6.5.10.5.1 Section 4.6.5.10 shall not apply to any manufactured mobile home site that has received approval from the Planning and Zoning Commission and which met the requirements of Section 4.6.5.4 when approval was obtained.

4.6.6 Special Permits.

4.6.6.1 When in an aquifer protection zone, a Special Permit for increased lot coverage shall be required for any lot coverage exceeding forty (40) percent and subject to Section 20.5.

4.6.7 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.6.4 or 4.6.6.

4.7 RESIDENTIAL PLANNED RESIDENTIAL DEVELOPMENT (PRD)

4.7.1 Area and Yard Requirements:

4.7.1.1 Minimum lot area: 1 acre

4.7.1.2 Minimum lot width: 150 feet

4.7.1.3 Minimum front yard: 50 feet

4.7.1.4 Minimum side yard: 20 feet

4.7.1.5 Minimum rear yard: 50 feet

4.7.1.6 Minimum floor area (single level) See Section 10, "Minimum Floor Areas"

4.7.2 Permitted Uses: There are no permitted uses in this zone.

4.7.3 Special Exceptions: There are no special exceptions in the PRD district.

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

4.7.4.1 Multi-family units with a height exceeding two (2) stories or thirty-five (35) feet; provided, however, that such development does not exceed the density requirements of Section 4.7.5 below.

4.7.4.2 Convalescent homes or nursing homes and assisted living facilities when connected to public water and sanitary sewer.

4.7.4.3 Funeral homes.

4.7.4.4 Hotel or motel.

4.7.4.5 Hospitals, church buildings, schools, public libraries, public utility structures, governmental buildings, cemeteries, golf courses, country clubs, non-profit recreational facilities, and telecommunication towers.

4.7.4.6 Lot coverage of sixty (60) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off site. If the area is in an aquifer protection zone, the provisions of Section 20.5 shall also apply.

4.7.4.7 Multiple single-family dwellings subject to the requirements of Section 4.7.6, 4.7.7, and 4.7.8. emergency shelter for the homeless.

4.7.4.8 Multi-family dwellings.

4.7.4.9 Accessory uses customarily incidental to the listed uses, provided such accessory use shall not include any activity conducted for gain.

4.7.4.10 Signs subject to Section 16.

4.7.4.11 Single-family dwellings.

4.7.4.12 Two family dwellings.

4.7.4.13 Adult day care and group day care facilities.

4.7.4.14 Bed & Breakfast.

4.7.4.15 A structure with a height exceeding two (2) stories or thirty-five (35) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.

4.7.4.16 Radio and television masts and towers in residential zones. Any mast or tower in excess of fifty (50) feet in height in a residential zone or any mast or tower permitted by variance or pre-existing use to be operated for financial gain in a residential zone.

4.7.4.17 Home Occupations in single-family and two family owner occupied dwellings.

4.7.4.18 Home Occupations in multiple single-family and multi-family owner occupied dwellings. The applicant must present evidence of approval or permission from the homeowners association of the property at which the activity is to occur.

4.7.5 Schedule for multi-family dwelling unit/area ratio: Minimum area requirements per dwelling unit shall be determined on the basis of the number of bedrooms or each unit and floor on which each unit is located as follows:

	TABLE A	*TABLE B*
Number of bedrooms per dwelling unit	Number of square feet in land area per dwelling unit for the first two stories of any multi-family structure	Number of square feet in land area per dwelling unit for the third story and above of any multi-family structure
3	7,500	6,500
2	5,500	4,000
1	3,500	3,000

4.7.5.1 For purpose of this regulation, all rooms that are in addition to a living room, kitchen, hall or foyer, alcove, pantry, laundry, bathroom, closet or storage space, shall be interpreted as being bedrooms.

4.7.5.2 Weather proof, lockable storage space will be provided for each dwelling unit. Such storage space shall be in addition to that ordinarily contained within a unit such as cabinets, pantries and clothes closets. Such space will not be counted in computing the residential floor area for the dwelling unit. Such space may be located in an area separated from the dwelling unit, but at a minimum located within or adjacent to the building in which the dwelling unit is contained.

4.7.6 Livability Space Requirements:

4.7.6.1 The following minimum amounts of space must be devoted to the provision of livability space, which is that space appropriately improved and located within the development as outdoor living space for residents and for aesthetic appeal. Such space includes lawns and other landscaped areas, walkways, and the areas accessible from them, paved terraces and sitting areas, outdoor recreational areas, and patios. Space provided on decks may also be counted toward the livability space requirement.

PRD zone: 2.0 times the gross residential floor area.

Residential Commercial Zone: 2.3 times the gross residential floor area.

4.7.6.2 At the discretion of the Planning and Zoning Commission, each dwelling unit shall have constructed adjacent to it a patio, terrace or deck. Such space will be included as part of the livability space requirement.

4.7.7 Minimum Protective Provisions:

4.7.7.1 All multi-family structures shall be entirely serviced by public sewers.

4.7.7.2 All multi-family structures shall be entirely serviced by a public water supply.

4.7.8 This section is designed to allow the construction of multi-family units in excess of applicable density limits in accordance with a contract entered into, and between a developer and the town to allow for the provision of affordable housing subject to the following criteria:

4.7.8.1 For each dwelling unit constructed by the developer in excess of the number of such units permitted by applicable density limits, the developer shall construct in the municipality within one year from the effective date of the contract, a unit of affordable housing, as defined in Section C.G.S 8-39a, which is of comparable size and workmanship.

4.7.8.2 For a period which shall not be less than thirty (30) years from the date of completion of any units of affordable housing constructed pursuant to 4.7.8.1, such units of affordable housing shall be offered for sale or rent only to persons and families having such income as specified under Section 2.2 of these regulations but which shall not exceed the area median income of the municipality as determined by the United States Department of Housing and Urban Development.

4.7.8.3 The sale price or rent for any such unit of affordable housing shall not exceed an amount which shall be specified in such contract, provided such contract shall contain provisions concerning reasonable periodic increases of the specified sale price or rent.

4.7.8.4 Such units of affordable housing shall be conveyed by deeds containing covenants incorporating the terms and conditions contained in such contract between the developer and the municipality, which covenants shall run with the land and be enforceable by the municipality until released.

4.7.8.5 The requirements of these regulations shall apply to the resale, the purchase and subsequent leasing and the conversion the common interest form of ownership and subsequent sale of any unit of affordable housing during and for the remaining term of such period.

4.7.9 **Use Variances:** Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.7.4.

4.8 DELETED

4.9 COMMERCIAL

4.9.1 Area and Yard Requirements:

4.9.1.1 Minimum lot area: 22,000 square feet

4.9.1.2 Minimum lot width: 100 feet

4.9.1.3 Minimum front yard: 50 feet

4.9.1.4 Minimum rear yard: 50 feet

4.9.1.5 Minimum side yard: 20 feet

4.9.1.6 Minimum floor area 1,000 square feet

4.9.2 Permitted Uses:

4.9.2.1 Retail sale of food, non-alcoholic beverages, drugs, clothing, jewelry, hardware, stationery, specialty items, household appliances or furnishings.

4.9.2.2 Full service restaurants or clubs; service of alcohol is subject to Section 17.1, Alcoholic Liquors.

4.9.2.3 Non-full service restaurants; drive-up service windows are subject to Section 4.9.4.17.

4.9.2.4 Any professional or business office, bank, studio or other financial institution.

4.9.2.5 Wholesale showroom with storage limited to floor samples only.

4.9.2.6 Indoor movie theatres.

4.9.2.7 Signs subject to Section 16.

4.9.2.8 Accessory uses customarily incidental to the listed uses.

4.9.2.9 Personal convenience services limited to barbershops, beauty salons, and dry cleaning establishments.

4.9.2.10 Medical or research laboratory.

4.9.2.11 Day care centers.

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

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.

4.9.2.14 Commercial parking facility with site plan approval.

4.9.2.15 Multi-story, climate controlled indoor self-storage building, provided all services are contained within the building, the building contains at least 50,000 sq. ft. of floor area, the building exterior is designed with architectural styling and fenestration, and no more than six (6) overhead loading doors are visible from the public street(s) on which the building and lot front unless screened from view. Building height is subject to the provisions of section 4.9.4.15.7 of these regulations.

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 Deleted.

4.9.3.2 Laundromats serviced by public sewers.

4.9.3.3 Personal convenience services not listed above as a permit use.

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

4.9.4.1 Mixed residential/commercial uses where the current use of the property is residential and less than fifty (50) percent of the structure will continue to be used residentially.

Mixed Commercial and Multi-Family Uses provided a parcel contains a minimum of five (5) acres and at least twenty five (25%) of the total lot area is reserved for commercial development, then multi-family development shall be permitted on said parcel subject to the following:

a. The portion of the lot devoted to multi-family use must comply with Sec. 4.7.5 and Section 4.7.6 of the Vernon Zoning Regulations.

b. The site shall be entirely serviced by public sewers and by public water.

4.9.4.2 Funeral homes.

4.9.4.3 Hotels or motels.

4.9.4.4 Hospitals, places of worship, schools, public libraries, public utility structures, governmental buildings, cemeteries, golf courses, country clubs, non-profit recreational facilities.

4.9.4.5 Any retail outlet dealing in merchandise or service similar to the items listed above as permitted uses.

4.9.4.6 Commercial education or recreational activities.

4.9.4.7 Telecommunication towers.

4.9.4.8 Residential facilities for special education.

4.9.4.9 Deleted.

4.9.4.10 Deleted.

4.9.4.11 Seller or server of alcoholic beverages unless considered an excluded establishment as stated in section 17.1.1.

4.9.4.12 Deleted.

4.9.4.13 Commercial kennel, as defined in Section 2, provided that such a facility is located no closer than three hundred (300) feet from a residence or residential district. The three hundred (300) feet separation requirement shall not apply to veterinary facilities housed inside a building.

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

4.9.4.15 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.

4.9.4.15.1 More than forty (40) off-street spaces are required or;

4.9.4.15.2 The proposed structure is within two-hundred (200) feet of a residential structure or;

4.9.4.15.3 The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or;

4.9.4.15.4 The aggregate square footage for all structures on any parcel exceeds twenty-five (25) thousand;

4.9.4.15.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.

4.9.4.15.6 Lot coverage of sixty (60) percent or more. In order to grant this Special Permit the Commission must find that this additional coverage will not increase the off site storm

water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off site. If the area is in an aquifer protection zone, the provisions of Section 20.5 shall also apply.

4.9.4.15.7 A structure with a height exceeding two (2) stories or thirty-five (35) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.

4.9.4.15.8 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.

4.9.4.15.9 Outside displays by retain sales establishments when said displays occupy an area greater than ten (10) percent of the gross floor area of the individual business utilizing the display.

4.9.4.16 Redemption center for used beverage containers.

4.9.4.17 Drive-up service window by approval of both a Site Plan and a Special Permit.

4.9.4.18 Motor vehicle washing facility as accessory use of retail gasoline sales operation, provided; a) automotive repairs are not conducted on the site, b) minimum lot area shall be one (1) acre, c) no more than forty (40) percent of the maximum lot coverage area shall be used exclusively for the washing facility, and d) the facility shall contain no more than one bay, be automatic, and be patron activated

4.9.4.19 Any establishment, which sells gasoline or diesel fuel.

4.9.4.20 Electronic or mechanical games. In any commercial establishment in which the principal use or activity is not the playing of electronic or mechanical games, no more than three (3) such games or devices shall be placed for public or private use in or on the premises, without a Special Permit from the Planning & Zoning Commission. These games are not classified as a commercial recreational activity.

4.9.4.21 Deleted.

4.9.4.22 A non independent massage area or establishment: In order to grant a Special Permit, the PZC must find the following:

4.9.4.22.1 All massage services must be carried out in clearly marked rooms within the establishment, and such rooms shall provide privacy to the patron while allowing for the capability to inspect all activity within the room for the purposes of determining that the provisions of these regulations are complied with. Such rooms shall be provided with continuous white lighting, which shall remain on at all time that such room is in use, and sufficient to light the entire room.

4.9.4.22.2 For all massage therapists who will be employed in the establishment, evidence of a valid license from the State of Connecticut must be presented to the PZC.

4.9.4.22.3 A massage area or establishment shall not constitute the principle use of any business or building but shall be strictly an accessory use to another business contained in said building.

4.9.4.22.4 The massage area shall not occupy more than ten (10) percent of the gross floor area of the business to which it (the massage area) is an accessory use.

4.9.4.23 Independent Massage Therapy Practice. In order to grant a Special Permit the PZC must find the following:

4.9.4.23.1 All massage services must be carried out by licensed massage therapist in clearly marked establishments. Such establishments shall provide rooms with professional lighting which shall remain on at all times that the room is in use and sufficient to light the entire room.

4.9.4.23.2 For all massage therapists, a valid license from the State of Connecticut and either valid active membership in the AMTA or evidence of Professional Liability insurance equal to that provided by AMTA membership must be presented to the PZC.

4.9.4.23.3 The valid Connecticut Massage Therapy License must be displayed in plain view in the place of business.

4.9.4.24 Message board sign by approval of both a Site Plan and Special Permit.

4.9.5 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.9.4.

4.10 INDUSTRIAL (I)

4.10.1 Area and Yard Requirements:

4.10.1.1 Minimum lot area: 40,000 square feet

4.10.1.2 Minimum lot width: 150 feet

4.10.1.3 Minimum front yard: 50 feet

4.10.1.4 Minimum side yard: 30 feet

4.10.1.5 Minimum rear yard: 40 feet

4.10.1.6 Minimum floor area: 5 percent of land area

4.10.2 Permitted Uses:

4.10.2.1 Manufacturing, storing, processing, fabricating, packaging or assembling activities wholly within a building or unified complex of buildings.

4.10.2.2 Printing or publishing establishment.

4.10.2.3 Wholesale showroom with or without storage and repair facilities.

4.10.2.4 Wholesale distribution or warehouse facility.

4.10.2.5 Bulk petroleum storage.

4.10.2.6 Open storage facility for contractors and building suppliers.

4.10.2.7 Salesroom or display areas for wholesale and retail sales and rental of vehicles including vehicle sales lots.

4.10.2.8 Temporary storage of new motorized vehicles.

4.10.2.9 Dry clean or laundering plant.

4.10.2.10 Research and experimental laboratories.

4.10.2.11 Wholesale or retail sale of products fabricated, assembled or packaged in a building on the premises.

4.10.2.12 Motor vehicle washing facilities.

4.10.2.13 Signs subject to Section 16.

4.10.2.14 Accessory uses customarily incidental to the listed uses.

4.10.2.15 Commercial education facility.

4.10.2.16 Any uses permitted in section 4.9, excluding section 4.9.4.20.

4.10.3 Special Exceptions: The following use may be permitted when granted a Special Exception by the Zoning Board of Appeals.

4.10.3.1 Heliport.

4.10.4 Special Permits: The following may be permitted when granted a Special Permit by the Planning & Zoning Commission.

4.10.4.1 Commercial recreational facility.

4.10.4.2 Freight or trucking terminal with warehouse storage facilities.

4.10.4.3 Auto body, soldering or welding shop.

4.10.4.4 Automotive repair shop.

4.10.4.5 Radio or television towers and facilities and commercial telecommunication towers.

4.10.4.6 Governmental buildings and public utilities structures.

4.10.4.7 Small engine and lawn mower repair shop.

4.10.4.8 Redemption center for used beverage containers.

4.10.4.9 Deleted.

4.10.4.10 Deleted.

4.10.4.11 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.

4.10.4.11.1 More than forty (40) off-street parking spaces are required or;

4.10.4.11.2 The proposed structure is within two-hundred (200) feet of a residential structure or;

4.10.4.11.3 The proposed development has any off-street parking or loading spaces within one hundred (100) feet of a residential structure or;

4.10.4.11.4 The aggregate square footage for all structures on any parcel exceeds twenty-five (25) thousand;

4.10.4.11.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.

4.10.4.11.6 Lot coverage of forty (40)% or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off site. If the area is in aquifer protection zone, the provisions of Section 20.5 shall also apply.

4.10.4.11.7 A structure with a height exceeding three (3) stories or forty (40) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.

4.10.4.11.8 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.

4.10.4.11.9 Outside displays when said displays occupy an area greater than ten (10) % of the gross floor area of the individual business utilizing the display.

4.10.4.12 Electronic or mechanical games: In any commercial establishment in which the principal use or activity is not the playing of electronic or mechanical games, no more than three (3) such games or devices shall be placed for public or private use in or on the premises, without a Special Permit from the Planning Commission.

4.10.4.13 Adaptive Re-use per Sections 2.96 & 3.26

4.10.4.14 Drive-up service window by approval of both a Site Plan and a Special Permit.

4.10.4.15 Commercial kennel, as defined in Section 2, provided that such a facility is located no closer than three hundred (300) feet from a residence or residential district. The three hundred (300) feet separation requirement shall not apply to veterinary facilities housed inside a building.

4.10.4.16 Message board sign by approval of both a Site Plan and Special Permit.

4.10.5 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.10.4.

4.10.6 Protective Provisions:

4.10.6.1 All industrial uses must be connected to sanitary sewers unless the Health Department approves the use of a septic system in writing prior to PZC action.

4.14 SPECIAL FLOATING ZONE—INDUSTRIAL DEVELOPMENT

4.14.1 Area and Yard Requirements:

4.14.1.1 Minimum lot area: 4 acres

4.14.1.2 Minimum lot width: 200 feet

4.14.1.3 Minimum front yard: 60 feet

4.14.1.4 Minimum rear yard: 40 feet

4.14.1.5 Minimum side yard: 40 feet

4.14.1.6 Minimum floor area: 5 percent of land area

4.14.2 Permitted Uses: There are no permitted uses in this zone.

4.14.3 Special Exceptions: There are no Special Exceptions in the "Special Floating Zone for Industrial Development".

4.14.4 Special Permits: The following may be permitted when granted a Special Permit by the Planning & Zoning Commission.

4.14.4.1 Manufacturing, storing, processing, fabricating, packaging or assembling activities wholly within a building or unified complex of buildings.

4.14.4.2 Printing or publishing establishments.

4.14.4.3 Wholesale distribution or warehouse facility.

4.14.4.4 Freight or trucking terminal with warehouse storage facilities.

4.14.4.5 Wholesale showroom with or without storage and repair facilities.

4.14.4.6 Research and experimental laboratories.

4.14.4.7 Offices for industrially oriented businesses.

4.14.4.8 Restaurant serving food for consumption inside a building.

4.14.4.9 Professional office buildings.

4.14.4.10 Signs subject to Section 16.

4.14.4.11 Accessory uses customarily incidental to the listed uses.

4.14.4.12 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.

4.14.4.12.1 More than forty (40) off-street parking spaces are required or;

4.14.4.12.2 The proposed structure is within two-hundred (200) feet of a residential structure or;

4.14.4.12.3 The proposed development has any off-street parking or loading spaces within one hundred (100) feet of a residential structure or;

4.14.4.12.4 The aggregate square footage for all structures on any parcel exceeds 25,000 feet;

4.14.4.12.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.

4.14.4.12.6 Lot coverage of forty (40) percent or more. In order to grant this Special Permit the Commission must find that this additional coverage will not increase the off site storm

water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off site. If the area is in an aquifer protection zone, the provisions of Section 20.5 shall also apply.

4.14.4.12.7 A structure with a height exceeding three (3) stories or forty (40) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.

4.14.4.12.8 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.

4.14.4.12.9 Outside displays when said displays occupy an area greater than ten (10) % of the gross floor area of the individual business utilizing the display.

4.14.4.13 Message board sign by approval of both a Site Plan and Special Permit.

4.14.5 Procedure: The applicant for a "Special Floating Zone" must make application to the Commission at least twenty (20) days prior to the scheduled meeting date. The Commission, at this preliminary hearing, may set the date for a public hearing, and may request the applicant present at the public hearing, any or all information required under Section 14 Site Plan. The Commission may, at this meeting, approve both the Floating Zone and the Site Plan. A Site Plan must be submitted for approval to the Commission within a six (6) month period of time following the approval of the "Special Floating Zone" or the zoning approval will become null and void, and the parcel of land will return to its original classification.

4.14.6 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.14.4.

4.15 HISTORIC DISTRICT—PLANNED NEIGHBORHOOD DEVELOPMENT

4.15.1 Area and Yard Requirements:

4.15.1.1 Minimum lot area: 20,000 square feet

4.15.1.2 Minimum lot width: 120 feet

4.15.1.3 Minimum front yard: 30 feet

4.15.1.4 Minimum side yard: 10 feet

4.15.1.5 Minimum rear yard 20 feet

4.15.1.6 Minimum floor area: 1,000 square feet

4.15.2 Permitted Uses:

4.15.2.1 Single family and two-family dwellings.

4.15.2.2 Accessory uses customarily incidental to the above permitted uses, provided that such accessory use shall not include any activities conducted for gain.

4.15.2.3 One sign meeting all of the requirements of Section 16.1 and 16.2.

4.15.3 Special Permits: The following uses may be permitted when granted a Special Permit by the Planning & Zoning Commission:

4.15.3.1 Multi-family and accessory uses customarily incidental to them, provided that accessory uses shall not be conducted for gain. Multi-family units are subject to the requirements of Section 10.1.2 and Sections 4.7.5, 4.7.6, and 4.7.7 of these Zoning Regulations.

4.15.3.2 Professional or business offices, banks or other financial institutions.

4.15.3.3 Convalescent homes or nursing homes and assisted living facilities when connected to public water and sanitary sewer.

4.15.3.4 Boarding homes.

4.15.3.5 Church buildings, schools, public libraries, public utility structures, cemeteries, hospitals, and governmental buildings.

4.15.3.6 Residential facilities for special education.

4.15.3.7 Funeral homes.

4.15.3.8 Home based businesses of Major—Type 2.

4.15.3.9 Group day care facilities.

4.15.3.10 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.

4.15.3.10.1 More than forty (40) off-street parking spaces are required or;

4.15.3.10.2 the proposed structure is within two-hundred (200) feet of a residential structure or;

4.15.3.10.3 The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or;

4.15.3.10.4 The aggregate square footage for all structures on any parcel exceeds twenty-five (25,000) thousand.

4.15.3.10.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.

4.15.3.10.6 Lot coverage of forty-five (45) percent or more. In order to grant this special permit, the Commission must find that this additional coverage will not increase the off site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off site. If the area is in an aquifer protection zone, the provisions of Section 20.5 shall also apply.

4.15.3.10.7 A structure with a height exceeding two and a half (2 ½) stories or thirty-five (35) feet. In order to grant this Special Permit the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.

4.15.3.10.8 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.

4.15.3.11 Bed & Breakfast.

4.15.3.12 Radio and Television masts and towers.

4.15.4 Protective provision concerning front yard compatibility:

4.15.4.1 When seventy-five (75) percent or more of the structures on one side of a street, measured between two intersecting streets, have front yards of less depth than the required front yard in this zoning district, the Commission, when considering a Special Permit request, may allow new structures built on the same side of the street to conform to the average established setback. In no case may the front yard be reduced to less than ten (10) feet.

4.15.4.2 When 75% or more of the structures on one side of a street, measured between two intersecting streets, have front yards of less depth than the required front yard in this zoning district, the Building Inspector, when issuing a building permit for a single or two-family structures, may allow these structures, if built on the same side of the street, to conform to the average established setback. In no case may the front yard be reduced to less than 10 feet.

4.15.5 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.15.3.

4.15.6 Adaptive Re-use per Sections 2.97 & 3.26

4.16 HISTORIC DISTRICT—NEIGHBORHOOD R-10

4.16.1 Area and Yard Requirements:

4.16.1.1 Minimum lot area: 10,000 square feet

4.16.1.2 Minimum lot width: 80 feet

4.16.1.3 Minimum front yard: 30 feet

4.16.1.4 Minimum side yard: 10 feet

4.16.1.5 Minimum rear yard: 20 feet

4.16.1.6 Minimum floor area: 1,000 square feet

4.16.2 Permitted Uses:

4.16.2.1 Single family and two-family dwellings.

4.16.2.2 Accessory uses customarily incidental to the above permitted uses, provided that such accessory use shall not include any activities conducted for gain.

4.16.3 Special Permits: The following uses may be permitted when granted a Special Permit by the Planning & Zoning Commission:

4.16.3.1 Convalescent homes or nursing homes and assisted living facilities when connected to public water and sanitary sewer.

4.16.3.2 Boarding Homes.

4.16.3.3 Places of worship, schools, public libraries, public utility structures, cemeteries, hospitals, and governmental buildings.

4.16.3.4 Residential facilities for special education.

4.16.3.5 Funeral homes.

4.16.3.6 Public parks and public recreational areas.

4.16.3.7 Signs subject to Section 16.

4.16.3.8 Home based businesses of Major—Type 2.

4.16.3.9 Day care center when conducted as an accessory use to a non-profit institution such as a school or church.

4.16.3.10 The operation of a program with the express purpose of providing vocational training and employment services to developmentally disabled and other handicapped citizens.

4.16.3.11 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.

4.16.3.11.1 More than forty (40) off-street parking spaces are required or;

4.16.3.11.2 The aggregate square footage for all structures on any parcel exceeds 25,000;

4.16.3.11.3 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.

4.16.3.11.4 Lot coverage of forty (40) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off-site storm

water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off-site. If the area is in an aquifer protection zone, the provisions of Section 20.5 shall also apply.

4.16.3.11.5 A structure with a height exceeding two and a half (2 ½) stories or thirty-five (35) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.

4.16.3.11.6 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.

4.16.3.12 Bed & Breakfast.

4.16.3.13 Deleted.

4.16.3.14 Radio and television masts and towers.

4.16.4 Protective provision concerning front yard compatibility:

4.16.4.1 When seventy-five (75) or more of the structures on one side of a street, measured between two intersecting streets, have front yards of less depth than the required front yard in this zoning district, the Commission, when considering a Special Permit request, may allow new structures built on the same side of the street to conform to the average established setback. In no case may the front yard be reduced to less than ten (10) feet.

4.16.4.2 When seventy-five (75) or more of the structures on one side of a street, measured between two intersecting streets, have front yards of less depth than the required front yard in this zoning district, the Building Inspector, when issuing a building permit for single or two-family structures, may allow these structures, if built on the same side of the street, to conform to the average established setback. In no case may the front yard be reduced to less than ten (10) feet.

4.16.5 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.16.3.

4.17 HISTORIC DISTRICT—RESIDENTIAL COMMERCIAL

4.17.1 Area and Yard Requirements:

4.17.1.1 Minimum lot area: 20,000 square feet

4.17.1.2 Minimum lot width: 120 feet

4.17.1.3 Minimum front yard: 30 feet

4.17.1.4 Minimum side yard: 10 feet

4.17.1.5 Minimum rear yard: 20 feet

4.17.1.6 Minimum floor area: 1,000 square feet

4.17.2 Permitted uses:

4.17.2.1 Single family and two-family dwellings.

4.17.2.2 Accessory uses customarily incidental to the above permitted uses, provided that such accessory use shall not include any activities conducted for gain.

4.17.2.3 One sign, per business, not larger than fourteen (14) square feet, provided this sign meets all the other requirements of Section 16. Additional signage and/or signs in excess of fourteen (14) square feet and otherwise in compliance with Section 16 may be permitted when granted a Special Permit by the Planning & Zoning Commission.

4.17.3 Special Permits: The following uses may be permitted when granted a Special Permit by the Planning & Zoning Commission:

4.17.3.1 Multi-family dwellings, and accessory uses customarily incidental to them, provided that such accessory uses shall not be conducted for gain. Multi- family units are subject to the requirements of Section 10.1.1 and Sections 4.7.5, 4.7.6, and 4.7.7 of these Zoning Regulations.

4.17.3.2 Professional or business offices, banks or other financial institutions.

4.17.3.3 Convalescent homes or nursing homes and assisted living facilities when connected to public water and sanitary sewer.

4.17.3.4 Indoor movie theaters.

4.17.3.5 Church buildings, schools, public libraries, public utility structures, cemeteries, hospitals, and governmental buildings.

4.17.3.6 Residential facilities for special education.

4.17.3.7 Funeral homes.

4.17.3.8 Buildings, which have previously been used industrially, and existing industrial operations located within the residential commercial zone may be allowed. Existing industrial buildings and operations are not subject to Section 11 of the regulations. These existing industrial buildings may be extended, enlarged or rebuilt only after a Special Permit is obtained. All industrial buildings and operations are subject to the requirements set forth in Section 4.19—Historic District—Industrial.

4.17.3.9 Retail sale of food, non-alcoholic beverages, drugs, clothing, jewelry, hardware, stationery, specialty items, household appliances or furnishings.

4.17.3.10 Personal convenience services limited to barbershops, beauty shops and dry cleaning establishments.

4.17.3.11 Full service restaurant with or without alcoholic beverage permit.

4.17.3.12 Seller or server of alcoholic beverages unless considered an excluded establishment as stated in section 17.1.1.

4.17.3.13 Public parks and public recreational areas.

4.17.3.14 Hospitals, medical offices, laboratories and similar health care facilities.

4.17.3.15 Commercial parking facility.

4.17.3.16 Drive-up service window by approval of both a Site Plan and a Special Permit.

4.17.3.17 Additional signage and/or signs in excess of fourteen (14) square feet. These signs area also subject to the requirements of Section

4.17.3.18 Deleted.

4.17.3.19 Deleted.

4.17.3.20 Commercial, educational or recreation services.

4.17.3.21 Any retail outlet dealing in merchandises or services which the Commission finds to be similar in nature to the above use.

4.17.3.22 Child Day Care Centers.

4.17.3.23 Multiple single-family dwellings subject to the requirements of Section 4.7.5.2, 4.7.6, 4.7.7, and 17.3.3, and to a finding to be made by the Commission that the construction of, or conversion to, multiple single-family dwellings will not reduce the availability of existing habitable rental housing in the Rockville section of the Town of Vernon.

4.17.3.24 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.

4.17.3.24.1 More than forty (40) off-street parking spaces are required or:

4.17.3.24.2 The proposed structure is within two-hundred (200) feet of a residential structure or;

4.17.3.24.3 The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or;

4.17.3.24.4 The aggregate square footage for all structures on any parcel exceeds 25,000;

4.17.3.24.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.

4.17.3.24.6 Lot coverage of forty-five (45) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off-site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off site. If the area is in an aquifer protection zone, the provision of Section 20.5 shall also apply.

4.17.3.24.7 A structure with a height exceeding two and a half (2 ½) stories or thirty-five (35) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.

4.17.3.24.8 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.

4.17.3.24.9 Outside displays by retail sales establishments when said displays occupy an area greater than ten (10) percent of the gross floor area of the individual business utilizing the display.

4.17.3.25 Emergency shelter for the homeless when conducted by a non-profit organization.

4.17.3.26 Bed & Breakfast.

4.17.3.27 Home occupations in single-family homes.

4.17.3.28 Outside displays by retail sales establishments when said displays occupy an area greater than ten (10) percent of the gross floor area of the individual business utilizing the display.

4.17.3.29 A parking lot or parking facility as a principal use on a lot to provide for an allowed use(s), which allowed use(s) is located on another lot(s) that is located within sixteen hundred (1,600) feet of the lot on which the parking lot or parking facility is located. The parking lot or parking facility shall be reserved to provide parking exclusively for the aforementioned allowed use(s).

4.17.3.30 Radio and television masts and towers in residential zones. Any mast or tower in excess of one-hundred (100) feet in height in a residential zone or any mast or tower permitted by variance or pre-existing use to be operated for financial gain in a residential zone.

4.17.3.31 Adaptive Re-use per Sections 2.96 & 3.26

4.17.3.32 Message board sign by approval of both a Site Plan and Special Permit.

4.17.4 Protective provision concerning front yard compatibility:

4.17.4.1 When seventy-five (75) percent or more of the structures on one side of a street, measured between two intersecting streets, have front yards of less depth than the required front yard in this zoning district, the Commission when considering a Special Permit request, may allow new structures built on the same side of the street to conform to the average established setback. In no case may the front yard be reduced to less than ten (10) feet.

4.17.4.2 When seventy-five (75) percent or more of the structures on one side of a street, measured between two intersecting streets, have front yards of less depth than the required front yard in this zoning district, the Building Inspector when issuing a building permit for single or two-family structures, may allow these structures, if built on the same side of the street, to conform to the average established setback. In no case may the front yard be reduced to less than ten (10) feet.

4.17.5 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.17.3.

4.18 HISTORIC DISTRICT—RESTRICTED WATERSHED

4.18.1 Area and Yard requirements:

4.18.1.1 Minimum lot area: 40,000 square feet

4.18.1.2 Minimum lot width: 200 feet

4.18.1.3 Minimum front yard: 30 feet

4.18.1.4 Minimum side yard: 10 feet

4.18.1.5 Minimum rear yard: 20 feet

4.18.1.6 Minimum floor area: 1,000 square feet

4.18.2 Permitted uses:

4.18.2.1 Those uses associated with the operation of a public water company.

4.18.2.2 Public and non-profit parks.

4.18.2.3 Wildlife sanctuaries or preserves when owned by non-profit entities.

4.18.3 Special Permits: The following uses may be permitted when granted a Special Permit by the Planning & Zoning Commission.

4.18.3.1 Single-family dwellings.

4.18.3.2 Governmental buildings.

4.18.3.3 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.

4.18.3.3.1 More than forty (40) off-street parking spaces are required or;

4.18.3.3.2 The proposed structure is within 200 feet of a residential structure or;

4.18.3.3.3 The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or;

4.18.3.3.4 The aggregate square footage for all structures on any parcel exceeds twenty-five (25) thousand;

4.18.3.3.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.

4.18.3.3.6 Lot coverage of twenty-five (25) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off-site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off-site. If the area is in an aquifer protection zone, the provision of Section 20.5 shall also apply.

4.18.3.3.7 A structure with a height exceeding two and a half (2 ½) stories or thirty-five (35) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.

4.18.3.3.8 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.

4.18.3.4 Bed & Breakfast.

4.18.4 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.18.3.

4.19 HISTORIC DISTRICT—INDUSTRIAL

4.19.1 Area and Yard requirements:

4.19.1.1 Minimum lot area: 1 acre

4.19.1.2 Minimum lot width: 160 feet

4.19.1.3 Minimum front yard: 35 feet

4.19.1.4 Minimum side yard: 15 feet

4.19.1.5 Minimum rear yard: 30 feet

4.19.1.6 Minimum floor area: 10 percent of land area

4.19.2 Permitted uses:

4.19.2.1 Manufacturing, storing, processing, fabricating, packaging or assembling activities wholly within a building or unified complex of buildings.

4.19.2.2 Printing or publishing establishments.

4.19.2.3 Wholesale distribution or warehouse facility.

4.19.2.4 Office buildings and financial institutions.

4.19.2.5 Research laboratories.

4.19.2.6 Restaurant serving food for consumption inside the building.

4.19.2.7 Wholesale or retail sale of products fabricated, assembled or packaged in a building on the premises.

4.19.2.8 Signs subject to Section 16.

4.19.3 Special Permits: The following uses may be permitted when granted a Special Permit by the Planning & Zoning Commission.

4.19.3.1 Governmental buildings, public utility structures and telecommunication towers.

4.19.3.2 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.

4.19.3.2.1 More than forty (40) off-street parking spaces are required or;

4.19.3.2.2 The proposed structure is within two-hundred (200) feet of a residential structure or;

4.19.3.2.3 The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or'

4.19.3.2.4 The aggregate square footage for all structures on any parcel exceeds twenty-five (25) thousand;

4.19.3.2.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.

4.19.3.2.6 Lot coverage of sixty-five (65) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off-site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off-site. If the area is in an aquifer protection zone, the provision of Section 20.5 shall also apply.

4.19.3.2.7 A structure with a height exceeding three (3) stories or forty (40) feet. In order to grant this special permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.

4.19.3.2.8 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.

4.19.3.2.9 Outside displays when said displays occupy an area greater than 10% of the gross floor area of the individual business utilizing the display.

4.19.3.3 Adaptive Re-use per Sections 2.96 & 3.26

4.19.3.4 Drive-up service window by approval of both a Site Plan and a Special Permit.

4.19.3.5 Message board sign by approval of both a Site Plan and Special Permit.

4.19.4 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district specifically allowed by the Planning and Zoning Commission under Section 4.19.3.

4.20 SPECIAL DEVELOPMENT ZONE—ECONOMIC DEVELOPMENT

4.20.1 Area and Yard requirements:

4.20.1.1 Minimum lot area: 1 acre

4.20.1.2 Minimum lot width: 150 feet

4.20.1.3 Minimum front yard: 50 feet

4.20.1.4 Minimum rear yard: 30 feet

4.20.1.5 Minimum side yard: 30 feet

4.20.1.6 Minimum floor area: 5 percent of land area

4.20.2 Permitted uses: There are no permitted uses in this zone.

4.20.3 Special Exceptions: There are no Special Exceptions in the Special Economic Development Zone.

4.20.4 Special Permits: The following may be permitted when granted a Special Permit by the Planning & Zoning Commission:

4.20.4.1 Manufacturing, storing, processing, fabricating, packaging or assembling activities wholly within a building or unified complex of buildings.

4.20.4.2 Printing or publishing.

4.20.4.3 Wholesale distribution or warehouse facility.

4.20.4.4 Wholesale showroom with or without storage and repair facilities.

4.20.4.5 Research and experimental laboratories.

4.20.4.6 Auditorium, coliseum, or indoor movie theatre(s).

4.20.4.7 Professional office building, general office buildings, office parks.

4.20.4.8 Signs subject to Section 16.

4.20.4.9 Accessory uses customarily incidental to the listed uses.

4.20.4.10 Retail sale of products assembled or packaged in a building on the premises provided said fabrication, assembling, or packing operations occupy a minimum of seventy-five (75) percent of the floor area of said building.

4.20.4.11 Plumbing, heating, electrical, industrial and general contracting establishments, which may include showrooms.

4.20.4.12 Commercial recreational facility.

4.20.4.12.1 Commercial recreational facilities are exempt from the minimum floor area requirement of five (5) percent if the proposed use is primarily for outdoor activities.

4.20.4.13 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.

4.20.4.13.1 More than forty (40) off-street parking spaces are required or;

4.20.4.13.2 The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or;

4.20.4.13.3 The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or

4.20.4.13.4 The aggregate square footage for all structures on any parcel exceeds 25,000;

4.20.4.13.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.

4.20.4.13.6 Lot coverage of sixty-five (65) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off-site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off-site. If the area is in an aquifer protection zone, the provision of Section 20.5 shall also apply.

4.20.4.13.7 A structure with a height exceeding three (3) stories or forty (40) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.

4.20.4.13.8 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.

4.20.4.13.9 Outside displays when said displays occupy an area greater than ten (10) percent of the gross floor area of the individual business utilizing the display.

4.20.4.14 Bank or other financial institution.

4.20.4.15 Hotel, motel, convention and resort centers.

4.20.4.16 Drive-up service window by approval of both a Site Plan and a Special Permit.

4.20.4.17 Restaurant, located within, and serving food for consumption inside an office, hotel, convention oriented or industrial type building or complex of buildings.

4.20.4.18 Governmental buildings and facilities including recycling facilities for organic materials.

4.20.4.19 Telecommunication towers.

4.20.4.20 Redemption center for used beverage containers.

4.20.4.21 Commercial kennel, as defined in Section 2, provided that such a facility is located no closer than three hundred (300) feet from a residence or residential district. The three hundred (300) feet separation requirement shall not apply to veterinary facilities housed inside a building.

4.20.4.22 Message board sign by approval of both a Site Plan and Special Permit.

4.20.5 Protective Provisions:

4.20.5.1 To protect the traffic flow and improve the aesthetic character of Route 83, lots which abut Route 83 must meet the following area and yard requirements:

Minimum lot area: 1 acre

Minimum lot width: 150 feet

Minimum front yard: 60 feet

Additionally no parking area shall be allowed within the required front yard of properties on Route 83.

40.20.5.2 A complete Site Plan as required in Section 14 shall be submitted to the Commission as part of the Special Permit requirement.

40.20.5.3 Parcels abutting the I-84 right-of-way and within the I-84 Corridor as defined in the Master Plan of Development shall have minimum lot sizes of one acre, minimum lot widths of one hundred fifty feet, and no parking or loading zones between the building and I-84 unless said parking areas and loading zones can be screened in such a manner as to preserve the overall aesthetic character of the area.

4.20.6 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district specifically allowed by the Planning and Zoning Commission under Section 4.20.4.

4.21 PLANNED COMMERCIAL ZONE

4.21.1 The Planned Commercial Zone (PCZ) has been designed in accordance with Town Master Plan, to regulate commercial and office space development along Route 83 (Talcottville Road) from its intersection with Wilshire Road to the area adjacent to Dart Hill Road. The intent of the regulations is to:

4.21.1.1 Encourage the development of commercial/office space uses, which have the least potential for generating additional traffic to the Route 83 daily and peak hour volumes existing as of March 1, 1983.

4.21.1.2 Insure that the traffic ingress and egress patterns for new developments under these regulations takes place in a manner which is safe and which minimize traffic conflicts resulting from turning movements of vehicles entering or leaving the property being developed.

4.21.1.3 Encourage development of medium or large-scale commercial buildings rather than small structures on individual parcels.

4.21.1.4 Encourage development, which provides adequate buffering between residential areas, and encourage site layout, parking areas, landscaping and signage, which will serve to enhance area property values.

4.21.2 Area and Yard Requirements:

4.21.2.1 Minimum lot area: 3 acres

4.21.2.2 Minimum front yard: 50 feet

4.21.2.3 Minimum rear yard: 50 feet

4.21.2.4 Minimum side yard: 50 feet

4.21.2.5 Minimum floor area: 7 percent of land area Per P.O.D.

4.21.2.6 Minimum lot width: 180 feet

4.21.3 Permitted Uses:

4.21.3.1 Professional office buildings, general office buildings, office parks.

4.21.4 Special Exceptions: None.

4.21.5 Special Permits: The following may be permitted when granted a Special Permit by the Planning & Zoning Commission:

4.21.5.1 Full service restaurants.

4.21.5.2 Research and experimental laboratories.

4.21.5.3 Banks or other financial institutions without drive-up windows.

4.21.5.4 Governmental facility.

4.21.5.5 Retail sale of food, non-alcoholic beverages, drugs, clothing, jewelry, hardware and building materials, stationery, household appliances or furnishings, specialty items, and general merchandise.

4.21.5.6 Recreational and educational facilities.

4.21.5.7 Personal convenience services excluding weight studios, counseling and therapy services, and encounter groups, other than those performed in a professional office.

4.21.5.8 Nursing or convalescent homes and assisted living facilities.

4.21.5.9 Hotels or motels.

4.21.5.10 Accessory uses customarily incidental to the above uses.

4.21.5.11 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.

4.21.5.11.1 More than forty (40) off-street parking spaces are required or;

4.21.5.11.2 The proposed structure is within two-hundred (200) feet of a residential structure or;

4.21.5.11.3 The proposed development has any off-street parking or loading spaces within one hundred (100) feet of a residential structure or;

4.21.5.11.4 The aggregate square footage for all structures on any parcel exceeds twenty-five (25,000) thousand;

4.21.5.11.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.

4.21.5.11.6 Lot coverage of fifty-five (55) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off-site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off-site. If the area is in an aquifer protection zone, the provision of Section 20.5 shall also apply.

4.21.5.11.7 A structure with a height exceeding three (3) stories or forty (40) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.

4.21.5.11.8 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.

4.21.5.11.9 Outside displays when said displays occupy an area greater than 10% of the gross floor area of the individual business utilizing the display.

4.21.5.12 Retail sale of food with alcoholic beverages permit.

4.21.5.13 Day care centers.

4.21.5.14 Drive-up service window by approval of both a Site Plan and a Special Permit.

4.21.5.15 Message board sign by approval of both a Site Plan and Special Permit.

4.21.5.16 One sign, per business, not larger than fourteen (14) square feet, provided this sign meets all the other requirements of Section 16. Additional signage and/or signs in excess of fourteen (14) square feet and otherwise in compliance with Section 16 may be permitted when granted a Special Permit by the Planning & Zoning Commission.

4.21.5.17 Indoor movie theaters.

4.21.5.18 Funeral homes.

4.21.5.19 Seller or server of alcoholic beverages subject to Section 17.1, Alcoholic Liquors.

4.21.5.20 Hospitals, medical offices, laboratories and similar health care facilities.

4.21.6 Protective Provisions:

4.21.6.1 To protect the traffic flow and improve the aesthetic character of the area, the parking of vehicles shall not be allowed within the first thirty-(30) feet of the front yard.

4.21.6.2 For each existing subdivided lot of record as of March 1, 1983, subject to PC zoning only, one (1) curb cut for access and egress onto Route 83 shall be permitted for all future development of the parcel. The

width, turning radii, and location of this curb cut with respect to each individual lot shall be established at the time of initial Plan of Development application so as to accommodate future planned development of each parcel. The Planning & Zoning Commission may require the submission of a schematic development plan for undeveloped portions of the property to assist in determining the best location of the curb cut. If warranted by traffic flow and/or safety consideration, this requirement may be waived at the sole discretion of the Planning & Zoning Commission.

4.21.6.3 The complete Site Plan as required in Section 14 shall be submitted to the Planning & Zoning Commission as part of the submission of the application for development.

4.21.6.4 To provide landscaped outdoor spaces and attractive buffers between adjacent uses in the zone and between the rear parcel boundaries and adjacent zones, the following general landscaping criteria are required:

All setback areas shall be landscaped at a minimum with sod, ground cover and/or low-level shrubbery, or natural buffering shall be preserved.

Where a parcel in the PC zone abuts a residential zone and in the setback area between parcels, the Planning & Zoning Commission may at its discretion, and where topographical conditions permit, require the construction of an earth berm within the side or rear yard setback whose minimum dimensions with be three (3) feet in height and ten (10) feet wide with a 2:1 slope and require that such berm be landscaped with an impervious coniferous hedge and/or comparable planting of deciduous trees and low-level shrubbery. Where such buffering is required, the minimum requirements are:

Trees (deciduous or coniferous) must be three (3) inches in caliper—planted within four (4) feet of each other.

In the front yard setback area, the Planning & Zoning Commission may require the construction of a berm to shield large expanses of parking located in the area between the building and the street line. If a berm is required, the Commission will first take into consideration the visibility of the building from the street line and the effect of the berm on sight distances from the parcel's curb cut. At a minimum the front yard setback area must be landscaped with low-level shrubbery, ground cover and/or sod.

4.21.6.5 Signage of the commercial and office uses permitted in the zone shall conform to the following criteria:

One (1) all-purpose sign per parcel to be located at the ingress/egress point shall be permitted per lot of record. The sign shall not exceed one hundred (100) square feet in area and shall not exceed ten (10) feet in height, nor be located less than fifteen (15) feet from the edge of pavement. The sign may be illuminated either internally or by spotlights. Each individual business located upon a lot of record may have one (1) parallel sign affixed to the building/store façade. The maximum area of the sign shall be determined by multiplying the length of the building/store façade times 1 (e.g., thirty (30) foot façade results in thirty (30) square foot sign area).

No neon, movable, temporary or banner type signs are permitted.

4.21.7 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district specifically allowed by the Planning and Zoning Commission under Section 4.21.5.

4.22 SPECIAL FLOATING ZONE—GARDEN ZONE (GZ)

4.22.1 Area and Yard Requirements:

4.22.1.1 Minimum lot area: 3 acres

4.22.1.2 Minimum lot width: 200 feet

4.22.1.3 Minimum front yard, residential uses 50 feet

4.22.1.4 Minimum front yard, non-residential uses: 50 feet

4.22.1.5 Minimum rear yard, residential uses 20 feet

4.22.1.6 Minimum rear yard, non-residential uses: 50 feet

4.22.1.7 Minimum side yard, residential uses: 10 feet

4.22.1.8 Minimum side yard, non-residential uses: 50 feet

4.22.1.9 Minimum floor area, residential uses (single level) 1,000 square feet

4.22.1.10 Maximum floor area, non-residential uses: 3,500 feet

4.22.2 Permitted Uses:

4.22.2.1 Use as a nursery, greenhouse or garden center may be accompanies by a single-family residential use.

4.22.2.2 Nurseries, greenhouses and garden centers including facilities for the wholesale and retail sale of products ordinarily grown and/or sold at nurseries, greenhouses or garden centers, subject to the conditions set forth in Section 4.22.3.

4.22.2.3 Signs, subject to the requirements of Section 16.1, Section 16.3, and Section 16.5.

4.22.3 Conditions:

4.22.3.1 Use as a nursery, greenhouse or garden center may be accompanied by a single-family residential use.

4.22.3.2 In no case shall more than one residential structure be permitted per lot.

4.22.4 Inapplicability of certain general provisions: The following sections shall not apply to buildings directly related to the growth, storage and/or sale of nursery, greenhouse or garden products: 3.20 and 3.3.

4.22.5 Procedure: With any application for a Garden Zone (GZ) Floating Zone, the applicant must submit a site plan showing the following: (a) existing roads, driveways, loading and parking areas, if any; (b) existing walkways and sidewalks, if any; (c) existing topography; (d) existing drainage, if any; and (e) existing buildings or structures, if any.

4.22.6 Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district specifically allowed by the Planning and Zoning Commission under Section 4.22.8.

4.22.7 A Site Plan showing the proposed improvements or development of the site must be submitted for approval to the Commission within a six (6) month period of time following the approval of the "Special Floating Zone" or the zoning approval will become null and void and the parcel of land will return to its original zoning classification.

4.22.7.1 Exception for Expansion of Existing Garden Zone: When an application is made for approval of an expansion of an existing Special Floating Zone — Garden Zone, then the provisions of Section 4.22.7 above shall not apply, and a Site Plan containing all information required under Section 14 must be

submitted for approval to the Commission when new construction, changes in or on a site, or changes of the exterior of a structure on the site is proposed, unless determined to be a Minor Modification pursuant to Section 14.1.1.2.

4.22.8 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.

4.22.8.1 More than forty (40) off-street parking spaces are required or;

4.22.8.2 The aggregate square footage for all structures on any parcel exceeds 25,000;

4.22.8.3 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.

4.22.8.4 Lot coverage of forty-five (45) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off-site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off-site. If the area is in an aquifer protection zone, the provision of Section 20.5 shall also apply.

4.22.8.5 A structure with a height exceeding two and a half (2 ½) stories or thirty-five (35) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.

4.22.8.6 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are the same.

4.22.8.7 Message board sign by approval of both a Site Plan and Special Permit.

4.23 HISTORIC DISTRICT—DOWNTOWN BUSINESS & RESIDENTIAL (DBR)

4.23.1 The purpose of this district is to foster the economic revitalization of downtown Rockville by attracting a variety of new retail and residential uses and promoting growth and expansion of existing uses, all in a manner that is compatible with the character of the existing downtown area.

4.23.2 Area and Yard Requirements:

4.23.2.1 Minimum lot area: 5,000 square feet

4.23.2.2 Minimum lot width: 50 feet

4.23.2.3 Minimum front yard: No minimum, but shall be equal to or exceed the median average front yard of the buildings on either side of the lot.

4.23.2.4 Minimum rear yard: Where the lot does not abut the RC or PND district, the rear yard shall be equal to five feet (5'). Where the lot does abut the RC or PND district, the rear yard must be twenty feet (20').

4.23.2.5 Minimum side yard: Where the lot does not abut the RC or PND district, the minimum side yard shall be five feet (5') unless a common firewall is constructed in which case there shall be no minimum side yard. Where the lot does abut the RC or PND district, the side yard must be ten feet (10').

4.23.2.6 Minimum floor area: 1,000 square feet.

4.23.3 Permitted uses:

4.23.3.1 Retail sale of food, non-alcoholic beverages, drugs, clothing, jewelry, hardware, stationery, specialty items, household appliances, and furnishings.

4.23.3.2 Restaurants, non-full service and full service, subject also to the provisions of Section 17.1

4.23.3.3 Professional or business offices; governmental offices and facilities; clinics; dental, medical and health offices, provided none of the aforementioned uses is to be located on the ground floor of a building. For purposes of these regulations, "ground floor" shall be defined as the floor of the building that is entered from street level.

4.23.3.4 Places of worship or religious facilities, provided the same are not to be located on the ground floor of a building, unless the building was originally constructed for such purpose.

4.23.3.5 Banks or other financial institutions.

4.23.3.6 Hospitals.

4.23.3.7 Commercial recreational facilities.

4.23.3.8 Cultural, arts, crafts and education facilities; libraries; galleries; studios; and workshops.

4.23.3.9 Personal convenience services limited to barbershops, beauty shops nail salons and dry cleaning establishments, provided the dry cleaning is performed off the premises.

4.23.3.10 Single and two-family dwellings.

4.23.3.11 Accessory uses customarily incidental to the above permitted uses.

4.23.3.12 One parallel sign, i.e., signs affixed to and parallel to the façade of the building, per business conducted within the building upon the premises, provided that the total area for all parallel signs on a given wall of a building shall not exceed two square feet (2 SF) per linear foot of that wall, and further provided that the parallel sign(s) meet all other requirements of Section 16. Additional signs complying with the provisions of Section 16 may be permitted when granted a Special Permit by the Planning & Zoning Commission.

4.23.4 Special Exceptions: The following uses may be permitted when granted a Special Exception by the Zoning Board of Appeals (ZBA).

4.23.4.1 Laundromats serviced by public sewers.

4.23.4.2 Roadside selling, subject also to the provisions of Section 3.19.

4.23.5 Special Permits: The following uses may be permitted when granted a Special Permit by the Planning & Zoning Commission (PZC) subject also to the provisions of Section 17.3:

4.23.5.1 Massage therapy establishments, subject also to the provisions of Sections 4.9.4.22 and 4.9.4.23.

4.23.5.2 Facilities containing three (3) or more electronic, mechanical, video or similar games or devices.

4.23.5.3 Sellers and servers of alcoholic beverages when not accessory to a full service restaurant. This use shall also be subject to the provisions of Section 17.1.

4.23.5.4 Veterinary offices, provided there shall be no over-night facilities for animals.

4.23.5.5 Manufacturing, storing, processing, fabricating, packaging or assembling activities wholly within a building or a unified complex of buildings.

4.23.5.6 Wholesale distribution or warehousing.

4.23.5.7 Printing or publishing establishments.

4.23.5.8 Indoor movie theatres; performing arts theatres, auditoriums.

4.23.5.9 Multi-family dwellings, subject also to the provisions of Sections 10.1, 4.7.5, and 4.7.7. However, there shall be no increase permitted in the number of separate dwelling units within existing multi-family residential buildings.

4.23.5.10 Mixed non-residential and residential uses upon a single parcel.

4.23.5.11 Conversion of residential to non-residential use, conversion of non-residential to residential use.

4.23.5.12 Bed and Breakfast (B&B); hotels, motels.

4.23.5.13 Day care establishments.

4.23.5.14 Emergency shelters for the homeless.

4.23.5.15 Home based businesses of Major—Type 2.

4.23.5.16 Professional or business offices; governmental offices and facilities, clinics; dental, medical and health offices, tattoo studio, any of which are to be located on the ground floor of a building.

4.23.5.17 Places of worship or religious facilities to be located on the ground floor of a building that was not originally constructed for that purpose.

4.23.5.18 Retail sales of merchandise similar in nature, as determined by the Commission, to the items permitted in Section 4.23.3.1.

4.23.5.19 Additional signs other than those permitted in Section 4.23.3.12, subject also to the provision of Section 16.

4.23.5.20 Laboratories and research facilities.

4.23.5.21 In addition to any other permits or approvals, a special permit is required for development in this zone when any of the following thresholds are met:

4.23.5.21.1 The proposed development has off-street parking area or loading spaces located within fifty feet (50') of a residence.

4.23.5.21.2 Lot coverage of eighty percent (80%) or more. In order to grant this Special Permit, the Planning and Zoning Commission (PZC) must find that the additional lot coverage will not

increase the off-site storm water run-off or it is the opinion, in writing, of the Town Engineer that all storm water run off should be discharged from the site. If the parcel is in an aquifer protection zone, the provisions of Section 20.5 shall also apply.

4.23.5.21.3 A structure exceeding three (3) stories or forty feet (40') of height. In order to grant this Special Permit, the Planning & Zoning Commission (PZC) must receive a written opinion from the Fire Marshal in regard to the fire safety aspect related to the increased height.

4.23.5.21.4 Outside displays by retail sales establishments when said displays occupy an area greater than ten percent (10%) of the gross floor area of the individual business utilizing the display and continue for a period in excess of seventy-two (72) hours.

4.23.5.21.5 Drive-up service window by approval of both a Site Plan and a Special Permit.

4.23.5.22 Adaptive Re-use per Sections 2.96 & 3.26

4.23.5.23 Message board sign by approval of both a Site Plan and Special Permit.

4.23.5.24 Convalescent homes or nursing homes and assisted living facilities when connected to public water and sanitary sewer.

4.23.5.25 Residential facilities for special education.

4.23.6 Use variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district specifically allowed by the Planning and Zoning Commission under Section 4.23.5.

4.24 PLANNED DEVELOPMENT ZONE (PDZ): GERBER FARM AREA

4.24.1 Purpose: The purpose of this district is to allow orderly development consistent with the Town Plan of Conservation & Development, while taking into account the economic development, fiscal improvement of the community, potential negative impacts on traffic, conservation, neighboring residential areas and critical natural resources, including the protection of the Hockanum River. This zone is directed at fostering a compatible mixture of residential, commercial, and light industrial uses through the use of appropriate placement of building and parking areas, as well as the use of significant landscape buffers to provide an effective transition between dissimilar uses.

4.24.2 Area and Yard Requirements:

		Standard Requirement	*Abutting Residential**	*Aggregate Building(s) Footprint(s) Exceeds 40,000 Square Feet***
4.24.2.1	Minimum lot area	1 acre		
4.24.2.2	Minimum lot width	150 feet		
4.24.2.3	Minimum front yard	50 feet	50 feet*	
4.24.2.4	Minimum rear yard	50 feet	100 feet*	125 feet**
4.24.2.5	Minimum side yard	50 feet	100 feet*	125 feet**
4.24.2.6	Maximum lot coverage	60%		

4.24.2.7 Minimum Requirement to rezone to Planned Development Zone (PDZ): Forty (40) acre contiguous land area including streets and highways, abutting and/or including existing parcels zoned PDZ.

4.24.2.8 Minimum Developable Acreage: Any Development shall be limited to the Developable Acreage of the parcel on which it is proposed, or shall obtain a Wetlands Permit for regulated activity as defined by the Inland Wetlands and Watercourse Regulations of the Town. Development of areas with slopes in excess of 15% shall be allowed by a three-quarters vote of all members of the Commission.

Notes:

* Applies only to specific yard(s) abutting residential use or residential zoning district.

** An additional twenty-five feet (25') of depth of rear, and side yards is required for each additional twenty thousand square feet (20,000 SF) of building(s) footprint(s) area over the first forty thousand square feet (40,000 SF) aggregate areas of building(s) footprint(s) up to a maximum of two hundred feet (200') depth.

4.24.3 Permitted and Prohibited Uses: There are no permitted uses or Special Exceptions in this zone. Prohibited uses and activities include, but are not limited to, those uses and activities that would pose an unreasonable risk of having significant adverse impact upon the surface water or groundwater resources of the Hockanum River Watershed, including but not limited to, the following: Gasoline sales; automotive, sales, service, repairs or storage; the garaging or over-night parking of trucks or recreation vehicles (RV's); dry cleaning or commercial laundry facilities; car wash facilities; film processing or commercial photographic processing; junk yards; industrial waste storage or disposal facilities; and the manufacture, treatment, handling, transportation, disposal or storage of hazardous materials, including bulk fuel storage.

4.24.4 Special Permit/Site Plan:

4.24.4.1 The uses below may be permitted when granted a Special Permit and a Site Plan by the Planning & Zoning Commission (PZC). The Commission shall not grant any Special Permit until it has determined

that the proposed use and activities are compatible with the Town Plan of Conservation and Development, comply with the applicable standards for Special Permits as contained in this Section, as well as in Section 17.3 of these Regulations, and are in the public interest after considering: (1) The existing or future character of the neighboring uses; (2) environmental and ecological impacts, (3) the potential for unreasonable amounts of noise, odors, or other noxious effects, and (4) any necessary safeguards to protect neighboring properties and the Town of Vernon, including:

4.24.4.1.1 That the location and size of the proposed use and the nature and intensity of use in relation to the size of the lot will be in harmony with the orderly development of the area and compatible with other neighboring uses;

4.24.4.1.2 That the design elements of the proposed development are attractive and suitable in relation to the site characteristics and style of other buildings in the immediate area, and that the proposed use would not pose an unacceptable risk of altering the essential characteristics of the area or adversely effecting property values in the neighborhood;

4.24.4.1.3 That the kind, size, location and height of structure and the nature and extent of landscaping on the lot are appropriate for the use and will not pose an unacceptable risk of hindering or discouraging the appropriate use of adjoining property or diminishing the value thereof;

4.24.4.1.4 That the proposed plan, to include the location, size, height and orientation of the building, access to the building, location of parking, and provision of landscape buffers provide for a reasonable transition to adjoining uses and structures of a lesser scale;

4.24.4.1.5 That streets providing access to the proposed use are adequate in width, grade, alignment and visibility, and have adequate capacity for the additional traffic generated by the proposed use. Traffic on town roads and their corresponding intersections with other town roads and driveways that are shown to be affected by the proposed development shall be LOS C or better on average, during peak hours of operation of the proposed use (i.e. Retail, Restaurant) when considering the impacts of the proposed development. If LOS C is to be reduced as a result of the proposed development, the applicant may have the option of reducing such LOS by providing whatever modifications and or improvements that are necessary onsite and/or offsite in order to maintain the LOS recommended above as long as such improvements or modification are within the control of the applicant and/or the Town of Vernon. If the existing conditions of the Town Road and their corresponding intersections with other town roads and driveways affected by the proposed development is already LOS C or worse, the applicant shall make whatever modifications and or improvements, that are reasonable, and technically and economically feasible, to improve the LOS in those affected areas.

4.24.4.1.6 As part of the site plan criteria in the PDZ the applicant should demonstrate the location and design of the proposed buildings and associated parking by taking into consideration the location of significant landforms, ecological systems, natural site drainage, flood plains, existing grading and stands of mature trees or other natural resources, and the minimization of grading activities and the provision of open space near these resources.

4.24.4.1.7 In addition to the standard site plan requirements, any development proposed within the PDZ shall provide for pedestrian and bicycle access including but not limited to:

Bike racks and or bike parking to be located as close to the building entrance as possible;

Stations for transit riders, where feasible;

Sidewalks connecting the new development to transit stops, where feasible;

Public sidewalks, unless waived by Section 3.25;

4.24.4.2 Portions of this Zone also are subject to the provisions of the Aquifer Protection Zone, Section 20, wherein certain uses are restricted or permitted only under specified conditions.

4.24.4.2.1 In addition to the requirements of Section 20, any site plan or use proposed within Planned Development Zones containing areas shown on the Town Aquifer Map as containing Aquifer Protection Areas shall accept and recharge rainfall as it relates to the natural characteristics of the site and the amount of rainfall it receives. Development proposals shall show that the aquifer shall receive the same volume of water post development that would naturally be received under pre- developed conditions. In order to show compliance with this section the applicant shall utilize the "Hydrologic Soil Group Approach" methodology outlined in Section 7.5.1 Groundwater Recharge Volume (GRV) in the "2004 Connecticut Stormwater Quality Manual"

4.24.4.3 The following uses may be granted a special permit by the PZC if complying with the Regulations and criteria for a special permit:

4.24.4.3.1 Manufacturing, storing, printing, publishing, processing, fabricating, packaging or assembling activities wholly within a building or unified complex of buildings;

4.24.4.3.2 Multiple, single-family and multi-family dwellings subject to the following requirements:

4.24.4.3.2.1 All multi-family and multiple-single-family structures shall be entirely serviced by public sewers and by a public water supply.

4.24.4.3.2.2 Multi-family and multiple-single-family units shall be subject to the requirements of sections 4.7.5 & 10.1.

4.24.4.3.2.3 Single-family dwellings for lots with frontage on Dart Hill Road.

4.24.4.3.3 Hotels, motels, conference and convention centers, indoor theaters, and museums;

4.24.4.3.4 Research and experimental laboratories, veterinary hospitals and animal care services (excluding kennels), and medical facilities;

4.24.4.3.5 Full-service restaurants;

4.24.4.3.6 Professional office buildings, general office buildings, and office parks;

4.24.4.3.7 Retail sales and services when the lots have frontage on a State highway. The Commission may limit the hours of operation for retail operations to protect adjacent residential neighborhoods;

4.24.4.3.8 Outside displays, when said displays occupy an area greater than ten percent (10%) of the gross floor area of the individual business utilizing the display;

4.24.4.3.9 Drive-up service window by approval of both a Site Plan and a Special Permit.

4.24.4.3.10 Recreation facilities, education facilities, religious facilities, cultural, non-profit, and philanthropic activities;

4.24.4.3.11 Plumbing, heating, electrical, industrial, and general contracting establishments, which may include showrooms. Any outside storage of materials or equipment, shall be screened from abutting properties and views from public streets through landscape buffering which may include fencing;

4.24.4.3.12 Accessory uses customarily incidental to the listed uses. (Refer to Section 2.132 for definition). However, the storage of chemicals, pesticides, fertilizers, and similar materials is prohibited.

4.24.4.3.13 Signs subject to Zoning Regulations Section 16:

4.24.4.3.13.1 Residentially used lots are not subject to Section 16.3;

4.24.4.3.13.2 Lots used for non residential uses are not subject to Section 16.2;

4.24.4.3.13.3 Lots with mixed uses, when said uses include a residential component, shall be subject to the least restrictive requirement of Section 16.

4.24.4.3.13.4 Message board sign by approval of both a Site Plan and Special Permit.

4.24.4.3.14 Reserved.

4.24.4.3.15 In addition to any other required permits or approvals, a special permit shall be required for any use or development in this zone, when any of the following thresholds are met for any parcel or development. However, the requirements of the Section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to July 1, 1999.

4.24.4.3.15.1 More than forty (40) off-street parking spaces are required;

4.24.4.3.15.2 The proposed structure is within two hundred feet (200') of a residential structure;

4.24.4.3.15.3 The proposed development has any off-street parking or loading spaces within two hundred feet (200') of a residential structure;

4.24.4.3.15.4 The aggregate square footage for all structures on any parcel exceeds twenty-five thousand square feet (25,000 SF);

4.24.4.3.15.5 Lot coverage is greater than fifty percent (50%).

4.24.4.3.15.5.1 In order to grant this special permit, the Commission, must find:

4.24.4.3.15.5.1.1 That this additional coverage will not increase the off-site storm water run-off or it is the written opinion of the Town Engineer that all storm water run-off should be discharged off-site.

4.24.4.3.15.5.1.2 That the level of impervious surface is appropriate for the site and will not create a negative impact to the Hockanum River Watersheds.

4.24.4.3.15.5.1.3 In making these determinations the commission shall consider the use of LID (Low Impact Development) treatment practices for stormwater generated on the site including, but not limited to: the use of rain gardens; grass pavers; porous pavers; reinforced turf, roof stormwater harvesting systems; grass swales; vegetative roofs; bioretention cells/ swales; preservation of native soils and vegetation; and the ability of such proposal to maintain a hydrologically functional landscape. All LID practices proposed shall be consistent with the 2004 DEP Stormwater Quality Manual and 2002 Connecticut Erosion & Sedimentation Guidelines.

4.24.4.3.15.5.1.4 If the area is in an aquifer protection zone, the provisions of Section 20.5 & 20.6 shall apply also.

4.24.4.3.15.6 A structure with a height exceeding three (3) stories or forty feet (40'). In order to grant this special permit, the Commission must receive a written opinion from the Fire Marshall as to the fire safety aspects that the increased height will involve.

4.24.4.3.15.7 A development having less than the required front, rear or side yards when the abutting use classification is the same as the use classification of the proposed development and all other special permit requirements are met. "Use classification" for the purpose of this Section means a residential use, a commercial use, or an industrial use.

4.24.4.3.15.8 Any use with an activity conducted more than twelve (12) hours per day.

4.24.4.3.15.9 A development having less than the required front, rear or side yard requirements by showing that such reduction allows for the provision of three or more community amenities including but not limited to:

- Fountains;
- Parks;
- Clock Towers;
- Patio/Seating Area;
- An open space that serves a valid public purpose;
- Pedestrian plaza with benches;
- Outdoor play area;
- Scenic area displaying natural or artificial water feature;
- Courtyard area with or without textured paving for public gathering and/or interaction;
- Landscaped garden;
- Artist walk/display area;
- Benches or ledges with a scenic view;
- Walking trails;
- Seasonal planting areas;
- Sculpture or other artwork in a place for public gathering and reflection;
- Outdoor eating or café;
- The provision of Open Space, as defined by Section 3.2.8A of the Subdivision Regulations, which is reasonably related to the size and scale of the development proposed;
- Or other deliberately shaped area and or focal feature or amenity that adequately enhances such community and public spaces.

In order to grant this special permit, the Commission must find:

4.24.4.3.15.9.1 That the proposed amenity or feature adequately enhances the community and creates a public place;

4.24.4.3.15.9.2 That where possible, these spaces are connected to sidewalks, bus stops, walking trails, bikeways; greenways; linear parks or integrated with traffic patterns, drop off and pick up points for alternate modes of transportation;

4.24.4.3.15.9.3 That all community amenities provided are designed and placed in a location that will allow for maximum utilization of the public; i.e. — a fountain placed in the middle of a vast parking area is not likely to be utilized;

4.24.4.3.15.9.4 All community amenities provided must be designed to respond to and/ or stimulate pedestrian activity, but not block or cause congestion.

4.24.4.3.16 Home Occupations in multiple single-family and multi-family owner occupied dwellings. The applicant must present evidence of approval or permission from the homeowners association of the property at which the activity is to occur.

4.24.4.3.17 Home occupations in single-family and two-family owner occupied dwellings.

4.24.4.4 PDZ Parking Requirements:

In order to ensure that Parking conditions are consistent with the purposes and intent of Sections 4.24.1, the following parking requirements shall apply to all proposed developments within the PDZ, in addition to the requirements of Section 12:

4.24.4.4.1 Any new development requiring more than fifty (50) parking spaces under Section 12 shall not provide more than one and three tenths (1.3) times the minimum number of spaces required under Section 12;

4.24.4.4.1.1 The parking requirement of Section 4.24.4.4.1 may be increased to one and one half (1.5) times the minimum number of spaces required by Section 12 if such additional parking is provided by porous pavers, grass pavers, reinforced turf, or a multi-level parking structure;

4.24.4.4.2 Any new development requiring fifty (50) parking spaces or less under Section 12 shall not provide more than one and one half (1.50) times the minimum number of spaces required under Section 12;

4.24.4.4.2.1 The parking requirement of Section 4.24.4.4.2 may be increased to two (2) times the minimum number of spaces required by Section 12 if such additional parking is provided by porous pavers, grass pavers, reinforced turf, or a multi-level parking structure;

4.24.4.4.3 All parking above the minimum specified by Section 12 may be provided by porous pavers, grass pavers, or reinforced turf, as proposed by the applicant, subject to the approval of the Commission upon finding that the utilization of such parking will be limited to peak seasons or overflow parking only and will not be overly utilized (limited to use less than thirty (30) days per year).

4.24.4.4.4 Any new development containing more than one use or a mix of uses shall, wherever feasible, demonstrate the inclusion of shared parking in order to meet the parking requirements of the Planned Development Zone.

4.24.4.4.5 The applicant may request a waiver of any parking requirement of this Section (4.24.4.4) by demonstrating that the proposed parking spaces are utilized on a regular basis (more than thirty (30) days per year) and the sharing parking between uses and buildings is not feasible. The applicant may also request the use of paved parking spaces in place of reinforced turf, or porous or grass pavers by demonstrating that the use of such pavers would not be appropriate for the site and would result in environmental harm. The approval of these waivers shall require a three quarters (¾) vote of all members of the Commission.

4.24.5 Use Variance: Under no circumstances shall the Zoning board of Appeals grant a Variance to allow a use in this zoning district specifically prohibited under 4.24.3 and specifically allowed by the Planning and Zoning Commission under Section 4.24.4.

4.24.6 Fiscal and Public Benefits: The following special permit approval criteria shall be applied to uses in addition to the requirements of Zoning Regulations Section 4.24.4 and Section 17.3:

4.24.6.1 The Applicant must provide a municipal fiscal impact analysis / study demonstrating the net municipal revenue impact of a proposal using acceptable cost/revenue analysis techniques, demonstration of

open space conservation and linkage to other open spaces, demonstration of acceptable traffic impact, and demonstration of compatibility of uses within the site and with neighbors in the district as well as neighbors abutting the district.

4.24.6.2 When the proposal includes a use or a mix of uses, which in sum are net tax revenue negative to the Town or only marginally net revenue positive, the Commission shall make a finding that other considerations outweigh the negative fiscal impacts, such as in regard to general community benefits, nonprofit activities, and activities of cultural or historic significance.

4.24.6.3 All development shall be required to be compatible with the Town Plan of Conservation & Development and be supportive of the public health, general welfare, and safety of the community, including adequate provision of public facilities, a minimization of the number of access points on existing roads, and consideration of environmental and ecological concerns.

4.24.7 Landscape Buffers:

4.24.7.1 Composition—Landscaped buffers shall be provided where required by this Section of the Zoning Regulations and shall conform to the standards illustrated in the "Buffer Yard" graphic (Appendix A):

4.24.7.1.1 Canopy trees shall be deciduous shade trees planted at three inches (3") in caliper with a mature height of at least thirty-five feet (35');

4.24.7.1.2 Under-story trees shall be deciduous shade or fruit trees planted at two inches (2") in caliper with a mature height of at least twelve feet (12');

4.24.7.1.3 Evergreens shall be coniferous species planted at six feet (6') in height;

4.24.7.1.4 Shrubs shall be either deciduous species planted at two and one- half feet (2 ½') height with a mature height of at least six feet (6') or coniferous species planted at two and one-half feet (2•½') in spread.

4.24.7.2 Front Yards:

4.24.7.2.1 Adjacent to residences—A front yard landscaped buffer, meeting or exceeding the requirements of the type "A" Buffer Yard, may be required by the Commission in conjunction with proposed industrial or commercial developments to preserve and protect residential property values and privacy of residential lots;

4.24.7.2.2 Adjacent to streets—A front yard landscape buffer, meeting or exceeding the requirements of the type "A" Buffer Yard, may be required by the Commission in conjunction with proposed industrial or commercial developments to screen parking lot areas from the public street.

4.24.7.3 Side / Rear Yards—A landscaped buffer shall be provided along side and rear yards in conjunction with proposed industrial or commercial developments which abut Residential Zones or uses:

4.24.7.3.1 A type "B" Buffer Yard shall be required where commercial development abuts a residential zone or use;

4.24.7.3.2 A type "C" Buffer Yard shall be required where an industrial use abuts a residential zone or use or a proposed building has a footprint greater than forty thousand square feet (40,000SF).

4.24.7.4 The front, side/rear yard buffer requirements may be reduced or waived at the discretion of the Commission, when warranted by special conditions. The Commission shall determine which type of Buffer Yard within each category shall be used upon a review of the site design, topography, existing vegetation and abutting land uses. The Commission may authorize the use of existing vegetation in lieu of part or all the Buffer yard requirements. Where conditions are such that a buffer cannot be located directly adjacent to a yard because of other regulatory considerations such as, but not limited

to, wetlands preservation, the buffer may be reduced or waived as provided for above, or the Commission may require an alternate location for the buffer. Also, the Commission may require the substitution of the evergreen plant materials shown in the Buffer Yard graphic (Appendix A).

4.25 PLANNED DEVELOPMENT ZONE (PDZ): I-84 EXIT #67 AREA

4.25.1 Purpose: This district encompasses an area which is served by an Interstate highway and two (2) State roads. The purpose of this district is to provide for development that can take advantage of this transportation infrastructure and contribute to the economic development and fiscal improvement of the community, while being compatible with the Town Plan of Conservation and Development and taking into account the existing commercial and residential development and to avoid negative impacts of traffic and negative impacts on existing natural resources, especially in regard to the environmental characteristics, constraints, and resources of the Tankerhoosen River Watershed.

4.25.2 Area and Yard Requirements:

		Standard Requirement	*Abutting Residential**
4.25.2.1	Minimum lot area	1 acre	
4.25.2.2	Minimum lot width	150 feet	
4.25.2.3	Minimum front yard	50 feet	50 feet*
4.25.2.4	Minimum rear yard	50 feet	100 feet*
4.25.2.5	Minimum side yard	50 feet	100 feet*
4.25.2.6	Maximum lot coverage	60%	

4.25.2.7 Minimum Requirement to rezone to Planned Development Zone (PDZ): Forty (40) acre contiguous land area including streets and highways, abutting and/or including existing parcels zoned PDZ.

4.25.2.8 Minimum Developable Acreage: Any Development shall be limited to the Developable Acreage of the parcel on which it is proposed, or shall obtain a Wetlands Permit for regulated activity as defined by the Inland Wetlands and Watercourse Regulations of the Town. Development of areas with slopes in excess of 15% shall be allowed by a three-quarters vote of all members of the Commission.

Note:

* Applies only to specific yard(s) abutting residential use or residential zoning district.

4.25.3 Permitted and Prohibited Uses: There are no permitted uses or Special Exceptions in this zone. Prohibited uses and activities include, but are not limited to, those uses and activities that would pose an unreasonable risk of having a significant adverse impact upon the surface water or groundwater resources of the Tankerhoosen River Watershed, including but not limited to, the following: Gasoline sales; automotive, sales, service, repairs or storage; the garaging or overnight parking of trucks or recreation vehicles (RV's); dry cleaning or commercial laundry facilities; car wash facilities; film processing or commercial photographic processing; junk yards; industrial waste storage or processing facilities; and the manufacture, treatment, handling, transportation, disposal or storage of hazardous materials, including bulk fuel storage.

4.25.4 Special Permit Site Plan:

4.25.4.1 The uses below may be permitted when granted a Special Permit and a Site Plan by the Planning & Zoning Commission (PZC). The Commission shall not grant any Special Permit until it has determined that the proposed use and activities are compatible with the Town Plan of Conservation and Development, comply with the applicable standards for Special Permits as contained in this Section, as well as in Section 17.3 of these Regulations, and are in the public interest after considering: (1) The existing or future character of the neighboring uses; (2) environmental and ecological impacts, (3) the potential for unreasonable amounts of noise, odors, or other noxious effects, and (4) any necessary safeguards to protect neighboring properties and the Town of Vernon, including:

4.25.4.1.1 That the location and size of the proposed use and the nature and intensity of use in relation to the size of the lot will be in harmony with the orderly development of the area and compatible with other neighboring uses;

4.25.4.1.2 That the design elements of the proposed development are attractive and suitable in relation to the site characteristics and style of other buildings in the immediate area, and that the proposed use would not pose an unacceptable risk of altering the essential characteristics of the area or adversely effecting property values in the neighborhood;

4.25.4.1.3 That the kind, size, location and height of structure and the nature and extent of landscaping on the lot are appropriate for the use and will not pose an unacceptable risk of hindering or discouraging the appropriate use of adjoining property or diminishing the value thereof;

4.25.4.1.4 That the proposed plan, to include the location, size, height and orientation of the building, access to the building, location of parking, and provision of landscape buffers provide for a reasonable transition to adjoining uses and structures of a lesser scale;

4.25.4.1.5 That streets providing access to the proposed use are adequate in width, grade, alignment and visibility, and have adequate capacity for the additional traffic generated by the proposed use. Traffic on Town Roads and their corresponding intersections with other town roads and driveways that are shown to be affected by the proposed development shall be LOS C or better on average, during peak hours of operation of the proposed use (i.e. Retail, Restaurant) when considering the impacts of the proposed development. If LOS C is to be reduced as a result of the proposed development, the applicant may have the option of reducing such LOS by providing whatever modifications and or improvements that are necessary onsite and/or offsite in order to maintain the LOS recommended above as long as such improvements or modification are within the control of the applicant and/or the Town of Vernon. If the existing conditions of the Town Road and their corresponding intersections with other town roads and driveways affected by the proposed development is already LOS C or worse, the applicant shall make whatever modifications and or improvements, that are reasonable, and technically and economically feasible, to improve the LOS in those affected areas.

4.25.4.1.6 As part of the site plan criteria in the PDZ the applicant should demonstrate the location and design of the proposed buildings and associated parking by taking into consideration the location of significant landforms, ecological systems, natural site drainage, flood plains, existing grading and stands of mature trees or other natural resources, and the minimization of grading activities and the provision of open space near these resources.

4.25.4.1.7 In addition to the standard site plan requirements, any development proposed within the PDZ shall provide for pedestrian and bicycle access including but not limited to:

- Bike racks and or bike parking to be located as close to the building entrance as possible;
- Stations for transit riders, where feasible;
- Sidewalks connecting the new development to transit stops, where feasible;
- Public sidewalks, unless waived by Section 3.25;

4.25.4.2 Portions of this Zone also are subject to the provisions of the Aquifer Protection Zone, Section 20, wherein certain uses are restricted or permitted only under specified conditions.

4.25.4.2.1 In addition to the requirements of Section 20, any site plan or use proposed within Planned Development Zones containing areas shown on the Town Aquifer Map as containing Aquifer Protection Areas shall accept and recharge rainfall as it relates to the natural characteristics of the site and the amount of rainfall it receives. Development proposals shall show that the aquifer shall receive the same volume of water post development that would naturally be received under pre- developed conditions. In order

to show compliance with this section the applicant shall utilize the "Hydrologic Soil Group Approach" methodology outlined in Section 7.5.1 Groundwater Recharge Volume (GRV) in the "2004 Connecticut Stormwater Quality Manual"

4.25.4.3 The following uses may be granted a special permit by the PZC if complying with the Regulations and criteria for a special permit:

4.25.4.3.1 Manufacturing, storing, printing, publishing, processing, fabricating, packaging or assembling activities wholly within a building or unified complex of buildings;

4.25.4.3.2 Single-and two-family structures meeting the requirements of the Residential 27 (R-27) zoning district.

4.25.4.3.3 Multiple, single-family and multi-family dwellings subject to the following requirements:

4.25.4.3.3.1 All multi-family and multiple-single-family structures shall be entirely serviced by public sewers and by a public water supply.

4.25.4.3.3.2 Multi-family and multiple-single-family units shall be subject to the requirements of sections 4.7.5 & 10.1.

4.25.4.3.4 Hotels, motels, conference and convention centers, indoor theaters, and museums;

4.25.4.3.5 Research and experimental laboratories, veterinary hospitals and animal care services (excluding kennels), and medical facilities;

4.25.4.3.6 Full-service restaurants;

4.25.4.3.7 Professional office buildings, general office buildings, and office parks;

4.25.4.3.8 Retail sales and services when the lots have frontage on a State highway. The Commission may limit the hours of operation for retail operations to protect adjacent residential neighborhoods;

4.25.4.3.9 Outside displays, when said displays occupy an area greater than ten percent (10%) of the gross floor area of the individual business utilizing the display;

4.25.4.3.10 Drive-up service window by approval of both a Site Plan and a Special Permit.

4.25.4.3.11 Recreation facilities, education facilities, religious facilities, cultural, non-profit, and philanthropic activities;

4.25.4.3.12 Plumbing, heating, electrical, industrial, and general contracting establishments, which may include showrooms. Any outside storage of materials or equipment, shall be screened from abutting properties and views from public streets through landscape buffering which may include fencing;

4.25.4.3.13 Accessory uses customarily incidental to the listed uses. (Refer to Section 2.132 for definition). However, the storage of chemicals, pesticides, fertilizers, and similar materials is prohibited.

4.25.4.3.14 Signs subject to Zoning Regulations Section 16:

4.25.4.3.14.1 Residentially used lots are not subject to Section 16.3;

4.25.4.3.14.2 Lots used for non residential uses are not subject to Section 16.2;

4.25.4.3.14.3 Lots with mixed uses, when said uses include a residential component, shall be subject to the least restrictive requirement of Section 16.

4.25.4.3.14.4 Message board sign by approval of both a Site Plan and Special Permit.

4.25.4.3.15 Reserved.

4.25.4.3.16 In addition to any other required permits or approvals, a special permit shall be required for any use or development in this zone, when any of the following thresholds are met for

any parcel or development. However, the requirements of the Section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to July 1, 1999.

4.25.4.3.16.1 More than forty (40) off-street parking spaces are required;

4.25.4.3.16.2 The proposed structure is within two hundred feet (200') of a residential structure;

4.25.4.3.16.3 The proposed development has any off-street parking or loading spaces within two hundred feet (200') of a residential structure;

4.25.4.3.16.4 The aggregate square footage for all structures on any parcel exceeds twenty-five thousand square feet (25,000 SF);

4.25.4.3.16.5 Lot coverage is greater than fifty percent (50%).

4.25.4.3.16.5.1 In order to grant this special permit, the Commission, must find:

4.25.4.3.16.5.1.1 That this additional coverage will not increase the off-site storm water run-off or it is the written opinion of the Town Engineer that all storm water run-off should be discharged off-site storm water run-off or it is the written opinion of the Town Engineer that all storm water run-off should be discharged off-site.

4.25.4.3.16.5.1.2 That the level of impervious surface is appropriate for the site and will not create a negative impact to the Tankerhoosen River Watershed.

4.25.4.3.16.5.1.3 In making these determinations the Commission shall consider the use of LID (Low Impact Development) treatment practices for stormwater generated on the site including, but not limited to: the use of rain gardens; grass pavers; porous pavers; reinforced turf; roof stormwater harvesting systems; grass swales; vegetative roofs; bioretention cells/swales; preservation of native soils and vegetation; and the ability of such proposal to maintain a hyrdologically functional landscape. All LID practices proposed shall be consistent with the 2004 DEP Stormwater Quality Manual and 2002 Connecticut Erosion & Sedimentation Guidelines.

4.25.4.3.16.5.1.4 If the area is in an aquifer protection zone, the provisions of Section 20.5 & 20.6 shall apply also.

4.25.4.3.16.6 A structure with a height exceeding three (3) stories or forty feet (40'). In order to grant this special permit, the Commission must receive a written opinion from the Fire Marshall as to the fire safety aspects that the increased height will involve.

4.25.4.3.16.7 A development having less than the required front, rear or side yards when the abutting use classification is the same as the use classification

of the proposed development and all other special permit requirements are met. "Use classification" for the purpose of this Section means a residential use, a commercial use, or an industrial use.

4.25.4.3.16.8 Any use with an activity conducted more than twelve (12) hours per day.

4.25.4.3.16.9 A development having less than the required front, rear or side yard requirements by showing that such reduction allows for the provision of three or more community amenities including but not limited to:

- Fountains;
- Parks;
- Clock Towers;
- Patio/Seating Area;
- An open space that serves a valid public purpose;
- Pedestrian plaza with benches;
- Outdoor play area;
- Scenic area displaying natural or artificial water feature;
- Courtyard area with or without textured paving for public gathering and/or interaction;
- Landscaped garden;
- Artist walk/display area;
- Benches or ledges with a scenic view;
- Walking trails;
- Seasonal planting areas;
- Sculpture or other artwork in a place for public gathering and reflection;
- Outdoor eating or café;
- The provision of Open Space, as defined by Section 3.2.8A of the Subdivision Regulations, which is reasonably related to the size and scale of the development proposed;
- Or other deliberately shaped area and or focal feature or amenity that adequately enhances such community and public spaces.

In order to grant this special permit, the Commission must find:

4.25.4.3.16.9.1 That the proposed amenity or feature adequately enhances the community and creates a public place;

4.25.4.3.16.9.2 That where possible, these spaces are connected to sidewalks, bus stops, walking trails, bikeways; greenways; linear parks or integrated with traffic patterns, drop off and pick up points for alternate modes of transportation;

4.25.4.3.16.9.3 That all community amenities provided are designed and placed in a location that will allow for maximum utilization of the public; i.e.—a fountain placed in the middle of a vast parking area is not likely to be utilized;

4.25.4.3.16.9.4 All community amenities provided must be designed to respond to and/or stimulate pedestrian activity, but not block or cause congestion.

4.25.4.3.17 Home occupations in single-family and two-family owner occupied dwellings

4.25.4.3.18 Home occupations in multiple single-family and multi-family owner occupied dwellings. The applicant must present evidence of approval or permission from the homeowners association of the property at which the activity is to occur.

4.25.4.4 PDZ Parking Requirements:

In order to ensure that Parking conditions are consistent with the purposes and intent of Sections 4.24.1 (and 4.25.1, respectively), the following parking requirements shall apply to all proposed developments within the PDZ, in addition to the requirements of Section 12:

4.25.4.4.1 New development requiring more than fifty (50) parking spaces under Section 12 shall not provide more than one and three tenths (1.3) times the minimum number of spaces required under Section 12 if such additional parking is provided by porous pavers, grass pavers, reinforced turf; or a multi-level parking structure;

4.25.4.4.1.1 The parking requirement of Section 4.25.4.4.1 may be increased to one and one half (1.5) times the minimum number of spaces required by Section 12 if such additional parking is provided by porous pavers, grass pavers, reinforced turf, or a multi-level parking structure;

4.25.4.4.2 Any new development requiring fifty (50) parking spaces or less under Section 12 shall not provide more than one and one half (1.50) times the minimum number of spaces required under Section 12;

4.25.4.4.2.1 The parking requirement of Section 4.25.4.4.2 may be increased to two (2) times the minimum number of spaces required by Section 12 if such additional parking is provided by porous pavers, grass pavers, reinforced turf, or a multi-level parking structure;

4.25.4.4.3 All parking above the minimum specified by Section 12 may be provided by porous pavers, grass pavers, or reinforced turf, as proposed by the applicant, subject to the approval of the Commission upon finding that the utilization of such parking will be limited to peak seasons or overflow parking only and will not be overly utilized (limited to use less than thirty (30) days per year).

4.25.4.4.4 Any new development containing more than one use or a mix of uses shall, wherever feasible, demonstrate the inclusion of shared parking in order to meet the parking requirements of the Planned Development Zone.

4.25.4.4.5 The applicant may request a waiver of any parking requirement of this Section 4.25.4.4 by demonstrating that the proposed parking spaces are utilized on a regular basis (more than thirty (30) days per year) and the sharing parking between uses and buildings is not feasible. The applicant may also request the use of paved parking spaces in place of reinforced turf, or porous or grass pavers by demonstrating that the use of such pavers would not be appropriate for the site and would result in environmental harm. The approval of these waivers shall require a three quarters (¾) vote of all members of the Commission.

4.25.5 Use Variances: Under no circumstances shall the Zoning board of Appeals grant a Variance to allow a use in this zoning district specifically prohibited under 4.25.3 and specifically allowed by the Planning and Zoning Commission under Section 4.25.4.

4.25.6 Fiscal and Public Benefits: The following special permit approval criteria shall be applied to uses in addition to the requirements of Zoning Regulations Section 4.25.4 and Section 17.3:

4.25.6.1 The Applicant must provide a municipal fiscal impact analysis / study demonstrating the net municipal revenue impact of a proposal using acceptable cost/revenue analysis techniques, demonstration of

open space conservation and linkage to other open spaces, demonstration of acceptable traffic impact, and demonstration of compatibility of uses within the site and with neighbors in the district as well as neighbors abutting the district.

4.25.6.2 When the proposal includes a use or a mix of uses, which in sum are net tax revenue negative to the Town or only marginally net revenue positive, the Commission shall make a finding that other considerations outweigh the negative fiscal impacts, such as in regard to general community benefits, nonprofit activities, and activities of cultural or historic significance.

4.25.6.3 All development shall be required to be compatible with the Town Plan of Conservation & Development and be supportive of the public health, general welfare, and safety of the community, including adequate provision of public facilities, a minimization of the number of access points on existing roads, and consideration of environmental and ecological concerns.

4.25.7 Landscape Buffers:

4.25.7.1 Composition—Landscaped buffers shall be provided where required by this Section of the Zoning Regulations and shall conform to the standards illustrated in the "Buffer Yard" graphic (Appendix A):

4.25.7.1.1 Canopy trees shall be deciduous shade trees planted at three inches (3") in caliper with a mature height of at least thirty-five feet (35');

4.25.7.1.2 Under-story trees shall be deciduous shade or fruit trees planted at two inches (2") in caliper with a mature height of at least twelve feet (12');

4.25.7.1.3 Evergreens shall be coniferous species planted at six feet (6') in height;

4.25.7.1.4 Shrubs shall be either deciduous species planted at two and one-half feet (2.5') height with a mature height of at least six feet (6') or coniferous species planted at two and one-half (2.5') feet in spread.

4.25.7.2 Front Yards:

4.25.7.2.1 Adjacent to residences—A front yard landscaped buffer, meeting or exceeding the requirements of the type "A" Buffer Yard, may be required by the Commission in conjunction with proposed industrial or commercial developments to preserve privacy of residential lots;

4.25.7.2.2 Adjacent to streets—A front yard landscape buffer, meeting or exceeding the requirements of the type "A" Buffer Yard, may be required by the Commission in conjunction with proposed industrial or commercial developments to screen parking lot areas from the public street.

4.25.7.3 Side/Rear Yards—A landscaped buffer shall be provided along side and rear yards in conjunction with proposed industrial or commercial developments which abut Residential Zones or uses:

4.25.7.3.1 A type "B" Buffer Yard shall be required where commercial development abuts a residential zone or use;

4.25.7.3.2 A type "C" Buffer Yard shall be required where an industrial use abuts a residential zone or use or a proposed building has a footprint greater than forty thousand square feet (40,000SF).

4.25.7.4 The front, side/rear yard buffer requirements may be reduced or waived at the discretion of the Commission, when warranted by special conditions. The Commission shall determine which type of Buffer Yard within each category shall be used upon a review of the site design, topography, existing vegetation and abutting land uses. The Commission may authorize the use of existing vegetation in lieu of part or all the Buffer yard requirements. Where conditions are such that a buffer cannot be located directly adjacent to a yard because of other regulatory considerations such as, but not limited

to, wetlands preservation, the buffer may be reduced or waived as provided for above, or the Commission may require an alternate location for the buffer. Also, the Commission may require the substitution of the evergreen plant materials shown in the Buffer Yard graphic (Appendix A).

4.26 OPEN SPACE ZONE (OSZ)

4.26.1 Purpose: The purpose of the open space zone is to allow for the clear identification of land on the Town of Vernon Zoning Map that has been set aside from or permanently protected from development by legislation, dedication conservation or other legal means, which shall be used only for recreational, conservation, educational and agricultural purposes. Areas zoned as open space may be used for disconnection of impervious surface to manage stormwater provided that this does not adversely affect use of the area for open space.

4.26.2 Permitted Uses: Uses permitted within this zone include recreation, conservation, education and agriculture. These areas may be used for disconnection of impervious surface to manage stormwater provided that this does not adversely affect use of the area for open space. Under no circumstances shall a use or activity ensue on a parcel of land within this zone which is contrary and/ or detrimental to the intent and purpose of open space. There are no Special Permit Uses or Special Exceptions within the OSZ.

4.27 COMPREHENSIVE MULTI-FAMILY DWELLING ZONE

4.27.1 Purpose: This district has been created to address the situation where multi-family dwellings and multiple single-family dwellings may be appropriate, but the Planning and Zoning Commission does not believe a zone change to allow said dwellings should be granted until the Planning and Zoning Commission has simultaneously approved a Preliminary Plan of Development for the dwellings to be developed. Therefore, this zone has been created so that the Planning and Zoning Commission can address both the zone change and the Preliminary Plan of Development simultaneously, and the approvals of both the zone change and the Preliminary Plan of Development shall be considered part of one approval process.

4.27.2 General Considerations: A Comprehensive Multi-Family Dwelling Zone shall permit development which is planned to encourage the appropriate use of the site, with due consideration to the natural features that exist on the site. The design elements of a proposed development shall be attractive and suitable in relation to the character of the neighborhood.

4.27.3 Open Space Requirements:

4.26.3.1 Minimum lot area: 1 acre

4.26:3.2 Minimum lot width: 150 feet

4.26.3.3 Minimum front yard: 50 feet

4.26.3.4 Minimum side yard: 20 feet

4.26.3.5 Minimum rear yard: 50 feet

4.26.3.6 Minimum floor area (single level) See Section 10, "Minimum Floor Areas"

4.27.4 Permitted Uses: There are no permitted uses in this zone.

4.27.5 Special Exceptions: There are no special exceptions uses in this zone.

4.27.6 Allowable Uses: The uses allowed shall be either multi-family dwellings or multiple single- family dwellings, but in either case, an applicant must initially receive approval of a zone change and preliminary plan of development and subsequently receive approval for a final plan of development/site plan approval, all as set forth in the following sections.

4.27.7 Application Procedures:

4.27.7.1 The applicant shall file with the Planning and Zoning Commission an application for a zone change, together with an application for approval of a Preliminary Plan of Development for all of the property proposed to be located within the Comprehensive Multi-Family Dwelling Zone. The Planning and Zoning Commission shall hold a public hearing on the zone change application together with the application for a Preliminary Plan of Development. The Commission shall vote on the zone change simultaneously with its decision to approve, deny, or modify and approve the Preliminary Plan of Development. Approval of the zone change application and the Preliminary Plan of Development shall establish a Comprehensive Multi-Family Dwelling Zone and shall permit the applicant and/or his assigns to proceed with the completion of the development as set forth in the Preliminary Plan of Development subject to the provisions of these Regulations.

4.27.7.2 The Preliminary Plan of Development shall be prepared by a registered professional engineer, a registered architect and/or a registered landscape architect and shall contain those accompanying documents in sufficient detail to indicate:

4.27.7.2.1 Existing topography with five foot contours, existing structures, existing roads and rights-of-way, boundary description of the site, and major topographic features (including wooded and open areas, slopes greater than 15%, and the approximate location of inland wetlands and watercourses).

4.27.7.2.2 The location of all proposed vehicular and pedestrian patterns (including location of proposed drive-ways, public roads, sidewalks and pedestrian paths, and parking areas), open space and recreation areas and proposals for connection of roads, driveways, and sidewalks and paths within the site to the existing public road system. A report shall be included regarding existing traffic conditions and information on traffic generated by development of the proposed plan.

4.27.7.2.3 The proposed location of all buildings within the site.

4.27.7.2.4 The proposed general system of utilities (including domestic water supply, fire protection, storm water drainage, and sanitary sewer).

4.27.7.2.5 A table of ratios which shall establish that the requirements of Section 4.7.5 and 4.7.6 have been met.

4.27.7.2.6 A general description of conservation measures to be utilized in the development of the site to minimize erosion and sedimentation.

4.27.7.2.7 Where development within the site is to be in phases or units, the anticipated location and acreage of such phases or units.

4.27.7.2.8 Building Plan—a plan indicating:

4.27.7.2.8.1 The size of each building in square feet.

4.27.7.2.8.2 Exterior building elevations identifying the building finish materials and colors.

4.27.8 Approval Requirements: The applicant shall establish that all of the following conditions have been met:

4.27.8.1 All necessary utilities shall be available to service the site.

4.27.8.2 To the extent reasonably possible, the applicant shall develop the site in a manner that will blend harmoniously with the natural landscape.

4.27.8.3 The applicant shall design the site so that the site can be adequately drained to carry off storm water without impacting any adjoining properties.

4.27.8.4 All roadways, driveways and off-street vehicle parking shall be designed to facilitate traffic circulation and emergency vehicle movements in a safe and proper manner.

4.27.8.5 The requirements of sections 4.7.5, 4.7.6 and 4.7.7 shall be met to the extent applicable to the application.

4.27.8.6 The application must be compatible with neighboring land uses, not create a nuisance, not hinder the future sound development of the community, and shall be in conformance with all applicable sections of the zoning regulations.

4.27.9 Final Plan of Development/Site Plan Approval: An application for approval of the Final Plan of Development/ Site Plan shall include all matters set forth in Section 14 of the Zoning Regulations and all sections of Section 14 shall apply, except that no public hearing shall be required by the Planning and Zoning Commission and no

information shall be required which shall duplicate the information that was required as part of the Preliminary Plan of Development approval as set forth in Section 4.26.7.2. Any Inland wetland approvals that are required must be obtained before approval of the Final Plan of Development / Site Plan.

4.27.10 Modifications: Modifications to the Preliminary Plan of Development shall be made in accordance with Sections 4.26.7 and 4.26.8 of the Zoning Regulations and said applications shall be processed in the same manner as a new application under Sections 4.26.7 and 4.26.8 of the Zoning Regulations. Modifications to the Final Plan of Development/Site Plan approval shall be made in accordance with Section 4.26.9 of the Zoning Regulations.

SECTION 5 - AREAS SUBJECT TO FLOODING

5.1 **Special Flood Hazard Areas:** For the purposes of these regulations, the Special Flood Hazard areas are zones A, A1-30, AE, and AH as delineated on the Flood Insurance rate map as part of the Flood Insurance Study prepared by the Federal Emergency Management Agency (F.E.M.A.) dated August 9, 1999.

Notwithstanding any other provisions of these regulations, within areas of special flood hazards, no buildings or structures shall be built and no land shall be used, excavated or filled without approval by the Building Inspector in accordance with the provisions of this section and all other requirements of these regulations which are in concert with this section.

5.2 **Prior to the issuance of any Certificate of Occupancy, building, and/or zoning permits for development in a special flood hazard area,** all necessary permits required under federal or state law by other governmental agencies, must be obtained.

5.2.1 New Construction and Substantial Improvements: New construction and substantial improvements shall be (1) anchored to prevent flotation, collapse or lateral movement on the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; (2) constructed with materials and utility equipment resistant to flood damage; (3) constructed by methods and practices that minimize flood damage; (4) constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.2.2 Utilities and drainage systems must be located and designed to be consistent with the need to minimize flood damage. Water should be prevented from entering or accumulating within the components.

5.2.3 New water and sewer systems, including on-site systems, must be located and designed to avoid impairment and minimize infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

5.2.4 Any manufactured (mobile) home (including a recreational vehicle placed on a site for one-hundred-eighty (180) consecutive days or longer) shall be installed using methods and practices, which minimize flood damage. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and the provision of reinforcement for piers more than six feet (6') above ground level.

5.2.5 The Building Inspector shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

5.2.6 As-built elevations and levels to which any flood proofing is effective must be submitted to the Building Inspector who shall maintain these records.

5.3 **The following minimum requirements apply in specific zones designated on the Flood Insurance Rate Map (F.I.R.M.):**

5.3.1 In unnumbered A zones, the developer and the Building Official shall obtain, review, and reasonably utilize, base flood elevation and floodway data from alternative sources, prior to its being provided by FIA (Federal Insurance Administration) through its Flood Insurance Rate Study, as criteria for requiring that the standards of Sections 5.3.2, 5.3.3, and 5.5 be met.

5.3.2 In Zones A1-30, AE, or AH, new construction and substantial improvements, must meet the following standards:

5.3.2.1 Residential structures shall have the lowest floor (including basement) elevated to or above the base flood level.

5.4.2.2 Nonresidential structures shall have the lowest floor (including basement) elevated to or above the base flood level; or to be flood proofed to or above that level provided the standards of Section 5.3.3 are met.

5.3.3 Flood Proofing: Non-residential structure located in all A-zones may be flood proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural designs, specifications, and shall certify that the design and methods of construction which are in accordance with acceptable standards of practice for meeting the provisions of this subsection.

5.3.4 All manufactured homes (including "mobile" homes placed on a site for one hundred eighty (180) consecutive days or longer) to be placed or substantially improve shall be:

5.3.4.1 Elevated so that the lowest floor is above the base flood elevation; and

5.3.4.2 Placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over the top or frame ties to ground anchors.

5.4 In riverine situations, the developer must notify adjacent communities and the State Coordinating office prior to any alteration or relocation of a watercourse and submit copies of such notifications to the PZC and FEMA. No permit shall be issued for any proposed alteration or relocation of a watercourse unless the flood carrying capacity is maintained.

5.5 The following floodway provisions shall apply:

5.5.1 In A zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

5.5.2 Should data be requested and/or provided, the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourses.

5.5.3 The regulatory floodways established by FEMA on the flood boundary and floodway map are adopted and incorporation herein by reference. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris and potential projectiles and have erosion potential, any development or encroachment (including fill) which would result in any increase (0.00) in flood levels during base flood discharge is prohibited. To demonstrate a less than 0.00 increase the applicant must provide hydraulic analysis performed in accordance with standard engineering practices.

5.6 Permitted Uses:

5.6.1 Agriculture and farming.

5.6.2 Forestry and nurseries.

5.7 Special Permits: The following uses may be permitted when granted a Special Permit by the Planning & Zoning Commission:

5.7.1 Residential, commercial and industrial structures; this includes both primary and secondary structures.

5.7.2 Public and private open-type recreational uses; including, but not necessarily limited to golf, tennis, equitation, swimming, boating, parks, game farms, and athletic fields.

5.7.3 Municipal sewer plant or public utility structure not subject to major flood damage.

5.7.4 Parking as an accessory use to either a special use or for a use permitted immediately adjacent to the floodplain.

5.7.5 Filling or excavation of land. The filling of land within the special flood hazard area is permitted, subject to the following requirements as well as those of Section 5.5 above.

5.7.5.1 An application must be submitted to the Planning & Zoning Commission for its consideration and approval, which shall include the following information:

5.7.5.1.1 An engineering plan prepared by a registered professional engineer showing the existing and proposed contours and the effect upon flooding and drainage conditions on adjacent properties.

5.7.5.1.2 The engineering plan shall show the location and elevation of all proposed buildings, and building permits shall be issued only for buildings shown on such approved plans.

5.7.5.1.3 The proposed filling of land for the purpose of building construction shall be logical extensions of land lying at higher elevations.

5.7.5.1.4 The filling of land shall not retard the flow of the stream or significantly reduce the volume of the storage, which alleviates flooding elsewhere.

5.7.5.1.5 Application for approval for construction and/or land filling within any encroachment lines established by the Connecticut Department of Environmental Protection shall be considered and approved only with the approval in writing of the said State Water Resources Commissioner.

5.8 For the purposes of this section, the following definition shall apply:

5.8.1 Regulatory Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

5.8.2 Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

5.8.3 Flood Insurance Rate Map (F.I.R.M.): An official map of a community on which the F.E.M.A. Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

5.8.4 Flood or Flooding:

5.8.4.1 A general and temporary condition of partial or complete inundation of normally dry land areas from:

5.8.4.1.1. The overflow of inland or tidal waters.

5.8.4.1.2. The unusual and rapid accumulation or run-off of surface waters from any source.

5.8.4.1.3. Mudslides (i.e., mudflows), which are proximately caused or precipitated by accumulations of water on or under the ground.

5.8.4.2 The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a

natural body of water accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by similarly unusual or unforeseeable event which results in flooding.

5.8.5 New construction: For insurance purposes, new construction will pertain to structures for which the start of construction or substantial improvement commenced on or after the effective date of the Flood Insurance Rate Map.

5.8.5.1 For flood plain management purposes, new construction means structures for which the start of construction or substantial improvement commenced after the effective date of these regulations.

5.8.6 Start of construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

5.8.7 "Structure" for flood plain management purposes, is a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. "Structure" for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home or foundation. For the latter purpose, the term included a building in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

5.8.8 "Development" shall be defined as "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials".

5.8.9 "Flood proofed" is defined to mean "watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy".

5.8.10 Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its origin before damaged condition would equal or exceed fifty (50) percent of the structure before the damage occurred.

5.8.11 Mean Sea Level means, for purposes of the National Flood Insurance Program the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

5.8.12 Area of Special Flood Hazard is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

5.8.13 Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or store, in an area other than a basement area is not considered a building's lowest floor.

5.8.14 Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected

to the required utilities. The term also includes recreational vehicles, park trailers, travel trailers, and similar transportable structures placed on a site for one hundred eighty (180) days or longer and intended to be improved property.

5.8.15 Flood Insurance Study is the official report by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base food, and other flood data.

5.8.16 Recreational Vehicles means a vehicle which is:

a. built on a single chassis;

b. four hundred (400) square feet or less when measured at the largest horizontal projection;

c. designed to be self-propelled or permanently towable by a light duty truck; and

d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

5.8.17 Substantial Improvement means any combination of repairs, reconstruction, alteration, or improvements to a structure-taking place over a ten-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be; 1) the appraised value of the structure "using the cost approach to value" prior to the start of the initial repair or improvement, or 2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement project required to comply with existing health, sanitary, or safety code specification, which are solely necessary to assure safe living conditions.

5.9 Standards for subdivision proposals. In all special flood hazard areas the following requirement shall apply:

5.9.1 All subdivision proposals shall be consistent with the need to minimize flood damage;

5.9.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

5.9.3 All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards; and

5.9.4 Base flood elevation data shall be provided for all subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) which are five (5) acres of fifty (50) lots, whichever occurs first, and are located in Zone A.

SECTION 6 - BUILDING ON EXISTING LOTS

6.1 Provided that safe and adequate disposal of sewage and a safe water supply can be provided without endangering the health and safety of adjoining residents, the requirements of Section 4 shall not prevent the construction of a permitted building or establishment of a permitted use on a lot containing less than the lot area and width required in Section 4, provided said lot is:

6.1.1 Recorded prior to July 1, 1965, in the Land Records of the Town of Vernon; or

6.1.2 Shown on a plan of subdivision approved by the Planning & Zoning Commission of the Town of Vernon and placed on file in the office of the Town Clerk of the Town of Vernon; provided, however, that if five (5) years have elapsed since the filing date of such plan, then all work as defined in Section 8-26(c) of the Connecticut General Statutes as amended must have been completed.

6.1.3 Recorded prior to the adoption of any zoning amendment changing the required lot area or width.

6.2 A group of adjacent lots of record under the same ownership may be re-divided or re-subdivided in accordance with the subdivision regulations into larger lots:

6.2.1 For permanent dwellings where permitted, provided such lots have not less than seventy-five (75) percent of the required lot area and lot width; and

6.2.2 Where in each case a safe water supply and a safe and adequate disposal of sewage can be provided without endangering the health and safety of adjoining residents.

SECTION 7 - CLUSTER DEVELOPMENT

7.1 In order to promote the health and general welfare of the community and to preserve and make available natural open space for recreation and conservation, the Planning & Zoning Commission may grant a developer the option to vary the lot size requirements in Residential 40 and Residential 27 zoning districts, leaving a substantial area free of building lots. Such variations shall be subject to the requirements of Subdivision Regulations Section 3.2.2.A, 6.1.3, and 6.1.3.3.3, in addition to the following requirements:

7.2 **The minimum parcel** to be considered for variation as stated above shall be ten (10) acres.

7.3 **The maximum number of building lots** shall not exceed one and two-tenths (1.2) per net acre in the R-40 district, or one and nine-tenths (1.9) per net acre in the R-27 district. Net acreage shall be determined by subtracting fifteen (15) percent of the gross acreage of the parcel (for streets). The gross area of the parcel shall include only land that is not encumbered with easements or other restrictions that would prevent full use of the land.

7.4 **The land area not allocated to building lots and streets** shall be permanently reserved in open space. Such areas shall be in locations designated open spaces or greenbelts on the comprehensive plan or, where the sub-divider proposes open space in other areas; such proposals shall be subject to the approval of the Commission.

7.5 No proposed cluster development shall be considered or approved unless the dwelling units on the proposed lots are to be serviced by public sewers and either a public water supply or individual wells approved by the North Central District Health Department.

7.6 **In cluster subdivision,** the lots shall satisfy the following requirements;

		R-27	*R-40*
7.6.1	Minimum lot area (square feet)	20,000	30,000
7.6.2	Minimum lot width (feet)	100	150
7.6.3	Maximum lot coverage (percent) When not in an aquifer protection Zone	20	20

7.6.3.1. A Special Permit shall be required for any lot coverage exceeding twenty (20) percent in an aquifer protection zone and subject to the requirements of Section 20.5

7.6.4	Minimum side yards (feet)	10	10
7.6.5	Minimum rear yard (feet)	20	20
7.6.6	Minimum front yard (feet)	20	20
7.6.7	Maximum building height (stories)	2 ½	2 ½

7.7 **The balance of the land not contained in the building lots** shall be in condition, size and shape as to be readily usable for recreation or conservation, and shall be reserved by one of the following means:

7.7.1 Deeded to the Town.

7.7.2 Held in corporate ownership by the owners of the lots within the subdivision and such other nearby landowners who may wish to become members of the corporation. However, membership in said corporation shall be mandatory for all residents of the proposed subdivision. In the case of a corporate ownership, the developer shall include in the deed to the owners of the building lots the membership stipulation and the beneficial right of the use of the open land.

7.7.3 Held in ownership by the developer subject to a legal agreement with the Town regarding the developer's responsibility for maintenance of the balance of the land as noted above.

7.7.4 Governed by a special tax district.

7.7.5 A combination of the above.

SECTION 8 - DUMPS AND INCINERATOR SITES

8.1 **Conditions for operation.** Landfill-type dumps or areas for incinerator sites for refuse disposal when owned, operated or under control of the Town of Vernon or a non-profit refuse disposal district of corporation, are permitted in any zone district subject to the following conditions:

8.1.1 The decision of the Planning & Zoning Commission should be made in accordance with the provisions of Section 17.3, "Special Uses".

8.1.2 The site and method of operation has been approved by the Planning & Zoning Commission of the Town of Vernon after a public hearing.

SECTION 9 - LANDSCAPE BUFFER STRIPS

9.1 **Provision:** The Planning & Zoning Commission (PZC) may require a landscaped buffer strip to be provided along a property line to buffer adjacent property from the proposed development. The PZC may impose provision of the landscape buffer to address the following conditions:

9.1.1 To minimize potential conflict between different uses;

9.1.2 To assure privacy and/or the undisturbed use of property;

9.1.3 To lessen potential glare from light sources or reflections;

9.1.4 To screen motor vehicles, parking and loading areas, dumpsters, storage or display areas, heating, ventilating, air condition (HVAC) mechanical equipment, or other industrial equipment.

9.1.5 To provide landscape transitions;

9.1.6 To increase compatibility with neighboring uses, lessen the potential for nuisance, and promote the sound development of the community relative to special permit criteria of Zoning Regulations Section 17.3.1 in regard to both existing and potential development;

9.1.7 To prevent blight, preserve the quality of existing development, and maintain property values.

9.1.8 To provide for enhanced stormwater management through the use of low impact development (LID) techniques such as bioretention in accordance with the Town LID Manual.

9.2 **Location:** The landscaped buffer strip, if required by the PZC:

9.2.1 Shall be shown on the site plan of development or may be a separate landscaping plan to be recorded with the approved site plan of development;

9.2.2 Shall be located immediately adjacent to the property line; an existing tree belt along a property line may serve as a landscape buffer strip if deemed adequate by the PZC as is or enhanced with additional plantings or additional depth;

9.2.3 Shall have a minimum depth of twenty-five feet (25'). The requirement of a buffer deeper than 25' between non-residential uses and residential districts shall be based upon the nature and intensity of the non-residential use. The PZC may reduce such minimum depth if precluded by lot size or configuration;

9.2.4 Shall extend from the property line within, or if necessary beyond, the required zoning district yard setback;

9.2.5 Shall be located on the property for which approval of development is being sought, and maintenance of such buffer shall be the sole responsibility of the owner of the property on which it is located;

9.2.6 Shall be planted such that the field of view between abutting residential and nonresidential uses/zones at grade shall be obscured visually both within 5 years time and at maturity so that activity on the abutting lot is not immediately apparent;

9.2.7 Shall not obstruct line-of-sight for vehicles entering and exiting the premises, nor shall it unduly obstruct line-of-sight for vehicles traveling on abutting Town or State highways. Corner visibility shall be maintained. Buffer landscaping shall not obstruct line-of-sight for vehicles entering and leaving either common driveways or other access ways;

9.2.8 If a landscaped buffer is located so as to overlay, in part, a designated utility or drainage easement, that portion of the buffer that lies within the bounds of such easement shall remain unvegetated.

9.3 Composition: The landscape buffer strip, if required by the PZC.

9.3.1 Shall be designed by a licensed landscape architect;

9.3.2 Shall be shown on the site plan or landscaping plan in terms of the types of plants, maturities or sizes, spacing, planting schedule, and maintenance plan;

9.3.3 Shall be designed to retain and incorporate existing healthy mature trees whenever possible;

9.3.4 Shall contain a variety of interplanted evergreen, deciduous, trees and shrubs suitable in the judgment of the PZC or its designated agent to provide an adequate screen sufficient to buffer adjacent property from the proposed development, and to meet the following guidelines:

9.3.4.1 Shall contain trees and shrubs that are spaced and located as follows:

1. Evergreen trees and large deciduous trees should be spaced using accepted landscaping practices, usually 20 feet or more on center;

2. Flowering trees should be spaced using accepted landscaping practices, usually 10 or more feet on center;

3. Trees shall not be planted within 20 feet of a sewer line or area of heavy equipment use;

9.3.4.2 Shall contain plantings staggered/clustered to achieve maximum screening after 5 years, and at maturity. Evergreen trees shall be a minimum of 5 feet in height at the time of plantings; deciduous shade trees shall be a minimum of 2 caliper and 10 feet in height at the time of planting; and flowering trees shall be a minimum of 6 feet in height at the time of planting and 1•½ caliper;

9.3.4.3 For screening purposes may include, but shall not be limited to, the following varieties of trees and shrubs: Canada Hemlock, Scotch Pine, White Pine, Norway Spruce, Douglas Fir, Pyramidal Arborvitae, Juniper (including Red Cedar), Rhododendron, Azalea, Holly, Forsythia, Viburnum, Lilac, Yew, Flowering Crab, Dogwood, Magnolia, Hawthorn, Flowering Quince, Mountain Ash, Flowering Cherry, Sycamore (Plane Tree), and Male Ginko;

9.3.4.4 Shall not include the following invasive species, identified in part by the Connecticut Invasive Plants Council in accordance with Connecticut Public Act 03-136: White Poplar, Amur Maple, Norway Maple, Sycamore Maple, Princess Tree, Black Locust, Tree of Heaven (Ailanthus), Box Elder, Cottonwood, Basswood (Linden), Catalpa, Silver Maple, Red Maple, and Chinese Elm;

9.3.5 Shall be designed so that when a required interplanted buffer abuts an undeveloped Residential and/or non-Residential Zone, the taller and/or larger varieties of trees and shrubs (at maturity) shall be established adjacent to the zone line;

9.3.6 Shall be subject to modification, which may include an increase of depth or installation of a fence, wall, or barrier, as may be considered necessary by the PZC to fulfill the purpose of the landscaped buffer;

9.3.7 Shall, whenever stormwater best management practices are incorporated, be designed in accordance with the Town LID Manual.

9.3.8 Shall be planted prior to issuance of a certificate of occupancy (CO) and a bond may be required to be posted sufficient to complete the planting of the landscape buffer within one (1) year of the issuance of a building permit;

9.4 Maintenance:

9.4.1 Maintenance of a landscaped buffer in a healthy, neat and attractive condition by the property owner shall be a condition of compliance with these regulations. Maintenance shall include, but not be limited

to, watering, fertilizing, weeding, cleaning, pruning, trimming, spraying and cultivating. Vegetation that dies shall be replaced as quickly as possible and within one growing season. Replacement plantings shall conform to the original intent of the landscape design;

9.4.2 Clear cutting/harvesting of trees within a buffer area is expressly prohibited at any time without prior Commission approval;

9.4.3 To facilitate operation and maintenance, stormwater best management practices shall be designed in accordance with the Town LID Manual.

9.4.4 The Commission may require the execution of a Landscape Buffer Conservation Easement to insure compliance with the landscape buffer conditions.

SECTION 10 - MINIMUM FLOOR AREAS

10.1 **Requirements:** Minimum floor area requirements; a building permit shall not be issued for any building that does not conform to the following:

10.1.1 Multi-family dwelling units shall have not less than the following footage of living quarters:

10.1.1.1 For one-bedroom units: Five hundred fifty (550) square feet.

10.1.1.2 For each additional bedroom over one: One hundred twenty-five (125) square feet.

10.1.2 Two-Family Dwellings: Newly constructed two-family dwellings shall have a minimum floor are of seven hundred (700) square feet per unit for single level structures and a minimum floor area of seven hundred seventy-five (775) square feet per unit for multi-level structures. Existing structures, which are converted to two-family dwellings, shall contain a minimum floor area of six hundred fifty (650) square feet per dwelling unit containing one bedroom. A unit containing more than one bedroom shall provide one hundred twenty-five (125) square feet for each additional bedroom.

No single-family structure shall be converted to a two-family structure if additions to the existing building are required to meet the above square footage requirements. Where an existing single-family dwelling is converted to a two- family, the external appearance and general characteristics of the building as a single-family shall be preserved.

Each individual dwelling unit must be individually metered for all utility services and must be served by public water and sewers.

SECTION 11 - NON-CONFORMING USES AND BUILDINGS

11.1 Requirements, non-conforming use.

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 three (3) months of non-use unless the property owners can show that they intended not to abandon the use.

11.2 Any use of a building or structure having within it a non-conforming use shall not be:

11.2.1 Extended or enlarged.

11.2.2 Rebuilt or restored at the same location and again used after damage by fire, explosion or other catastrophe exceeding eighty (80) percent of its fair market value immediately prior to damage. Application for a permit to rebuild or restore the damaged portion shall be filed within six (6) months of damage.

11.3 Requirements, non-conforming lots/building. Any building which is on a non-conforming lot by reason of inadequate lot width, lot area, yards or floor area may be altered, enlarged, extended or rebuilt provided such enlargement meets the yard and height requirements or, as a variance by the Zoning Board of Appeals, any enlargement may extend into the required yards a distance not greater than the existing building.

11.4 The operative date of the regulations for the purpose of establishing non-conformance status is July 1, 1965, the effective date of consolidation of the Town of Vernon.

SECTION 12 - OFF-STREET PARKING AND LOADING

12.1 **Provisions:** Off-street parking shall be provided for all uses in structures hereafter constructed or enlarged or in which there is a change of use in accordance with the following requirements:

12.1.1 Assisted living facility: 1 space for each two units plus 1 space for each 2 employees.

12.1.2 Auditorium or other place of public assembly - one parking space for each four (4) fixed seats of capacity or one (1) parking space for each sixty (60) square feet of floor area available to patrons in cases where the capacity is not determined by the number of fixed seats.

12.1.3 Boarding or rooming house or tourist home - one parking space for each guest bedroom, plus one parking space for the resident family.

12.1.4 Bowling alley - three (3) parking spaces for each lane.

12.1.5 Club - one parking space for each one-hundred (100) square feet of floor area available to patrons.

12.1.6 Commercial recreation center - one parking space for each employee and one space for each four (4) participants and/or patrons.

12.1.7 Dwellings, single-family - one parking space located behind the building line. Two-family - three (3) parking spaces located behind the building line. Multi- family - two (2) parking spaces per dwelling unit.

12.1.8 Motor vehicle service station or establishment - a minimum of seven (7) spaces, without repairer's license - maximum of four (4) vehicles on-site in any forty- eight (48) hour period. With limited repairer's or general repairer's license - maximum of eight (8) vehicles in any forty eight (48) hour period. No vehicle may be kept in outside storage over two (2) weeks.

12.1.9 Home occupation or home professional office - two (2) parking spaces, in addition to one (1) parking space for each employee and the requirement for the dwelling to which such use is accessory.

12.1.10 Hospital or convalescent home - one parking space for every two (2) beds.

12.1.11 Hotel or motel - one (1) parking space for each guest bedroom or suite, plus one.

(1) parking space for each three (3) persons customarily employed at one time.

12.1.12 Manufacturing or industrial establishment, whole establishment or laboratory - one (1) parking space for each two (2) employees customarily employed at one time.

12.1.13 Mortuary establishment - one parking space for each seventy-five (75) square feet of floor area devoted to assembly rooms for services.

12.1.14 Office, office building, bank, medical or dental clinic - one parking space for each two hundred fifty (250) square feet of floor area.

12.1.15 Philanthropic or eleemosynary Institution - one parking space for each two hundred fifty (250) square feet of floor area devoted to office or administrative use.

12.1.16 Restaurant or tavern - one parking space for each fifty (50) square feet of public floor area.

12.1.17 Retail store, personal service store or studio, shop for custom work - one (1) parking space for each two hundred fifty (250) square feet of floor area.

12.1.18 Roadside stand - four (4) parking spaces in addition to the requirement for any dwelling.

12.1.19 School, public or parochial - twenty (20) parking spaces plus one (1) parking space for each employee, plus one (1) parking space for each three (3) students in the eleventh and twelfth grades or above.

12.1.20 Other uses not specifically listed - the same requirement as for most similar listed use.

12.1.21 Mixed uses - total requirement shall be the sum of the requirements of the component uses computed separately.

12.1.22 Day care centers - one (1) for each employee plus one space for each five (5) persons attending the facility.

12.1.23 Commercial education facility - one (1) for each employee plus one (1) space for each one hundred (100) square feet of floor area available to patrons.

12.1.24 Emergency shelter for the homeless - one (1) space for each employee.

12.1.25 Vocation Training & Employment services: One (1) parking space for each full time staff member based in the facility, two spaces for visitors and an additional handicapped only parking space.

12.1.26 School bus parking facility - one (1) parking space for each school bus on site, one (1) parking space for each bus driver originating from the site, one (1) parking space for each worker on the site.

12.1.27 Climate controlled indoor self-storage - two (2) parking spaces for employee parking and one (1) parking space for each 100 storage units.

12.2 Off street loading: Every building or structure, lot or land hereafter put into use for business or industrial purposes or for a hospital, and which has an aggregate floor area of seventy five hundred (7,500) square feet or more devoted to any such use, shall be provided with off-street truck loading spaces in accordance with the following schedule:

Square Feet of Aggregate Floor Devoted to Such Use	*Required Number of Off-Street Area Truck Loading Spaces*
7,500 to 20,000	1
20,001 to 50,000	2
50,001 to 150,000	3
Each additional 50,000	1 additional

12.3 Supplemental Regulations and Standards:

12.3.1 In all districts, a paved access drive to a garage may be located within the required setbacks.

12.3.2 No portion of a parking area shall be located closer than ten (10) feet to the boundaries of the parcel to be used or to any highway right-of-way. The parking area is taken to be that area where a vehicle is normally stored or parked and shall not be part of an access drive.

12.3.3 In all districts, required parking areas for dwellings shall be on the same lot with the main dwelling.

12.3.4 Required accessory parking and loading areas for non-residential uses shall be within three hundred (300) feet of the main building or use to be served. Any accessory parking area which is not upon the same lot as the main building or use and its necessary access-ways shall be reserved for off-street.

12.3.5 In all districts, required parking areas and truck loading shall have safe and adequate access to a public street either by a driveway on the same lot or by means of a permanent easement across an adjoining lot.

12.3.6 An off-street truck loading space shall have a minimum width of ten (10) feet, a minimum length of twenty-five (25) feet and a minimum clear height of fourteen (14) feet, excluding its access from the street.

12.3.7 All off-street parking spaces shall have a minimum width of nine (9) feet and a minimum length of seventeen (17) feet exclusive of access drive.

12.3.8 In all zones, all driveways, parking areas, and access aisles, automobile dealer lots, and all off-street truck loading spaces shall be suitably paved, drained and lighted, and appropriately planted and

fenced for the protection of adjacent properties, and shall be arranged for convenient access, egress, snow removal and safety of vehicles and pedestrians. Such facilities shall be maintained in good condition by the owner.

12.3.8.1 Parking lot aisle widths shall conform to the following table:

Parking Stall Angle	*Aisle Width*
90°	24'
60°	16'
45°	11'
30°	8'

12.3.8.2 For parking stall angles not list, the appropriate aisle width shall be determined by the Town Engineer.

12.3.8.3 Stacked parking shall not be allowed for any non-residential use or mixed residential/ commercial use. Stacked parking is any parking where a parking stall does not have direct access to a parking aisle or access way without going through another parking stall.

12.3.9 When the number of parking spaces calculated as provided in Section 12 results in the requirement of a fractional space, any fraction under one-half (1/2) may be disregarded and any fraction over one-half (1/2) shall be construed as requiring a full space.

12.3.10 In the case of an expansion of a non-conforming building or the expansion of a permitted use, which does not meet the parking and loading requirements of Section 12 above, such expansion shall be subject to the following requirements:

12.3.10.1 That portion of the building or use, which constitutes the expansion, is subject to the requirements of Section 12.

12.3.10.2 An additional twenty-five (25) percent of the off-street parking requirements for the existing use shall be required; provided, however, that such provision does not exceed one hundred (100) percent of the requirements of Section 12.

12.3.11 In all residential districts including PRD and MHP districts, the outside parking of any commercial vehicle in excess of one ton carrying capacity is prohibited with the exception of farm vehicles which are permitted in all districts in conjunction with commercial or non-commercial farming and agricultural use, provided the vehicles are parked on said premises.

12.3.12 Floor area defined. For the purpose of the off-street parking requirements, "floor area" in the case of office uses, service uses, retail trade uses, and cultural, entertainment and recreational uses, shall mean the gross floor area used, designed or intended to be used for service to the public as customers, patrons, clients, patients, or members, including those areas occupied by fixtures and equipment used for the display and/or sale of merchandise. "Floor area" shall not include areas used principally for non-public purposes such as storage and incidental repair, for rest rooms, for utilities, or for required stairways or elevators.

12.3.13 In any zone, as per C.G.S. 8-2c, the Planning & Zoning Commission may reduce the number of off-street parking spaces which must be installed by the developer subject to the following conditions:

12.3.13.1 The total reduction of spaces shall not exceed twenty (20) percent of the required number of spaces.

12.3.13.2 The developer shall pay a fee of $500 for each space eliminated. This fee to be used in accordance with the guidelines established in C.G.S. 8-2c.

12.3.13.3 In granting an exemption from the required off-street parking requirements the Commission, by two-thirds vote, must find that the reduced number of spaces will not result in an increase of on-street parking.

12.3.14 The replacement, installation or addition of off-street parking or parking aisles areas, in the cumulative aggregate amount of fifteen hundred (1500) or more square feet on any lot from January 15, 1988, being the date of initial adoption of this regulation, shall require site plan approval from the Planning & Zoning Commission.

12.3.14.1 This requirement shall not apply to single or two-family residential structures.

12.3.14.2 For the purpose of this section, the applicant shall submit an engineered Site Plan showing at a minimum the location, topography, landscaping, and drainage for the proposed parking area.

12.3.14.3 The fee for this section shall be the same as those outlined in Section 19.2.6.

12.3.14.4 This procedure is instituted to ensure that increases in storm water run-off resulting from increases in paved parking areas are managed in such a way so as to not cause flooding of public facilities or adjoining properties.

12.4 PDZ Parking Requirements per Section 4.24.4.4 and 4.25.4.4 Planned Development Zone:

12.5 Access Management: The Planning and Zoning Commission shall institute access management wherever possible 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.

SECTION 13 - PERFORMANCE STANDARDS

All land uses within the Town of Vernon shall be subject to the following performance standards.

13.1 Provision shall be made for fire protection adequate in the judgment of the Fire Marshal of the Town of Vernon for the use intended.

13.2 The storage of flammable or explosive materials shall be in a manner approved by the Fire Marshal of the Town of Vernon, who may require any precautionary measures necessary in his judgment to eliminate exposure hazards to life and property.

13.3 The use shall emit no offensive odors perceptible at any property line of the lot on which the use is located and shall emit no noxious, toxic or corrosive fumes or gases.

13.4 The use shall not discharge into the air exhaust, waste or dust in excess of one (1) cubic centimeter of settled matter per cubic meter of air, or produce heat or glare perceptible from any property line on the lot on which the use is located for a period of more than three (3) continuous minutes.

13.5 Exterior and/or interior lighting shall not produce glare on public highways or neighboring property or conflict with any traffic signals.

13.6 Smoke or other air contaminant shall not be discharged into the atmosphere from any single source of emission for a period or periods aggregating more than three (3) minutes in any one hour, which is as dark or darker in shade than is designated as No. 2 on the Ringlemann Chart as published by the United States Bureau of Mines, or which is of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke designated as No. 2 on the Ringlemann Chart.

13.7 The use shall not discharge into any stream, river, watercourse, or water body any sanitary sewage or industrial wastes except where suitable treatment has been provided in accordance with applicable local and state regulations, and approved by the responsible agencies.

13.8 The use shall not discharge into any stream, river, and watercourse or water body, any storm water, surface water, groundwater, roof runoff, a subsurface water drainage, cooling water, air conditioning and refrigeration wastewaters, or unpolluted industrial process waters, without specific approval by the responsible local and state agencies.

13.9 Existing and proposed drainage: Stormwater management systems shall be developed consistent with LID practices, which shall be designed and maintained to renovate stormwater through mechanical or natural means before discharging into storm sewers, wetlands, watercourses, or infiltrating into the ground. The stormwater management system shall comply with the practices recommended in the latest edition of the "Stormwater Quality Manual" of the State of Connecticut Department of Energy and Environmental Protection (DEEP) and with the Town LID Manual. Where a conflict arises between the state and Vernon manuals, the more restrictive provision(s) shall apply. Application of LID practices shall not be required for a single lot containing a single- or two-family dwelling.

13.10 Storage Containers and Dumpsters:

Portable storage containers and dumpsters may be located on a lot in any zone subject to the following restrictions:

13.10.1 A zoning permit shall be obtained from the zoning enforcement officer prior to the placement of a portable storage container or dumpster on property in any residential zone; a zoning permit shall not

be required where one or more storage containers and/or dumpsters are (1) shown on a site plan approved in accordance with Section 14, or (2) are necessary for construction-related work as provided below;

13.10.2 Except for dumpsters used for construction-related work, no zoning permit shall be valid for a term longer than 30 days; a zoning permit may be renewed for one or two additional 30 day periods if compelling justification is provided to the zoning enforcement officer; under no circumstances shall such a zoning permit be valid for longer than 90 days;

13.10.3 Placement of a dumpster used for construction-related work shall require, as a precondition, issuance of a building permit for work that will generate waste or construction debris; such dumpster shall be removed within five (5) days of completion of the work or upon issuance of a Certificate of Occupancy;

13.10.4 Not more than one portable storage containers or dumpster shall be placed on property in a residential zone; a portable storage container or dumpster shall be placed on a driveway or other hard surface; where feasible, the portable storage container or dumpster shall be placed behind the front line of the principal building. No dumpster shall be placed within the travelled portion of any roadway unless authorized by the Chief of Police. This authorization will be done on a case by case basis and the property owner shall assume full liability for such placement.

13.10.5 Portable storage containers and dumpsters shall not be used for the storage of hazardous materials or garbage and shall not create offensive odors or create a condition that may prejudice the public health.

13.10.6 No dumpster or portable storage container shall be emptied or filled between 11:00PM and 7:00AM.

13.11 Permanent Shipping/Cargo Storage Container: Permanent Shipping/cargo storage containers may only be located on a lot in the Industrial zone subject to the following restrictions:

13.11.1 Shipping/cargo containers shall be permitted in Industrial Zone as storage units upon approval of a site plan in accordance with section 14, site plans, and the following requirements:

13.11.1.1 The container shall be an ancillary use to the main business in an Industrial zone and the primary use must be established before storage may commence.

13.11.1.2 The container shall be placed in the least conspicuous location available to minimize disturbance to any adjoining properties; must be screened from the public right-of-way and adjoining use districts through the use of trees, a continuous hedge, or opaque fencing if the former are not feasible. The containers cannot be stacked upon each other or elevated by a substructure. They must be placed directly on even grade.

13.11.1.3 The storage areas must conform to the minimum setback regulations of the zone.

13.11.1.4 The storage unit cannot exceed forty feet (40') in length or three hundred twenty (320) square feet per container.

13.11.1.5 There shall be a maximum of one (1) shipping/cargo container per four thousand (4,000) square feet of floorspace.

13.11.1.6 It shall be the obligation of the owner or user of such structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the temporary structure.

13.11.1.7 The storage structure must not contain any electrical, plumbing or mechanical work and is not to be used to store hazardous materials.

13.11.1.8 The container cannot include any sign or advertising and must be painted and maintained in a continuous, solid, neutral color.

13.11.1.9 Nothing shall be stored on top of the unit and the area surrounding the container must remain free from weeds and debris.

13.11.1.10 The use of any shipping/cargo containers as storage units shall comply with the provisions of this article within one (1) year from the adoption of same.

13.11.1.11 Should the shipping/cargo container storage unit not comply with all of the above conditions the Zoning Enforcement Officer may upon inspection consider the unit a violation of Zoning Ordinance and proceed with enforcement actions which could result in the removal of the unit from the site at the expense of the owner.

13.12 Charitable Donation Collection Bins: Donated items steel or similar storage containers (hereinafter referred to in this section as "bins") are prohibited in the Town of Vernon with the following exceptions:

13.12.1 Registered nonprofit organizations are permitted to place used clothing bins on nonresidential property in accordance with the following:

13.12.1.1 Bins shall not obstruct pedestrian or vehicular circulation, nor be located in public rights-of-way, required building setbacks, landscape areas, drive aisles, required parking spaces, fire lanes, loading zones, buffers or any other location that may cause hazardous conditions, constitute a threat to the public safety, or create a condition detrimental to surrounding land uses.

13.12.1.2 The bin(s) shall be of the type that are enclosed by use of a receiving door and locked so that the contents of the bin(s) may not be accessed by anyone other than those responsible for the retrieval of the contents.

13.12.1.3 Each bin shall not cover a ground surface area in excess of five feet(5') by five feet (5'), nor be more than six feet (6') in height.

13.12.1.4 Each bin must be regularly emptied of its contents so that it does not overflow, resulting in used clothing being strewn about the surrounding area.

13.12.1.5 Each bin shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti. The permittee shall maintain or cause to be maintained the area surrounding the bin free of any junk, garbage, trash, debris or other refuse material.

13.12.1.6 Each bin shall be clearly marked to identify the specific items and materials requested to be left for donation, the name of the operator or owners of the bin, the entity responsible for maintenance of the bin and removal of materials and trash from the immediate area, and a telephone number where the owner, operator or agent of the bin may be reached at any time. The bin shall display a notice stating that no items or materials shall be left outside of the donation drop-off box.

13.12.1.7 Occupation of parking spaces by bins shall not reduce the number of available parking spaces below the minimum number required for the site.

13.12.1.8 There shall not be more than two (2) bins on properties less than one (1) acre and no more than four (4) bins on properties greater than one (1) acre.

13.12.1.9 A permit for charitable donation bins shall be required. The permit shall be issued by the Zoning Officer, but can only be granted when it is determined by the Zoning Officer that:

(a) The bin(s) are for use by a duly registered nonprofit organization;

(b) The proper types of bin(s) are being used as described by this section;

(c) The bin(s) are being placed in a proper location as described by this section;

(d) The permit application includes a letter of authority/permission from the owner of the property upon which the bins are to be and/or are already located which includes the statement that the Town of Vernon shall hold both the property owner and the charitable organization liable for violation of these regulations; and

(e) Name, address and phone number of the nonprofit organization or Church displayed on each bin.

The term of the permit shall expire one year from the date of issuance.

13.12.10 If any charitable donation bins are placed without a permit, or an inspection reveals that such bins are not in compliance with this section, enforcement and abatement shall take place as generally provided under this article.

These regulations shall apply to all donation bins in place on the effective date of this regulation (03.23.2015) and all clothing bins placed subsequent to the effective date.

SECTION 14 - SITE PLANS

14.1 Requirements:

14.1.1 Plan of Development (POD) or Minor Modification:

14.1.1.1 Plan of Development (POD): A detailed Site Plan is required for approval by the PZC for all new construction, changes in or on a site, or changes of the exterior of a structure(s) in all planned residential districts, mobile home park districts, commercial districts, industrial districts, downtown business & residential districts, and for all commercial or industrial development in residential districts, unless determined to be a "Minor Modification".

14.1.1.2 Minor Modification: New construction, changes in or on a site, or changes of the exterior of a structure(s), which in the opinion of the Town Building Official, Town Engineer, and Town Planner, will not adversely affect the public health or safety, may be designated as "Minor Modifications" that do not require a detailed site plan. The Town Building Official, Town Engineer, and Town Planner may require plans and may set stipulations to assure that the changes to the site or structure(s) are Minor Modifications and will not adversely affect public health or safety. No "Minor Modification" shall be approved if there are any outstanding zoning violations, unless such changes will eliminate the zoning violations.

14.1.1.3 Plan of Development and Modifications in Historic Districts: When a Site Plan and/or Modification of an existing Site Plan is requested for a property located in or abutting a historic building, structure, site or district the Local Historic Properties Commission shall be notified at least twenty (20) days prior to the date of the public hearing. The Local Historic Properties Commission shall have the opportunity to review the proposed application and make recommendations to the Planning and Zoning Commission. The Planning and Zoning Commission shall be obligated to seriously consider the recommendations provided by the Local Historic Properties Commission. When the Planning & Zoning Commission makes a decision contrary to the written recommendations of the Local Historic Properties Commission, The Planning and Zoning Commission shall state on the record the reasons for the decision. If recommendations from the Local Historic Properties Commission are not received by the Planning and Zoning Commission at or before the public hearing, it shall be presumed that the Local Historic Properties Commission does not disapprove of the proposal. Notice of Minor Modifications approved in all Historic Districts shall be provided to the Local Historic Properties Commission within 30 days of the action.

14.1.2 When a detailed Site Plan is required to be submitted to the PZC for approval, the detailed Site Plan shall include the following:

14.1.2.1 The applicant must submit copies of the legal description of the property on which the development will take place.

14.1.2.2 The applicant must submit copies of the site plan prepared by the appropriate design professionals (engineer, architect, landscape architect, or surveyor) licensed to practice in the State of Connecticut. The plan shall be signed, dated and sealed by the appropriate design professionals. All site plans shall be prepared at a scale of not less than 1"=40' and shall be of sufficient detail and accuracy, class A-2 for boundary and class T-2 for topography, as defined in; "Standards for Surveys and Maps in the State of Connecticut,

Prepared and Adopted by the Connecticut Association of Land Surveyors, Inc., September 26, 1996," as may be amended. Plans shall be sized in accordance with Connecticut General Statutes Chapter 92, Section 7-31. The site plan shall include at a minimum.

14.1.2.2.1 Name of development;

14.1.2.2.2 Abutters, to include names and referenced deed volume and page;

14.1.2.2.3 North arrow, scale and bar scale, date, and signatures and certification of the appropriate design professionals;

14.1.2.2.4 The location of general features, based on the best available information, within 100 feet of the subject property, shall be depicted on the plan;

14.1.2.2.5 Boundary survey of the site with angles or bearings and distances;

14.1.2.2.6 Zoning classification of the property;

14.1.2.2.7 Area of the parcel, in both acres and square feet;

14.1.2.2.8 Existing and proposed buildings and structures within the site including dimensions, distances from building corners to property lines, finish floor elevations, and number of stories;

14.1.2.2.9 Existing and proposed roads, driveways, loading and parking areas, curbs and curb cuts;

14.1.2.2.10 Existing and proposed walkways and sidewalks;

14.1.2.2.11 Where appropriate, existing contours and proposed contours at no more than 2 foot intervals and spot grades to the tenth of a foot;

14.1.2.2.12 Where appropriate, existing and proposed drainage with invert and top of frame elevations; wherever feasible, drainage design for roof area, parking lots and driveways shall employ low impact development (LID) techniques for stormwater management in accordance with the Town LID Manual;

14.1.2.2.13 Location of field delineated inland wetlands as delineated by a certified soils scientist;

14.1.2.2.14 Where applicable, 100 year base flood elevation as published by FEMA, in their latest flood insurance study and State of Connecticut Stream Channel Encroachment Lines;

14.1.2.2.15 Adequate provisions for potable water supply and sewage disposal; where applicable, existing and proposed sanitary sewer facilities with elevations;

14.1.2.2.16 Method of ingress and egress;

14.1.2.2.17 Method of refuse storage and disposal;

14.1.2.2.18 General landscaping plan, including a list indicating size and count of all trees and shrubs to be planted;

14.1.2.2.19 Location of existing healthy trees larger than 18" in diameter at breast height shall be located by field survey, either singly or as groups and shall be incorporated into the site design to the maximum extent possible. Whenever possible existing trees shall be saved by "welling" or "mounding". All trees larger than 8" in diameter within the public right-of-way shall be depicted on the plan. Groups of trees may be located by a "tree line". Stands of significant (10 or more trees) of similar species shall be located by field survey and preserved and incorporated into the

site plan whenever possible, except that a site plan prepared for selective clearing within a wooded area shall show those trees or clusters of trees to be removed. Trees within areas not proposed to be disturbed need not be individually located and may be designated as "treed area not to be disturbed."

14.1.2.2.20 Soil erosion and sedimentation control measures designed in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as may be amended;

14.1.2.2.21 Location and description of existing and proposed easements and/or rights-of-way;

14.1.2.2.22 Adequate storage facilities for outside maintenance equipment, including storage of recreational equipment in the PRD and MHP districts;

14.1.2.2.23 Location of fire hydrants and/or fire alarms boxes, as required;

14.1.2.2.24 Elevations and floor plans for proposed structures; 14.1.2.2.25

Numbering plan for unit identification;

14.1.2.2.26 Location plan showing property in relation to area in Town of Vernon, including zoning districts and type of development in the immediate area;

14.1.2.2.27 Location of all recreation areas and facilities;

14.1.2.2.28 The soil classification(s) as given by the USDA Natural Resource Conservation Service (NRCS);

14.1.2.2.29 A statement or analysis indicating the traffic impact of the proposed development;

14.1.3 The detailed Site Plan shall be submitted to the Town Planner's office;

14.1.4 Approval of any Site Plan shall become null and void, unless construction of the building is in progress and not less than fifty (50) percent of the building foundations are complete within two (2) years of the effective date of approval. Extensions of time for the above time frames may be granted by the Commission for an approved site; providing, however, that any such extension does not exceed two (2) years. The total period of approval with extensions shall not exceed the time frames specified in Section 8-3 and 8.26c of the C.G.S.

14.1.4.1 The effective date of the original approval for any site plan shall be considered the start of the five (5) or ten (10) year time frame and subsequent modifications shall not alter that date or time frame;

14.1.5 A public hearing on any Site Plan may be required by the Commission.

14.1.6 A submission of a Site Plan as an alternate of a previously approved plan shall make the approved plan null and void, upon the approval of a subsequently approved plan. The Commission, in approving a Site Plan, may stipulate such restrictions as appear to the Commission to be reasonable to protect or promote the rights of individuals, property values, and the environment in the area as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development or better overall neighborhood compatibility. Such restrictions may concern, without limitation, the components of the Site Plan and the layout, distribution and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening, signs, lighting, and a timeframe within which site improvements must be completed. All

conditions shall be satisfied, if possible, prior to the issuance of a building permit, but must be complied with completely at the time of issuance of a certificate of occupancy. Additional stipulations may include, but are not limited to the following:

14.1.6.1 Sidewalk requirement as determined by the Commission;

14.1.6.2 Contribution to town downstream development fund as determined by the Commission to handle storm water runoff, as it will affect downstream property owners;

14.1.6.3 Maintenance bonds and performance bonds to guarantee compliance;

14.1.6.4 Planting plans;

14.1.6.5 Rights-of-way for drainage and sanitary sewers in the form of easements to be granted to the Town of Vernon;

14.1.6.6 Landscaped buffer strips, to be constructed in accordance with the provisions of Section 9, Landscaped Buffer Strips;

14.1.6.7 Fencing as required by the Commission;

14.1.6.8 Hold harmless agreements for storm drainage and storm water runoff as required by the regulations;

14.1.6.9 Lighting plans to be approved by the Commission;

14.1.6.10 Sanitary sewers and drainage systems;

14.1.6.11 All stipulations to be shown on the maps to be filed with the Commission;

14.1.6.12 Grading, seeding, and landscaping;

14.1.6.13 The plan shall become null and void unless construction is commenced within one (1) year of approval, unless an extension is granted by the Commission;

14.1.6.14 All roads to be conveyed to the Town of Vernon shall be built to Town specifications;

14.1.6.15 Location of dumpsters and screening;

14.1.7 An erosion and sedimentation control plan subject to Section 18 may be required by the Commission or Zoning Enforcement Officer;

14.1.8 The Planning & Zoning Commission may require that existing roads shown to be directly or indirectly impacted by the proposed development, be improved to bring these roads up to town standards;

14.1.9 In cases where reasonable and necessary need for an off-site improvement or improvements is demonstrated or required by the proposed development application and where no other property owners received a special benefit thereby, the Commission may require the applicant, as a condition of development approval and at the applicant's sole expense to provide for and construct such improvements, including development of public roads contiguous to the development.

14.1.10 In the case of a proposed Adaptive Re-use project per Sections 2.97 & 3.26, the site plan of development shall include also architectural and historical preservation plans, and floor plans for specific uses of buildings and activities within buildings to assure the preservation of the property and the successful re- use of the site and structures without conflicts of uses.

14.2 In considering an application for those uses requiring Site Plan approval, the application shall conform to all applicable sections of these regulations and as per CGS 8-3(g), all Inland Wetlands Regulations.

SECTION 15 - REMOVAL OF EARTH, SAND, AND GRAVEL

15.1 Provisions:

15.1.1 There shall be no grading, fill, excavation or removal of earth, loam, topsoil, sand, gravel, clay peat, humus or stone for sale or for use other than on the premises for which such grading, fill, excavation or removal shall be made. The following activities are excluded from obtaining a Special Permit from the Planning & Zoning Commission provided the following conditions are met: 1) the amount of material involved does not exceed fifty (50) cubic yards and 2) no more than one half (1/2) acre of land is disturbed.

15.1.1.1 Bona fide construction or alteration of a structure for which a building permit has been issued.

15.1.1.2 The landscaping of an existing structure.

15.1.1.3 The construction of a water hole for fire protection.

15.1.1.4 The construction of a drainage field, septic tank or dry well.

15.1.1.5 The construction of a pond for agriculture or conservation purposes.

15.1.1.6 A residentially zone lot which has on it a primary residential structure.

15.1.2. In all cases other than those referred to above, the Planning & Zoning commission may grant Special Permit approval for the removal, deposit, fill, excavation or grading of earth, loam, topsoil, sand, gravel, clay, stone, peat or humus. The maps and plans shall include the following:

15.1.2.1 The area to be excavated.

15.1.2.2 Existing contour lines on the premises and final contour lines resulting from the intended excavation or removal shown on a map drawn to a scale not more than forty (40) feet to the inch and with a contour interval not to exceed five (5) feet.

15.1.2.3 Existing and proposed drainage on the premises.

15.1.2.4 Surrounding properties and streets.

15.1.2.5 Proposed truck access to the property.

15.1.2.6 Proposed commencement and completion data.

15.1.2.7 Purpose of excavation.

15.1.3. The Commission may grant permission for a limited period of time not exceeding five years if it shall find that such excavation or removal will not result in the creation of any sharp declivities, pits, or depressions, soil erosion or fertility problems, permanently depressed land values, or create any drainage or sewerage problems or other conditions which would impair the use of the property in accordance with the zoning regulations and that such excavation or removal will be in harmony with the general purpose and intent of the zoning regulations. Permission shall be granted only upon the following conditions:

15.1.3.1 That the premises shall be filled or excavated and graded in conformity with the proposed contour plans as approved.

15.1.3.2 That slopes shall not exceed thirty (30) degrees to the horizontal.

15.1.3.3 That only such equipment as is necessary for the digging, leveling, and carting away of excavated material shall be utilized at or maintained on the site. Further, it is the specific intention of the Commission to permit on site only equipment that is used in the incidental processing of excavated material for the purposes of trucking off-site.

15.1.3.4 That there will be no sharp declivities, pits, or depressions and that proper drainage will be provided to avoid stagnant water and sewerage problems.

15.1.3.5 That after fill, excavation or removal, the premises shall be cleared of debris.

15.1.3.6 That top layer of arable soil for a depth of at least four (4) inches shall be set aside and retained on the premises and shall be re-spread over the premises and appropriately seeded upon completion of the excavation or removed, in accordance with approved contour lines.

15.1.3.7 That no excavation shall be made nearer to the side and rear property lines than the distance of twenty (20) feet in all residential zones, the measurements to be taken to the top of slopes.

15.1.3.8 There shall not be any processing of any material, which originated off site.

15.1.3.9 There shall be no buildings erected on the premises without appropriate approvals.

15.2 **In all zoning districts, excavation, removal of fill** which in the opinion of the Building Inspector, Town Engineer, and Town Planner are of such a minor nature that the public health and safety will not be adversely affected, may be exempt from obtaining Commission approval if a minor modification approval is obtained provided the quantities outlines in Section 15.1.1 are not exceeded.

15.3 **In all situations when approval is obtained for fill, excavation, or removal of material,** the property owner shall be responsible and liable for any damage to public infrastructure, which includes but is not limited to sidewalks, curbs, roadways, and drainage systems.

SECTION 16 - SIGNS

16.1 General requirements: All signs erected in the Town of Vernon shall comply with the requirements set forth below in addition to all other applicable regulations.

16.1.1 Flashing, rotating, and animated signs are not permitted in any zone under any circumstances. Electronic Message Boards (EMBs) may be permitted when granted a Special Permit by the Planning and Zoning Commission (PZC) subject to the provisions of Section 17.3 and the requirements and criteria of section 16.3. EMBs that display only static messages of time and/or temperature or gasoline pricing shall not require a special permit. For purposes of this section "static messages" or "static displays" shall mean electronic messages that change infrequently (generally fewer than two or three times within 24 hours).

16.1.2 The painting of signs on the exterior of any building is not permitted in any zone under any circumstances.

16.1.3 The light source in any lighted sign shall be shielded in such a manner as to prevent undue glare. Colored lights shall not be used where they create any conflict with highway-control traffic signals.

16.1.4 All signs must be erected in accordance with a building permit granted by the Building Inspector and shall be constructed of sound materials, firmly supported and maintained in good condition and repair. All such signs shall be removed (and all appurtenances thereto shall be removed) within thirty (30) days by their owners upon the completion or cessation of activities or business.

16.1.5 No part of any sign shall be erected within ten (10) feet from any property lines of the premises to which they pertain except as permitted under Section 16.1.10.

16.1.5.1 No sign shall be placed in the traffic visibility as outlined in Section 3.7.

16.1.6. Any sign hereafter erected shall conform to the height limitations of the section for the district in which it is located.

16.1.7 Streamers, fluttering banners or similar displays shall be allowed for a period of five (5) days only. Such display shall not be allowed more than once every one hundred eighty (180) days.

16.1.8 Signs shall not extend more than four (4) feet from the face of any building over any sidewalk but in any case shall not project within two (2) feet of the curb line.

16.1.9 The area restrictions below shall be interpreted as maximum areas per sign face and are not meant to prohibit the use of more than one face.

16.1.10 Portable, temporary signs are prohibited in all zones at all times except that signs shall be permitted in the public pedestrian right-of-way in the Historic District - Downtown Business & Residential zone subject to the following requirements:

16.1.10.1 Only one portable sign shall be permitted for an individual business or establishment and the sign content must be limited to the business, service, or goods of the establishment immediately adjacent to the sign, or to an establishment located on the upper floors of the building immediately adjacent to the sign.

16.1.10.2 Each property shall be entitled to no more than one portable sign for every 20 feet of property frontage on a public street, regardless of the number of businesses in a given property. Properties on corner lots shall only be entitled to count the frontage on Main Street.

16.1.10.3 The sign shall not exceed eight (8) square feet in total area based on the dimensions of a single side and shall not be more than 2.5 feet wide nor more than 4 feet high.

16.1.10.4 Signs shall be located either adjacent to the building frontage or a minimum of 18 inches from the curb and shall provide at least four (4) feet of unobstructed sidewalk area for pedestrians. Signs shall not obstruct any required means of egress from adjacent buildings or driveways providing access to parking or loading areas at the rear of adjacent buildings.

16.1.10.5 Signs may be displayed only when the establishment is open for business and must be removed from the right-of-way when the business is closed.

16.1.10.6 Signs must be constructed of durable, weatherproof materials, including wood, metal, or composite wood or synthetic materials. Glass, PVC pipe frames or similar materials are not permitted. Signs shall not be illuminated. All signs must be maintained in good repair including the sign frame structure, materials, and lettering and graphics. The message content on the sign may be contained on paper or laminated paper. Signs shall bear on each face a Rockville Downtown Association (RDA) decal provided by the RDA.

16.1.10.7 Anyone wishing to display a portable sign must file an application with the Vernon Zoning Enforcement Officer for a portable sign permit. A $25 fee must accompany the completed application. The permit shall be valid from July 1 through June 30 of each year and may be renewed upon payment of a new permit fee. The permit fee shall not be prorated for less than a full year.

16.1.10.8 Portable sign permits may be issued by the Zoning Enforcement Officer upon a showing of compliance with the provisions of these regulations. The Zoning Enforcement Officer may deny or revoke a permit if the applicant has a history of violations of any of the requirements of this section.

16.1.10.9 The applicant must provide a certificate of liability insurance to the Zoning Enforcement Officer in an amount determined by the director of finance. A portable sign permit shall not be issued until the insurance certificate is provided.

16.1.10.10 The Zoning Enforcement Officer shall be empowered to notify the permittee of a portable sign that their permit has been revoked if it is found that any of the terms or requirements of this section are not met after a 10 day written notice to correct has been issued. The Town is entitled to remove a sign which violates the regulations, and said signs shall not be returned or be located unless all violations are remedied. The Town may charge a pick-up fee in addition to any fines associated with said enforcement.

16.1.10.11 The Town reserves the right, acting through direction of the Town Administrator or a designee, the Vernon Traffic Authority, or the Vernon Public Works Director to prohibit the use of portable signs at any time because of anticipated or actual problems or conflicts in the use of a sidewalk area. These situations include but are not limited to festivals, parades, road races, repairs to the street or sidewalk, or hazardous weather conditions or other emergencies occurring in the area. To the extent possible the permittee shall be given prior written notice of the time period during which the prohibition is in effect, but failure to give notice shall not affect the right of the Town to prohibit portable signs at any time.

16.1.10.12 Any permittee aggrieved by any action of the zoning enforcement officer shall have a right to appeal to the Zoning Board of Appeals as set forth in section 17.2.2.7 of these regulations. Any sign subject to an enforcement action must be removed from the sidewalk until the appeal is decided.

16.1.11 Directional signs shall conform to the manual of uniform traffic control devises (MUTCD) and shall not advertise any products or services.

16.1.12 Signs placed within the public right-of-way are subject to confiscation by the Town or State.

16.1.13 All signs must be located on the same parcel as the use to which the sign pertains.

16.1.14 Message board may be permitted by approval of a site plan or modification and a special permit, but not by minor modification.

16.2 Signs Permitted in Residential Districts:

16.2.1 One sign for each family residing on the premises indicating the name of the owner or occupant, provided that said sign shall not exceed two (2) square feet in area.

16.2.2 Deleted.

16.2.3 One sign indicating the principal use of the premises such as nursing homes, apartment, non-profit clubs, etc., providing said sign shall not exceed ten (10) square feet in area. Signs for multifamily units may be increased to fifty (50) square feet if the development exceeds fifty (50) units.

16.2.4 One (1) temporary sign pertaining to the construction on, or the sale or lease of the premises, providing that said sign shall not exceed thirty-two (32) square feet in area. Said sign shall not be permitted for a period exceeding one (1) year and shall be located on the same property to which they pertain.

16.2.4.1 Construction signs shall be removed upon the installation of permanent signs and/or prior to the issuance of a certificate of occupancy.

16.2.4.2 Construction/for sale/for lease signs are exempt from obtaining building permits.

16.2.5 Directional signs which provide guidance to the public and offer no advertising or business identification, may be allowed providing they meet all requirements of Section 16 of these regulations, do not pose any obstruction to traffic or pedestrian visibility.

16.3 Signs Permitted in Commercial and Industrial Districts:

16.3.1 Angle signs, one sign affixed at an angle to the façade of a structure and pertaining to a permitted use or business within the structure, providing said sign shall not exceed nine (9) square feet in area for each business within a structure.

16.3.2 Parallel signs, signs affixed and parallel to the façade of a building pertaining to a permitted use or business within the structure, providing said signs on a given wall surface shall not exceed two (2) square feet for every linear foot of the same wall of that section of the structure occupied by said use except as limited by the provisions of Section 16.3.3.

16.3.3 One (1) free-standing sign representing all permitted uses or businesses on a single parcel, providing said sign does not exceed eighty (80) square feet per face and the sign serves only to identify the name and type of business, provided however, in a commercial zone, or two or more contiguous commercial parcels sharing the same parking facilities and sharing common access drives, having an area of at least fifteen (15) acres and containing more than one hundred fifty thousand (150,000) square feet of building area, or in the case of commercial recreational facilities having an area of at least fifteen (15) acres and containing more than one hundred fifty thousand (150,000) square feet overall of commercially utilized areas, excluding parking areas, one (1) additional free- standing sign may be permitted. Such additional free-standing sign may contain a maximum of two hundred (200) square feet per face, providing the applicant reduces the amount of square footage allowed by Section 16.3.2 for parallel signs on the same premises by the amount per face said free-standing sign exceeds eighty (80) square feet per face.

16.3.4 Directional signs, which provide guidance to the public and offer no advertising or business identification, may be allowed provided they meet all requirement of Section 16 of these regulations, do not pose any obstruction to traffic or pedestrian visibility. Directional signs may not exceed two (2) square feet in area or three (3) feet in height measured from grade to the top of the sign.

16.3.5 Roof signs, providing said signs should not exceed two (2) square feet for every linear foot of outside wall of the section of the structure occupied by said use.

16.3.6 Gasoline price signs: One free standing price sign, not exceeding fifteen (15) square feet or not larger than specified in state statutes shall be allowed, provided the required location, and height requirements of the zone are met and the signs meet all the requirements of Section 16.1.

16.3.7 One sign pertaining to the construction on, or the sale or lease of the premises, providing that said sign should not exceed thirty-two (32) square feet in area. Said sign shall not be permitted for a period exceeding one (1) year and shall be located on the same property to which they pertain.

16.3.7.1 Construction signs shall be removed upon the installation of permanent signs and/or prior to the issuance of a certificate of occupancy.

16.3.7.2 Construction/for sale/for lease signs are exempt from obtaining building permits.

16.3.8 One menu board sign per drive-up service lane provided that the total sign face area allowed per Sections 16.3.2 and 16.3.3 is reduced by an equivalent area to the face areas of the menu board sign(s). Menu board signs require approval of a site plan of development or modification, which may be a minor modification.

16.3.9 A message board sign requires approval of a Site Plan and Special Permit provided that the total sign face area allowed per Sections 16.3.2 and 16.3.3 is reduced by an equivalent area to the face areas of the message board sign.

16.3.10 Electronic Message Boards (EMBs) subject to the following requirements and conditions:

16.3.10.1 EMBs shall only be permitted in the following zones upon the granting of a special permit: Commercial, Industrial, and Planned Commercial;

16.3.10.2 In lieu of the standards in section 16.3.3, EMBs shall be limited to a display area not exceeding 40 sq. ft., dimensions not exceeding 5' by 8', and a height of 12' if the EMB is not proposed as part of a larger freestanding sign;

16.3.10.3 EMBs shall display no more than two colors against a black background at any one time; the combination of colors may change with a change in the message displayed; no graphics other than a business logo may be displayed as part of a message provided there is no animation, scrolling, or flashing of the logo;

16.3.10.4 EMBs shall display any single message for not fewer than 30 minutes before the message is changed;

16.3.10.5 The transition from one message to another displayed on an EMB may be instantaneous, may include an off-time between messages, or may include a fade or dissolve transition;

16.3.10.6 An application for an EMB proposed for placement within 300' of another EMB as measured along a line parallel to the street line shall require submission of a photographic image of the streetscape with the proposed EMB superimposed in relation to any existing EMBs located within 500 feet in either direction along the travelway;

16.3.10.7 An EMB shall be turned off, display no message, or display a static message during non-business hours; for businesses operating 24 hours, an EMB shall be turned off, display no message, or display a static message daily between the hours of midnight and 5:00 am;

16.3.10.8 In addition to the special permit criteria of section 17.3, approval of a special permit for an EMB shall meet the following requirements:

16.3.10.8.1 Its longitudinal or sight line proximity to existing EMBs shall not create visual clutter or an undue distraction to drivers by virtue of non-synchronous message change intervals of proximate EMBs, the rapid sequential viewing of proximate EMBs, or the viewing of multiple EMBs in an average glance duration of 0.3 second;

16.3.10.8.2 The height of the EMB relative to proximate EMBs shall not create the illusion of a larger EMB mass or cluster.

16.4 Other provisions: The total area of all angle signs, parallel signs, and roof signs shall not exceed two (2) square feet for every linear foot of wall of that section of the structure occupied by said use.

16.5 Sign Policy: It is in the best interest of Vernon to establish a sign policy. This policy should provide a means of conveying a message without restricting the rights of the person communicating the message. Additionally, this policy should address the safety concerns of the citizenry and the overall aesthetic character of the Town. Signs present, often more than roads, buildings, or landscaping, a sense of negative ness via clutter, untidiness or overwhelming size, or a sense of visual pleasantness via consistency of scale.

It is the intent of the Zoning Regulations to encourage the approval of signage which allow the necessary balance desired by all members of the community by focusing on the following aspects:

- Relationship of signs to site;
- Relationship of signs and site to adjoining areas;
- Sign design;
- Planning & Design Factors affecting safety to motorists, pedestrians, and property owners.

16.5.1 Signs should facilitate efficient communication between businesses and the patrons they wish to attract. Signs should blend with the architectural style of the building to which they relate and should be visually pleasing and attractive. To create architecturally harmonious and visually attractive signs, the following criteria should be used:

16.5.1.1 Signs should be designed as an architectural element of the building and should complement the architectural style of the building.

16.5.1.2 Signs should be in good proportional scale to the building and site to which they relate.

16.5.1.3 Whenever possible, sign letters should be attached directly to the building and signs should be located on the buildings sign freeze.

16.5.1.4 Sign materials, lettering style, and form should be compatible with the building's design and use.

16.5.1.5 Sign colors should be limited in number and be compatible with the building's façade.

16.5.1.6 Signs should relate to the business at hand and not advertise brand names or symbols.

16.5.1.7 The number of graphic elements on a sign should be held to a minimum and should not contain selling slogans or product descriptions.

16.5.2 The boundary between residential and commercial/industrial zones represents a potential friction point in land use development. This is particularly true for intensive retail developments that bound along residential districts. Signs can represent the most visible element of development along this boundary and should be handled differently. By creating a buffering requirement along these boundaries, there is the opportunity to ensure more compatible development, maintain residential property

values, and foster better relationships between these disparate neighbors. This may be accomplished, for example by the use of reduced lighting, harmonious colors, or non-flashing or rotating or blinking lights.

SECTION 17 - SPECIAL REGULATIONS

17.1 Alcoholic liquors: In those districts, which permit sellers and/or servers of alcohol, the standards to be applied are as follows and are in addition to the requirements of Section 17.2.

17.1.1 The following separating distances shall be applied to all establishments seeking to permit the sale of alcoholic liquors, excluding;

1) full service restaurants as defined under Section 2 and;

2) the sale of beer by an establishment, chiefly engaged in the sale of groceries under a grocery store beer permit (as defined in the State Liquor Control Act) and

3) the sale of alcoholic liquor to be consumed on the premises of a commercial bowling establishment containing ten (10) or more lanes under a bowling establishment permit (as defined in the State Liquor Control Act).

4) manufacturer of alcoholic liquors with on-site selling of their product as accessory to the manufacturing component, for consumption on-site or off-site (as permitted in the State Liquor Control Act).

17.1.2 Separating distances shall be measured from the main public access door of an establishment to the main public access door of any other establishment in a straight line.

	FEET
Seller to seller	3,000
Server to server	2,000
Seller/server to public institution 1,000 except for distance to any high school, which shall be	2,000

17.1.2.1 A Special Permit will be required:

17.1.2.2 Upon the change of primary use within either class (example, convenience store with a beer permit to a package store) of sellers or servers.

17.1.2.3 Upon a change from seller to server or vice versa (example, a package store to a restaurant).

17.1.3 In addition to this paragraph, all sales or serving of alcoholic liquors are subject to the requirements of the Liquor Control Act of the State of Connecticut.

17.1.4 On an annual basis, the Zoning Enforcement Officer shall verify in writing, that no zoning violations exist at any establishment holding an alcoholic beverages permit.

17.2 Special Exceptions, Variances, and Appeals: The Zoning Board of Appeals shall hear and decide Special Exceptions, Variances, and Appeals in accordance with Section 8-6 of the General Statutes of Connecticut, Revision of 1958, as amended, and the terms of this ordinance as follows:

17.2.1 Special Exceptions:

17.2.1.1 Only those uses specifically designated as Special Exceptions in Section 4, "Use Regulations" may be permitted by the Board following a Public Hearing. Such use shall meet the following requirements:

17.2.1.1.1 It shall be compatible with neighboring land uses.

17.2.1.1.2 It shall not create a nuisance.

17.2.1.1.3 It shall not hinder the future sound development of the community.

17.2.1.1.4 It shall conform to all applicable sections of this ordinance.

17.2.1.2 The Zoning Board of Appeals is empowered to grant the Special Exception subject to such reasonable conditions, restrictions, and safeguards as may be deemed necessary by said Board for the purpose of protecting the health, safety, and general welfare of the community.

17.2.1.3 Special Exceptions in/abutting Historic Districts: When a Special Exception is requested for a property located in or abutting a historic building; structure, site or district the Local Historic Properties Commission shall be notified at least twenty (20) days prior to the date of the public hearing. The Local Historic Properties Commission shall have the opportunity to review the proposed application and make recommendations to the Zoning Board of Appeals. The Zoning Board of Appeals shall be obligated to seriously consider the recommendations provided by the Local Historic Properties Commission. If recommendations from the Local Historic Properties Commission are not received by the Zoning Board of Appeals at or before the public hearing, it shall be presumed that the Local Historic Properties Commission does not disapprove of the proposal. When the Zoning Board of Appeals makes a decision contrary to the written recommendations of the Local Historic Properties Commission, The Zoning Board of Appeals shall state on the record the reasons for the decision.

17.2.2 Variances:

17.2.2.1 The applicant for a variance from the provisions of this ordinance shall show to the satisfaction of the Zoning Board of Appeals that such relief will not be contrary to the public interest and that, owing to a special or peculiar condition, enforcement of the provisions of this ordinance would result in unnecessary hardship to the applicant.

17.2.2.2 The unnecessary hardship, which an applicant seeks to avoid, shall not have been imposed by any prior action of the applicant. Such hardship shall arise only from special or peculiar site conditions or features of the land or structures in question rather than from physical infirmities of the applicant or merely from the desire to realize greater financial gain.

17.2.2.3 No non-conforming use of neighboring lands, structures or buildings in adjacent districts shall be considered grounds for the issuance of a variance.

17.2.2.4 In granting relief from the provisions of this ordinance, the Zoning Board of Appeals shall grant the least variance from the provisions needed to remove the unnecessary hardship and may impose any condition or safeguard as may be deemed in the public interest.

17.2.2.5 A variance shall become null and void twelve (12) months after said variance is granted by the Zoning Board of Appeals unless the construction or changes authorized have been diligently prosecuted and substantial progress made.

17.2.2.6 The Zoning Board of Appeals is empowered to grant the variance subject to such reasonable conditions, restrictions and safeguards as may be deemed necessary by said Board for the purpose of protecting the health, safety, and general welfare of the community.

17.2.2.7 Said appeal must be filed with the Zoning Board of Appeals within fourteen (14) days of receipt of the written order or remedy from the Zoning Enforcement Officer.

17.2.2.8 A community shall notify the applicant in writing over the signature of the Chairman of the Zoning Board of Appeals that, 1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and 2) such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions as required in 5.2.

17.2.2.9 A community shall 1) maintain a record of all variance actions, including justification for their issuance, and 2) report such variances issued in its annual report submitted to the Administrator.

17.3 Special Permits: The Planning & Zoning Commission shall hear and decide on all request for Special Permits in accordance with the General Statutes of Connecticut and the terms of this ordinance as follows:

17.3.1 Only those uses specifically designated as Special Permits in Section 4, "Use Districts" or Section 8, "Dumps and Incinerator Sites" may be permitted by the Planning & Zoning Commission following a Public Hearing. Such uses shall meet the following requirements:

17.3.1.1 It shall not create a hazardous condition relative to public health or safety.

17.3.1.2 It shall be compatible with neighboring uses.

17.3.1.3 It shall not create a nuisance.

17.3.1.4 It shall not hinder the future sound development of the community.

17.3.1.5 It shall conform to all applicable sections of this ordinance.

17.3.1.6 In the case of conversion of existing residential structures, said conversion shall not alter the residential character of the exterior of the building or increase the existing floor area of the building.

17.3.1.7 In the case of adaptive re-use of mill or former mill sites or structures per Sections 2.97 & 3.26, said adaptive re-use shall preserve the architecturally and historically significant features and character of the site and structures.

17.3.1.8 The Commission may at its discretion require the submission of a Site Plan for approval as outlined in Section 14 of this ordinance.

17.3.2 The Planning & Zoning Commission is empowered to grant a Special Permit subject to such reasonable conditions, restrictions, and safeguards such as those outlined in Section 14.1.6 as may be deemed necessary by said Commission for the purpose of protecting the health, safety, and general welfare of the community.

17.3.2.1 A submission of a modification to a Special Permit already approved shall make the approved plan void upon the approval of the modifications.

17.3.2.2 Special Permit Modifications, which in the opinion of the Building Inspector, Town Engineer and the Town Planner are of such a minor nature that the public health and safety will not be adversely affected, are exempt from obtaining Commission approval.

17.3.3 Vernon has areas containing concentrations of historic buildings, structures, and sites that have been identified as being of historic and/or architectural significance, both individually and as neighborhoods. There are two National Register Historic Districts: The City of Rockville Historic district which covers approximately on square mile and contains approximately eight hundred (800) contributing buildings in the area of mixed uses, varied styles, and high density and the Talcottville Historic District which covers approximately ninety-two (92) acres of land and contains thirty-eight (38) contributing buildings and six (6) sites or structures other than buildings. Vernon Center has been surveyed as a potential historic district. It covers approximately one hundred forty (140) acres and contains twenty-five (25) historically significant buildings. Additionally, seven (7) individual buildings have been listed on the National Register of Historic Places, and thirteen (13) historic engineering sites have been documented. These historic resources must be given special consideration when evaluating a request for a Special Permit. Therefore, all Special Permits requested for the City of Rockville Historic District, Talcottville Historic District, Local Historic Districts, buildings individually listed on the National Register

of Historic Places, listed in "Vernon, Connecticut; a survey of Architectural and Historical Resources", or Vernon Engineering sites listed in Connecticut: An Inventory of Historic Engineering and industrial Sites (1981) are subject to the following criteria:

17.3.3.1 No Special Permit shall be issued if it is found to be detrimental to the neighborhood or its residents, or alters the neighborhood's essential characteristics.

17.3.3.2 Throughout the Historic Districts, excluding the Restricted Watershed and Industrial Zones, single-family and two-family housing units shall be allowed.

17.3.3.3 The Special Permit uses shall be considered as a "special use" and allowed only when it is determined that the issuance of the Special Permit will have a positive effect on the historic district, building, structure or site.

17.3.3.4 When a Special Permit is requested for a historic building, structure, or site, the Local Historic Properties Commission shall be notified at least twenty (20) days prior to the date of the Public Hearing. The Planning & Zoning Commission shall be obligated to seriously consider the recommendations provided by this Commission. When the Planning & Zoning Commission makes a decision contrary to the written recommendations of the Local Historic Properties Commission, the PZC shall state on the record the reasons for the decision.

17.3.4 Bed & Breakfast use may be proposed as a Special Permit use for a property located in either a Historic District, or designated a Local Historic Property, or listed on the National Register of Historic Places as an individual building or a contributing building in a Historic District, or listed in the State Register of Historic Places.

17.3.4.1 The proposed Bed & Breakfast use will be compatible with the permitted uses of the existing district and will not have an adverse effect upon the neighborhood.

17.3.4.2 The proposed Bed & Breakfast use will contribute to the preservation of historic architectural features of the property. And the construction, conversion, improvement, modernization, rehabilitation, renovation, or restoration of the property will be in compliance with the "United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."

SECTION 18 - ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN

18.1 **A soil erosion and sediment control plan** shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

18.2 **A single family dwelling that is not a part of subdivision** of land shall be exempt from these soil erosion and sediment control regulations.

18.3 **Erosion and Sediment Control Plan:**

18.3.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions 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 (2002) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

18.3.2 Said plan shall contain, but not be limited to:

18.3.2.1 A narrative describing:

18.3.2.1.1 The development:

18.3.2.1.2 The schedule for grading and construction activities including

18.3.2.1.2.1 Start and completion dates;

18.3.2.1.2.2 Sequence of grading and construction activities;

18.3.2.1.2.3 Sequence for installation and/or application of soil erosion and sediment control measures;

18.3.2.1.2.4 Sequence for final stabilization of the project site.

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

18.3.2.1.4 The construction details for proposed soil erosion and sediment control measures and storm water management facilities.

18.3.2.1.5 The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.

18.3.2.1.6 The operation and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

18.3.3 Site plan map at a sufficient scale to show:

18.3.3.1 The location of the proposed development and adjacent properties;

18.3.3.2 The existing and proposed topography including soil types, wetland, watercourses, and water bodies;

18.3.3.3 The existing structures on the project site, if any;

18.3.3.4 The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, road and, if applicable, new property lines;

18.3.3.5 The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;

18.3.3.6 The sequence of grading and construction activities;

18.3.3.7 The sequence for installation and/or application of soil erosion and sediment control measures;

18.3.3.8 The sequence for final stabilization of the development site.

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

18.4 Issuance or Denial of Certification:

18.4.1 Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause offsite erosion and/or sedimentation.

18.4.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The Commission (or the Country Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.

18.4.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

18.5 Issuance or Denial of Certification:

18.5.1 The Certifying Agent 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.

18.5.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.

18.5.3 Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District, which may make recommendations concerning such plan, provided such review, shall be completed within thirty (30) days of receipt of such plan.

18.5.4 The Commission may forward a copy of a development proposal to the Conservation District or other review agency or consultant for review comment.

18.6 Conditions Relating to Soil Erosion and Sediment Control:

18.6.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 4 of the regulations.

18.6.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

18.6.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

18.6.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

18.7 Inspection:

18.7.1 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. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

SECTION 19 - REAR LOTS

19.1 The intent of this section is to provide greater residential development flexibility, particularly where a site has an unusual lot line or natural resource configuration of where rear lot development would promote or enhance the protection of valuable natural resource features. This section is not intended to encourage development of land characterized by severe or very severe development limitations or to discourage new development and is limited to residential construction.

19.1.1 No approval shall be granted authorizing construction on rear lots unless the applicants for such permits have demonstrated compliance with all of the following conditions to the satisfaction of the Commission:

19.1.1.1 That such lot or lots provide the best development of the land, considering subject lot and lot configurations, topography and other natural resources, characteristics, drainage and traffic impacts, and driveway site lines

19.1.1.2 That any proposed Rear Lot development is not detrimental to the health, safety, general welfare, property values, future land use or road layouts of the future occupants of rear lot or lots, abutting landowners or the community at large and shall not impair future land use and road layouts anticipated by the Master Plan of Development.

19.1.1.3 That there is no logical or feasible alternate for the lot or subdivision to be properly served by an accepted Town road, street or highway in the foreseeable future.

19.1.2 If rear lots are proposed in subdivisions, the incidence of rear lots shall not exceed the greater of one (1) lot or ten percent (10%) of the number of lots for which subdivision approval is sought.

19.1.3 Rear lot applications shall be considered as special situations, each requiring individual justification by the applicant. The burden of proof shall be on the applicant to demonstrate how special circumstances make a specific rear lot development proposal consistent with this section and how it will avoid adverse effects on surrounding land.

19.2 **All rear lots require approval of the Commission.** Those lots, which do not require subdivision approval, must apply for and receive a Special Permit from the Planning & Zoning Commission. All applications for a subdivision or Special Permit must meet the following requirements:

19.2.1 The provision of an unobstructed right of access (aka access strip) in fee simple, at least twenty-five (25) feet wide at all points to a public street and designed to accommodate emergency vehicles, etc., to such lot. If however the rear of such lot shall exceed twice the area requirements of the zone in which the rear area is located, such access strip to said area shall be at least fifty (50) feet wide to all points (to provide for future roadway development) and no building permit shall be issued for more than one building in the original rear area until all regulations for subdivision have been complied with.

19.2.2 The rear lot line of the primary lot and that from which the access strip for the rear lot originates, shall be considered the front yard line of the rear lot.

19.2.3 The access strip shall not be used in computing lot size area requirements.

19.2.4 No access strip shall exceed five-hundred (500) feet from the centerline of the traveled portion of any street.

19.2.5 Rear lots more than twenty-five (25) acres in area shall have two (2) access strips spaced a minimum distance of six-hundred (600) feet apart with all measurements taken from the midpoint of the access strip(s).

19.2.6 The maximum number of adjoining rear lot access strips shall not exceed two (2) and a common driveway shall be employed.

19.2.7 The minimum separation distance, as measured along one side of the street, between single rear lots shall be three hundred fifty (350) feet. The minimum separation distance between adjoining access strips sharing a common driveway and any other access strip(s) shall be six hundred (600) feet. All measurements shall be from the midpoint of the access strip(s).

19.2.8 The Commission shall require written reports as for each rear lot from the Chief of Police and the Fire Marshal as to the feasibility of rear access to each proposed dwelling and accessory buildings from the point of view of fire and police protection.

19.2.9 Parking on the access strip shall be prohibited to permit unrestricted entry of emergency vehicles.

19.2.10 An unobstructed vehicular turnaround with at least a forty-five (45) foot radius shall be provided at the dwelling to accommodate emergency vehicles.

19.2.11 To ensure a buildable area exists on the rear lot, at least fifty (50) percent of the minimum lot area required shall be "developable", as defined in Section 2 of the Zoning Regulations.

19.3 In order to approve a subdivision containing rear lots or a Special Permit for a rear lot the Commission shall find:

19.3.1 That the development of rear lots will provide the most suitable use of the land considering such factors as drainage, natural resources configuration, accessibility, and topography and

19.3.2 The rear lot(s) shall not present any problems with the provision of emergency services and

19.3.3 All the requirements of the Zoning and/or Subdivision Regulations are met.

SECTION 20 - AQUIFER PROTECTION

20.1 In establishing these regulations, the Town recognizes that:

20.1.1 The groundwater underlying this town is a significant source of its present and future and drinking water supply.

20.1.2 The groundwater aquifers are integrally connected with, and flow into, the surface waters, lakes, and streams which constitute significant recreational and economic resources of the Town; and

20.1.3 Spills and discharges of petroleum products and other toxic and hazardous materials and discharge of sewage have threatened the quality of such ground water supplies and related water resources throughout Connecticut and elsewhere, posing potential public health and safety hazards and threatening economic losses to the affected communities; and

20.1.4 Sections 8-2 and 8-23 of the Connecticut General Statutes require consideration of protecting existing and future public water supplies.

20.2 Therefore, this section of the Regulations is established in order to:

20.2.1 Preserve and maintain existing and potential groundwater supplies, aquifers, and groundwater recharge areas of the Town, and protect them from adverse development of land use practices.

20.2.2 Preserve and protect present and potential sources of the water supply for the public health and safety.

20.2.3 Conserve the natural resources of the Town.

20.3 Delineation of Aquifer Protection Zone:

20.3.1 For the purposes of these Regulations, there is hereby established within the Town of Vernon an overlay zone consisting of certain aquifer protection areas, including Favorable Aquifer Areas - Saturated Thickness over thirty (30) feet and Stratified Drift Aquifer and Primary Recharge Area which are delineated on a map dated August, 1992, entitled "Unconsolidated Aquifers, Aquifer Management Study, Town of Vernon, Connecticut" and which shall be considered as superimposed over other districts established by the Zoning Regulations of this Town. This map, as it may be amended from time to time, is on file with the office of the Town Clerk and Town Engineer and, with any explanatory material thereon, is hereby made a part of this Regulation.

20.3.2 Amendments to the Aquifer Protection Zone. Any person may petition the Commission for an amendment to the above referenced map. If the material beneath the subject property is:

(a) Not stratified drift or;

(b) The stratified drift does not exceed 30 feet in saturated thickness or;

(c) Is not a primary recharge area to the Stratified Drift Aquifer

then the aquifer area designation may be removed from the property. All petitions for an amendment shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment.

Such proof shall include:

(1) Subsurface investigation by a qualified hydrogeologist, including the drilling of borings and the construction of a groundwater-monitoring well to determine the saturated thickness of overburden sediments beneath the site.

(2) A watershed and drainage analysis to determine if runoff from the site is a significant contributor of both groundwater and surface water recharge to the stratified drift aquifer.

All map amendments are subject to a public hearing.

20.4 Use Regulations applying to the Aquifer Protection Zone:

20.4.1 Within the Favorable Aquifer Areas - Saturated Thickness over thirty (30) feet and Stratified Drift Aquifer and Primary Recharge Area the following uses shall not be allowed under any circumstances:

20.4.1.1 Stockpiles of road salt or other ice control chemicals.

20.4.1.2 Underground storage tanks or pipelines for petroleum products or any toxic or hazardous materials.

20.4.1.3 Dry cleaning establishments where cleaning is performed on the premises.

20.4.2 Special Permit uses: Within the Favorable Aquifer Areas - Saturated Thickness over thirty (30) feet and Stratified Drift Aquifer and Primary Recharge Area of the Aquifer Protection Zone the following uses are allowed only by Special Permit. The phrase "when connected to public sanitary sewers" when used in relation to a specific use or use category, shall mean, that within the Aquifer Protection Zone, the Commission shall not grant the Special Permit unless the structure, use, etc., is connected to the public sanitary sewer.

20.4.2.1 Golf courses, whether public or private.

20.4.2.2 Commercial cabinetry or furniture making when connected to public sanitary sewers.

20.4.2.3 Residential development of more than one (1) dwelling unit.

20.4.2.4 Cluster Developments when connected to public sewer and water supplies.

20.4.2.5 Excavation of land of more than one-hundred (100) cubic yards for off site use or the disturbing of more than one half (1/2) acre on a site.

20.4.2.6 Any use involving the retention of less than fifty (50) percent of the lot in a natural state.

20.4.2.7 Any use other than single family dwellings where sewage flow exceeds four hundred fifty (450) gallons per day per acre of upland lot area, of ten thousand (10,000) gallons per day total design sewage flow.

20.4.2.8 Any use which involves as an accessory activity the storage, use, transportation, or disposal of toxic or hazardous materials, not including, everyday ordinary household use.

20.4.2.9 Hotels or motels when connected to public sanitary sewers and water supplies.

20.4.2.10 Any other use, which involves as a principal activity the manufacture, storage, use, transportation, or disposal of toxic or hazardous materials.

20.4.2.10 Commercial and industrial establishments or facilities for the fueling, washing, servicing, painting, or repair of airplanes, boats or motor vehicles when connected to public sanitary sewers.

20.4.2.12 Commercial establishments for the plating, finishing, etching, polishing of metals or semiconductors when connected to public sanitary sewers.

20.4.2.13 Painting, wood preserving or stripping paint on a commercial scale when connected to public sanitary sewers.

20.4.2.14 Manufacture of semiconductors or other electronic components when connected to public sanitary sewers.

20.4.2.15 Electronic circuit assembly on a commercial scale when connected to public sanitary sewers.

20.4.2.16 Medical, chemical or bacteriological laboratories when connected to public sanitary sewers.

20.4.2.17 Commercial establishments for printing or photographic processing when connected to public sanitary sewers.

20.4.2.18 Storage of herbicides, pesticides, or fertilizers in amount greater than one hundred ten (110) gallons or two hundred fifty (250) pounds dry weight.

20.4.2.19 Storage and/or sale of petroleum or refined petroleum products, except within a building which it will heat.

20.4.2.20 Commercial development limited to retail shopping, business or professional office, or warehousing limited to storage of nontoxic, non- hazardous materials. Roof and other building run-off shall be retained and recharged on site to the maximum extent practical. All sanitary wastewater generated at the facility shall be conveyed off-site via public sanitary sewers, when available within one thousand five hundred feet (1,500') of the proposed development. If sewers are not currently available, the applicant shall submit a Plan of the treatment and disposal of wastewater pursuant to Section 20.6 of these Regulations. The Plan presented shall be based on sound engineering practices and shall include a written certification by a registered Professional Engineer in the State of Connecticut that the proposed septic system will not adversely affect the underlying aquifer or recharge area. Septic systems permitted under this Section shall be for the sole purpose of disposing sanitary wastewater, and shall be designed in accordance with the appropriate local, state, and federal codes pursuant to Section 20.5.2 of these Regulations. All other forms of wastewater generated shall be contained and disposed off-site.

The burden to demonstrate that the aquifer and recharge areas will not be adversely affected by the proposed development will be on the applicant. The applicant shall connect to the public sewer system at such time as it becomes available. The Commission may, at its discretion, elect to retain the services of a qualified professional at the applicant's expense, to review the Plans and render an opinion on the Commission's behalf.

20.4.2.21 Non intensive agricultural uses: Pasture light grazing, hay, gardening, nursery, conservation, forestry, and harvesting provided that fertilizers, herbicides, pesticides, and other Leachable materials are not stored outdoors or in any other manner which would permit leakage thereof.

20.4.2.22 Proper operation and maintenance of existing water bodies and dams, splashboards, and other water control, supply, and conservation devices.

20.4.2.23 Existing conforming commercial and industrial buildings and uses may be maintained, repaired, expanded, or altered notwithstanding any change in ownership, but subject to the provisions of this district and the underlying zoning district.

20.4.2.23.1 This section shall not apply to the expansion of uses listed in Section 20.4.1 above and shall supersede Section 11 of these Regulations.

20.4.2.23.2 The Special Permit shall be granted for the repair, expansion or alteration of existing conforming structures and uses if said structure is connected to public sanitary sewers.

20.4.2.24 Any use which increases the lot coverage to sixty (60) percent or more.

20.4.2.25 Aquifer Protection within the Planned Development Zones per Sections 4.24.4.2 & 4.25.4.

20.5 Density Regulations applying to the Aquifer Protection Zone:

20.5.1 The Commission may increase the lot coverage if an applicant's civil engineer registered in the State of Connecticut having the appropriate qualifications, shall declare in writing that the increased lot

coverage will not adversely affect the underlying aquifer or recharge area. The plan presented shall be based on sound engineering practice and the burden to demonstrate that the aquifer or recharge areas will not be adversely affected will be on the applicant.

20.5.2 In any Aquifer Protection Zone the density of design gallons per day of an on site sewage disposal according to State of Connecticut Public Health Code criteria shall not exceed one hundred (100) gallons per day per ten thousand (10,000) square feet of developable upland lot area (exclusive of wetlands, floodplains, and impermeable surfaces). No additional development on an already developed site shall exceed this standard.

20.6 Special Permit within the Aquifer Protection Zone:

20.6.1 A Special Permit shall be granted if the PZC determine that Section 17.3 of the Regulations and the intent of this section as well as its specific criteria are met.

In making such determination, the PZC shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to water quality. In addition the following shall apply:

20.6.1.1 The use will not, during construction or thereafter, have a significant adverse impact on any aquifer or recharge area in the District and:

20.6.1.2 The use will not have a significant adverse impact on an existing or potential domestic or municipal water supply; and is consistent with existing and probable future development or surrounding areas and;

20.6.1.3 Groundwater quality at the down-gradient boundary of the property shall not be allowed to violate State and Federal drinking water standards.

20.6.2 Materials to be submitted by Applicant: The following materials shall be submitted to the PZC in addition to those materials required by Sections 14 or 17 of the Regulations.

20.6.2.1 A site plan showing existing and proposed structures and the location of all facilities relevant to the other requirements specified in the paragraphs below.

20.6.2.2 A complete list of all chemicals, pesticides, fuels, and other potentially toxic or hazardous materials to be used, generated, stored, or disposed of on the premises.

20.6.2.3 A description of proposed measures to protect all storage containers or facilities associated with such materials from vandalism, accidental damage, corrosion and leakage. Such measures might include secure storage areas, shelters for corrodible or water soluble materials, spill control provisions around transfer points, and a schedule of future monitoring of waste streams or groundwater on the site to ensure that proper control has been maintained.

20.6.2.4 A description of proposed methods by which runoff from building areas will be recharged into the ground within the premises, preferably by diversion into vegetated areas where surface infiltration will occur. Dry wells shall be used only where surface infiltration is not feasible.

20.6.2.5 Projections of concentrations of nitrogen and other relevant solutes in the groundwater at the down-gradient boundary of the property and at any other locations deemed pertinent by PZC including drinking water wells identified by construction of flow lines from the proposed site.

20.6.3 Pesticide and Fertilizer Use: Any use which includes more than five (5) acres of land including, but not limited to, crop, lawn, garden or landscaping, requiring regular applications of chemical pesticides, or fertilizers shall be accompanied by a management plan. The management plan shall indicate types of materials, application schedule, and conformance with applicable best management practices.

20.6.4 Deleted.

20.7 Treatment of Pre-Existing Non Conforming Uses:

20.7.1 Any construction or operation to be performed under a building permit or Special Permit issued prior to the effective date of this section shall conform with the requirements of this section unless the construction or operation is commenced within six (6) months after the issuance of the building permit or Special Permit and (for construction only) has been continued through to completion as continuously and expeditiously as is reasonable. Identical conditions shall apply on the occasion of any further amendment of this section.

20.7.2 Any non-conforming use or structure, which is abandoned or not used for a period of one year or more, shall be subject to the provisions of this section.

20.7.3 Deleted.

20.7.4 Except a conforming dwelling or conforming accessory use on a non conforming lot, a non conforming structure or use shall not be altered, reconstructed, extended or changed without a Special Permit from the PZC, provided that said Board finds that such alteration is not substantially more detrimental to the neighborhood than the existing non conforming structure or use, except as the same may apply to non non-conforming buildings, structures or land used primarily for agriculture, floriculture or horticulture within defined aquifer resource protection districts. No Special Permit shall be granted for any alteration, reconstruction, extension or structural change for a non conforming structure or use without a specific finding by the PZC that the proposed alteration, reconstruction, extension or structure change will not violate any of the provisions or other parts of this regulation. It shall be the responsibility of the applicant proposing said alteration, reconstruction, extension or change to demonstrate to the PZC that the proposed alteration, reconstruction, extension or structure change will not violate any of the provisions of this Regulation.

20.8 Design and Operations Guidelines: The following design and operation guidelines shall be observed within the Aquifer Protection Zone:

20.8.1 Standards: Provision shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage or vandalism through measures such as; prohibition of underground fuel storage tanks; spill control provisions in the vicinity of chemical or fuel delivery points; secured storage areas for toxic or hazardous materials; and indoor storage provisions for corrodible or dissolvable materials. For operations, which allow the evaporation of toxic or hazardous materials into the interiors of any structures, a closed vapor to prevent discharge of contaminated condensate into the groundwater.

20.8.2 Location: Where the premises are partially outside of the Aquifer Protection Zone, potential pollution sources such as on site waste disposal system shall be located outside the zone to the extent feasible.

20.9 Use Variances: Under no circumstances shall the Zoning board of Appeals grant a Variance to allow a use in this zoning district specifically prohibited under 20.4.1 and specifically allowed by the Planning and Zoning Commission under Section 20.4.2.

SECTION 21 - ARCHITECTURAL & DESIGN REVIEW REGULATIONS

21.1 Intent:

21.1.1 The Planning & Zoning Commission, in accordance with CGS 8-2, shall require Architectural and Design Review for all applications for Special Permits, Site Plan approval, or modifications to an already approved plan only when said modification or Special Permit or Site Plan involves significant architectural features.

21.1.2 The purpose of architectural design and review is to promote and encourage public and private actions to:

21.1.2.1 Maintain a high standard of community development;

21.1.2.2 To protect the public health, safety, convenience and welfare;

21.1.2.3 Protect the value of all real property within the community;

21.1.2.4 Promote aesthetically pleasing development; and

21.1.2.5 Preserve the special character of existing neighborhoods.

21.1.3 Findings as to the adequacy of design, architectural treatment and aesthetic character shall be made in view of the fact that excessive uniformity, inappropriateness of poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affect the desirability of the immediate area and the neighboring areas for residential, business, or other purposes.

21.1.4 It is the policy of the Design Review Advisory Committee that it will seek improvements in design rather than practice censorship of creativity. It is not the charge of the Committee to review projects for compliance with building codes or fire safety codes.

21.2 Criteria for Plan Evaluation:

21.2.1 The Committee will consider the general criteria outlined below to review the following:

21.2.1.1 The basic design for the proposed uses, buildings or development;

21.2.1.2 The relationship between the buildings, and the land, and the physical environment;

21.2.1.3 The relationship between uses and building/structures; and

21.2.1.4 The overall physical appearance of the proposed use/buildings/development and its compatibility with surrounding development and the neighborhood.

21.2.2 Specific Criteria for Plan Evaluation.

21.2.3 The purpose of these criteria is to establish a checklist of those items that affect the physical aspect of Vernon's environment, pertinent to appearance is the design of the site, building and structures, plantings, signs, lighting, and other objects that are observed by the public.

21.2.4 These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the Town.

21.2.5 The criteria are:

21.2.5.1 Impact on the market value of existing structures in the adjoining area;

21.2.5.2 Impact on the historic significance of the site and the affected area;

21.2.5.3 Compatibility with the Plan of Development of the Town;

21.2.5.4 Types, styles and colors of building materials, exterior facades, and facing, and fenestration;

21.2.5.5 Special architectural features;

21.2.5.6 Relationship of scale, massing and width to height of new structures;

21.2.5.7 Colors, materials, location of lighting;

21.2.5.8 Design and placement of signs;

21.2.5.9 Blending of mechanical hardware and miscellaneous;

21.2.5.10 Location and dimensions of public and private vehicular and pedestrian streets, drives and walkways.

21.3 Standards: The following standards are intended as guidelines to aid applicants in conforming to the Zoning Regulations as stated in this document.

21.3.1 Relationship of Buildings to Site:

21.3.1.1 The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and parking area;

21.3.1.2 Parking areas shall be treated with building wall extensions, planting, berms, or other innovative means to partially screen parking areas from view from public ways. These elements should also be designed with public safety in mind;

21.3.1.3 Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings;

21.3.1.4 Newly installed utility services, and service revisions necessitated by exterior alterations shall be underground.

21.4 Landscaping and Site Treatment: Landscape elements included in these standards consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns and all visible construction except buildings and utilitarian structures.

21.4.1 Landscape treatment shall be provided to enhance architectural features, strengthen vistas, and provide shade;

21.4.2 Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used;

21.4.3 Plants shall be of sufficient size and number to ensure an attractive appearance upon completion of the landscape construction;

21.4.4 Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance;

21.4.5 Existing trees at four (4) inches caliper or greater shall be incorporated into the site plan wherever possible;

21.4.6 Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be effective in winter and summer;

21.4.7 In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices;

21.4.8 In areas where general planting will not survive, other materials such as fences, walls, and pavings of wood, brick, stone, grave, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.

21.4.9 Parking areas and traffic ways shall be enhanced with landscaped spaces containing shrubs, tree or tree groupings. Landscape spaces shall be developed consistent with LID practices, which shall be designed to incorporate stormwater best management practices in accordance with the Town LID Manual. Parking areas shall provide a minimum of one island for every twenty (20) parking spaces.

21.4.10 For every five (5) parking spaces, a minimum of one (1) three (3) inch caliper tree shall be provided. Preferred varieties include: Pin Oaks, Norway Maples, Crimson Maples, Great Ash, Little Leaf Linden, and Black Locusts.

21.4.11 Within wetlands and regulated areas, plantings must conform to those listed in the document entitled "Native Wetland Plants for the Hockanum Watershed" and outlined in "Planting Guide to Native Wetlands Plants of the Connecticut River Watershed for Wetland Restoration Use" dated February, 1997.

21.5 Building Design:

21.5.1 Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings;

21.5.2 Buildings shall be in good scale and in harmonious conformance with permanent neighboring development.

21.5.3 Building Materials:

21.5.3.1 Materials shall have good architectural character;

21.5.3.2 Materials shall be selected for suitability to the type of building and the design in which they are used; and

21.5.3.3 Materials shall be of durable quality.

21.5.4 Building components, such as windows, doors, eaves, and parapets, shall have good proportion and relationships to one another.

21.5.5 Colors shall be harmonious.

21.5.6 Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building or they shall be located as not to be visible from any public ways.

21.5.7 Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view of public ways.

21.5.8 Monotony of design in single or multiple building projects is discouraged. Variation of detail, form, and setting shall be used to provide visual interest.

21.5.9 Prototype structures (the first new structure in an area which has been designed for a particular character) shall reflect the desired character of the entire area.

21.6 Lighting, Street Hardware and Miscellaneous Structures:

21.6.1 Exterior lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.

21.6.2 Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be appropriate, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.

21.7 Signs:

21.7.1 Every sign shall have appropriate scale and proportion in its design and in its visual relationship to buildings and surroundings.

21.7.2 Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.

21.7.3 The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.

21.7.4 The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign fence.

21.7.5 Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.

21.7.6 Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

21.7.7 Signs with specifically advertise brand names or symbols of products of any kind shall be strongly discouraged.

21.8 Maintenance—Planning and Design Factors:

21.8.1 Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.

21.8.2 Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.

21.8.3 Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design.

21.9 Application Submission Requirements: The following items are required in addition to the Site Plan of Development prepared in accordance with the Town's Zoning Regulations.

21.9.1 The overall architectural design of the proposed structure including elevations at an appropriate scale, of the façade and all exterior elevations, showing all fenestration, signs and other architectural features including the color and style of the building materials (and samples if required by the Design Review Advisory Committee).

21.9.2 Color photographs and/or color rendering.

21.9.3 A drawing showing the height and architectural style of the proposed structure in relationship to surrounding buildings; composite elevations from all streets abutting the site if multiple buildings are proposed.

21.9.4 The height, location, fixture design, and intensity of all exterior lighting, expected illumination off the site.

21.9.5 The height location, exact colors and design of all signs.

21.9.6 Elevations drawings from all streets abutting the site with all proposed plantings superimposed. Location and size of plants and trees shall be shown.

21.9.7 All foundations and other ornamental or decorative features visible from surrounding properties.

21.9.8 All provisions for the designs of the following appurtenances if visible from the exterior.

21.9.8.1 Utility lines, meters, boxes;

21.9.8.2 Refuse storage and pickup areas;

21.9.8.3 Stairs, ramps;

21.9.8.4 Flues, chimneys, exhaust fans;

21.9.8.5 Sunshades, awnings, louvers;

21.9.8.6 Balconies;

21.9.8.7 Mechanical equipment visible from exterior;

21.9.8.8 Loading docks, loading spaces;

21.9.8.9 Roof leaders, downspouts;

21.9.8.10 Antennas;

21.10 Procedures:

21.10.1 All applicants shall submit one (1) copy of all items required under Section 21.9 (Application Submission Requirements) no later than the date of submission of a formal application to the Planning & Zoning Commission. When possible, applicants are encouraged to submit applications for design review in advance of submittal to the Planning & Zoning Commission. Moreover, an applicant may request preliminary consideration by the Design Review Advisory Committee of his general plans prior to seeking a Special Permit, Site Plan approval, or modification to an already approved plan. Applicants are advised to make submittals as complete as possible to avoid delays in the design review process.

21.10.2 The Design Review Advisory Committee will review all applications at the next meeting of the Committee subsequent to submittal. The Committee will make recommendations to the applicant regarding plan modifications, which the Committee finds desirable, based on the standards and criteria outlined in the above Sections. The recommendations of the Committee will be forwarded to the Planning & Zoning Commission at or before the scheduled public hearing. Recommendations of the Committee are advisory to the Commission, which has final approval authority for all applications.

SECTION 22 - ADMINISTRATION AND ENFORCEMENT

22.1 The provisions of these Regulations shall be enforced by the Planning & Zoning Commission via a Zoning Enforcement Officer.

22.1.1 When a difference of opinion exists among the technical advisers to the various land use Commissions concerning a zoning regulation, the Planning & Zoning Commission shall be asked for, and be required to give guidance to the Zoning Enforcement Officer on the intent of the regulation.

22.1.2 Appeals from the decisions of the Planning & Zoning Commission shall be made to Superior Court in accordance with Section 8-8 and 8-9 of the CGS. The Vernon Board of Appeals shall not have authority to hear an appeal of any decision of the Vernon Planning & Zoning Commission whether on a matter that is a discretionary decision or a ministerial decision.

22.2 Fees: Schedule of Application Fees:

22.2.1 Zone District or Regulation Change: $200.00

22.2.2 Special Permit: $200.00

22.2.3 Special Exceptions, variances or appeal from the Zoning Enforcement Officer: $200.00

22.2.5 Variance:. $200.00

22.2.5 Special hearing for gasoline station or repairer's license $200.00

22.2.6 Detailed Site Plan Residential (New Construction/ Expansion)

22.2.6.1 Up to 4 dwellings $200.00

22.2.6.2 Detailed Site Plan Residential each additional dwelling over 4 units $5.00

22.2.7 Detailed Site Plan Non-Residential (New Construction/ Expansion)

22.2.7.1 Up to 2,000 square feet $200.00

22.2.7.2 Each additional 1,000 square feet $15.00

22.2.8 Deleted.

22.2.9 When a development requires Special Permit and Site Plan approval, the larger of the two fees is required.

22.2.10 All applications require an additional a $60.00 fee mandated by the State of Connecticut.

22.2.11 All applications requiring a soil and erosion control plan certification will require an additional $300.00 fee required by the North Central Conservation District.

22.2.12 Minor Modifications. $100.00

22.2.13 In addition to the standard fees for the processing of an application, the applicant may be require to pay an additional fee to cover the costs of technical services and consultants to analyze, review and report on areas requiring a detailed, technical review if one or more of the following thresholds are met:

22.2.13.1 The proposed action directly abuts or is within 500' of or has the potential to directly or indirectly impact a significant natural and cultural resource identified in the Plan of Conservation and Development (POCD) (pp. 71-73), or;

22.2.13.2 The proposed action fronts, requires access to, or has potential to impact those roadways and intersections identified in the POCD as part of the Traffic Management Plan, Traffic Calming Recommendations, or Accident Mitigation Areas (pp. 94-107), or;

22.2.13.3 The proposed action fronts, requires access to, or has potential to impact sites identified in the Connecticut Department of Transportation (CT DOT) Suggested List of Safety Surveillance Sites (SLOSS), or;

22.2.13.4 The proposed action directly or indirectly conflicts with one or more of the Policies, Goals, and Objectives recommended in the POCD (pp. 109-120), specifically:

A. Housing Policies, Goals and Objectives

B. Economic Base Policies, Goals and Objectives

C. Design Policies Goals and Objectives

D. Community Facilities Polices, Goals and Objectives

E. Transportation Policies, Goals, and Objectives

F. Open Space Policies, Goals, and Objectives, or;

22.2.13.5 The proposed action directly or indirectly conflicts with the Land Use Plan and Strategy as stated in the POCD (pp. 121-129), or;

22.2.13.6 The proposed action is identified as an Area Sensitive to Development in the POCD (pp. 17-18), or;

22.2.13.7 The proposed action is identified as being within a Stratified Drift Aquifer and or Primary Recharge Area as identified in the Town of Vernon Aquifer Protection Map, or has a reasonable potential to impact the public water supply, or;

22.2.13.8 The proposed action is within or has the potential to impact to areas identified by the United States Department of Agriculture to contain Prime Important Farmland Soil, and as indicated in the POCD (pp. 16-17), or;

22.2.13.9 The proposed action is within or has the potential to impact areas identified by the Connecticut Department of Environmental Protection in the Natural Diversity Database (NDDB) as an area containing Endangered, Threatened, & Species of Special Concern, or;

22.2.13.10 The proposed action is within or has the potential to impact those areas identified by the Federal Emergency Management Agency Flood Insurance Rate Map as a Flood Zone or Flood Plain, or;

22.2.13.11 The proposed action is within or has the potential to impact those areas identified as a Priority Area for Open Space Protection, or Part of the Existing and/or Potential Open Space System, or is in direct or indirect conflict with the Open Space Policies and Goals as identified in the POCD (pp. 74-87), or;

22.2.13.12 That is proposed in a use district (specified in Section 4 of the Zoning Regulations) where the proposed activity in its entirety exceeds the impervious coverage thresholds established in such relevant district, or;

22.2.13.13 Where the aggregate square footage for all structures on any parcel exceeds 25,000, or;

22.2.13.14 Where the proposed action includes greater than 50 off-street parking or loading spaces, or;

22.2.13.15 Any application in which additional technical evaluations are determined by the Commission to be necessary to fulfill the Town requirements for processing the application and/ or may be necessary to obtain a satisfactory evaluation of the Application, inclusive of legal reviews and guidance.

22.2.14 Whenever an application establishes criteria identified in 22.2.13, the Town Planner will provide an estimated cost for technical services and consultants. The commission will review said estimate and determine the necessary scope of services and establish an appropriate additional fee.

22.2.15 The fees required under Sections 22.2 will be paid to the Town of Vernon prior to futher proceeding on the application. Upon completion of the technical review and/or other services, a determination of the costs incurred will be performed, and any excess will be refunded to applicant. During the course of the application review, if the fee as set by the Commission is found to be insufficient, the Commission may review and revise such fee as appropriate.

22.2.16 If the fees required under Section 22.2 are not paid in a timely fashion as to allow the Commission to comply with provisions of C.G.S 8-7d, such failure may be ground for the Commission to deny the application without prejudice. Any partial fees paid may be credited towards a subsequent application.

22.2.17 The Commission may, in determining standard, and additional fees, may take into consideration:

22.2.17.1 Such application is substantially similar to one previously filed and withdrawn, or denied without prejudice;

22.2.17.2 The previous application had paid all fees in full;

22.2.17.3 Minimal additional staff time will be needed for review and processing the application;

22.2.17.4 The application is from a municipal entity;

22.2.17.5 The application pertains to a non-profit entity.

22.2.18 An applicant may contest the fee required for any application submitted by submitting a letter to the Town of Vernon Building Department at 55 West Main Street, to the attention of the Zoning Enforcement Officer. Any request to reduce the amount of fee required for any aspect of the application should be made within 30 days of the date of submission to the Department. The Zoning Enforcement Officer shall review said request within 65 days of its receipt, and issue a decision within 65 days of the conclusion of said review.

SECTION 23 - COMMERCIAL WIRELESS TELECOMMUNICATION SITES

23.1 Background and Purpose: Recent advances in wireless communications technology have resulted in a new generation of telecommunication services. These new services transmit radio waves of such a frequency and power that will likely require numerous antenna locations. These antennas may be located on buildings, water towers, and other similar structures but will also frequently be located on new or enlarged towers. This requires that the Town of Vernon regulate these wireless communication system facilities in a different manner than conventional television and radio transmission towers, which are able to transmit their signals at much greater distances.

A number of providers of wireless communication services have recently been licensed by the Federal Communications Commission and additional providers are expected to be licensed in the near future. These firms are expected to pursue antenna sites within the Town of Vernon and these efforts are expected to include requests to construct new communication towers and antennas.

The intent of the Regulation is to provide for the establishment and/or expansion of cellular telephone, mobile radio and personal communication systems within the Town of Vernon while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunication facilities through careful design, siting, and screening. More specifically this regulations has been developed in order to:

23.1.1 Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the Community.

23.1.2 Encourage providers to co-locate their facilities on a single site;

23.1.3 Site facilities below visually prominent ridge lines;

23.1.4 Minimize the location of facilities in visually sensitive areas;

23.1.5 Encourage creative design measures to camouflage facilities;

23.1.6 Protect historic and residential areas from potential adverse impacts of communication towers;

23.1.7 Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

23.2 Location Preferences:

The locations for siting the equipment involved in receiving or transmitting radio waves associated with commercial wireless telecommunication services are listed in paragraphs 1 through 5 below, in order of preference.

23.2.1 On existing structures such as buildings, water towers, and utility poles.

23.2.2 On existing or approved towers.

23.2.3 On replacement towers located on property occupied by one or more existing tower.

23.2.4 On replacement towers less than fifteen (15) feet in height located in commercial or industrial zones.

23.2.5 On replacement towers less than seventy-five (75) feet in height located in residential zones.

23.3 General Requirements:

23.3.1 No lights shall be mounted on proposed towers unless otherwise required by the FAA.

23.3.2 Towers shall be maintained in good order.

23.3.3 Deleted.

23.3.4 All towers shall be a monopole design unless otherwise approved by the Commission. A monopole tower shall be designed to collapse upon itself.

23.3.5 The Commission may require that monopole be of such design and treated with an architectural material so that it blends in with its surroundings to the greatest extent feasible.

23.3.6 Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over one hundred (100) feet in height or for at least one (1) additional comparable antenna if the tower is over fifty (50) feet in height. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.

23.3.7 Each tower site must be served by a driveway with parking for at least one (1) vehicle.

23.3.8 Antennas or equipment building/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building.

23.3.9 All dish antennas shall be of mesh construction unless otherwise approve by the Commission.

23.3.10 Dish antennas shall not exceed six (6) feet in diameter. Panel antennas shall not exceed ten (10) feet in height.

23.3.11 No proposed commercial wireless telecommunication shall be designed, located or operated as to interfere with existing or proposed public safety communications.

23.3.12 All applications for commercial wireless telecommunication sites within the Flood Protection Zone shall comply with the standards found in Section 5 of the Regulations.

23.3.13 The design of all commercial wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions. In the absence of such standards sites shall comply with standards set by American National Standards Institute.

23.3.14 All utilities proposed to serve a new commercial wireless telecommunications site shall be installed underground unless otherwise approved by the Commission.

23.3.15 All generators installed in conjunction with any commercial wireless telecommunication site shall comply with all State noise regulations.

23.3.16 Commercial wireless telecommunication sites located on non-residential buildings shall be as architecturally compatible with the structures as possible.

23.3.17 Commercial wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings provided the following standards are met:

23.3.17.1 No panel antenna shall exceed fifteen hundred (1500) square inches in area.

23.3.17.2 No dish antenna shall exceed six (6) feet in diameter.

23.3.17.3 All accompanying equipment buildings or boxes shall be screened and fenced as required by the Commission.

23.3.18 Commercial wireless telecommunication sites where a monopole tower is located on property occupied by one or more towers erected prior to the date of adoption of this regulation provided the following standards are met:

23.3.18.1 The height of the tower to be constructed shall not exceed one hundred seventy-five (175) feet or shall not exceed the height of the tallest tower on the property, whichever is the least restrictive.

23.3.18.2 All accompanying equipment buildings or boxes shall be screened and fenced as required by the Commission.

23.4 Uses Allowed Only by Special Permit: In addition to specific requirements listed in Section 17, the standards of the specific zoning classification shall also apply to applications submitted under this section.

23.4.1 Site Plan Requirements: All proposals to develop a commercial wireless telecommunication site as a permitted use or Special Permit use shall be subject to the Site Plan requirements listed in Section 14 of these regulations. In addition the following information shall be submitted in accordance with each particular application where applicable.

23.4.1.1 A plan showing where and how the proposed antenna will be affixed to a particular building or structure.

23.4.1.2 Details of all proposed antenna and mounting equipment including size and color.

23.4.1.3 Details of proposed shielding and details of materials including color.

23.4.1.4 An elevation of all proposed equipment buildings or boxes. Details of all proposed fencing including color.

23.4.1.5 A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mountain positions for co-located antennas and the minimum separation distances between antennas.

23.4.1.6 A report from a licensed engineer indicating that the proposed wireless telecommunication site will comply with the emission standards found in this regulation.

23.4.1.7 For new or modified towers, a map depicting the extent of the provider's planned coverage within the Town and the service area of the proposed wireless telecommunication site, map indicating the search radius - or the proposed wireless telecommunication site.

23.4.1.8 All of the plans and information required in Section 23.3 above.

23.4.1.9 Upon request of the Commission the applicant shall provide visual representation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.

23.4.2 Height and Area Requirements:

23.4.2.1 Lot Size. Commercial wireless telecommunication sites containing a free standing tower shall not be located on any lot less than twenty thousand (20,000) square feet in area. Where it is proposed that such a wireless telecommunication site occupies a lot as a principal use the minimum lot size shall be equal to that required for the underlying zone or twenty thousand (20,000) square feet, whichever is greater.

23.4.2.2 Height. The maximum height of a tower proposed under this Regulation shall be two hundred (200) feet including the antenna and all other appurtenances. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower including the antenna and all other appurtenances.

23.4.2.3 The maximum height of any roof top mounted equipment, building or box, shall be fifteen (15) feet.

23.4.2.4 All freestanding towers shall comply with the following minimum property line setbacks:

23.4.2.4.1 Front Yard or Side Yard along a street: A distance equal to ¾ the height of the tower or the setback required for the underlying zone, whichever is greater.

23.4.2.4.2 Side or Rear Yards: In residential zones, fifty (50) feet for towers less than seventy-five (75) feet in height and one hundred (100) feet for towers equal to or greater than seventy-five (75) feet.

23.4.2.4.3 Side or rear yards in non-residential zones twenty-five (25) feet for towers less than seventy-five (75) feet in height and fifty (50) feet for towers equal to or greater than seventy-five (75) feet.

23.4.2.4.4 Free standing towers on rear lots: All other freestanding towers shall be located at minimum distance from any property line at least one hundred (100) feet or a distance equal to the height of the tower, whichever is greater.

23.4.2.5 All accessory buildings, equipment buildings/boxes or equipment areas each fifty (50 square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

23.4.2.5.1 All equipment buildings/boxes or equipment areas each less than fifty (50) square feet in area shall comply with the following minimum property line setbacks.

23.4.2.5.2 Front Yard or Side Yard along a street: Same as for a principal building in the underlying zone.

23.4.2.5.3 Rear and side yards: twenty (20) feet.

23.4.3 Factors upon which Special Permit decisions of the Commission shall be based: In passing upon applications for commercial wireless telecommunication sites, the Commission in addition to the standards found in Section 17, shall also find:

23.4.3.1 In the case where a commercial wireless telecommunication site is proposed to be located on a property designated on the National Historic Register or within an approved historic district that such proposal will preserve the historic and/or architectural character of the landscape of any structure.

23.4.3.2 In the case where an application for the proposed location of a commercial wireless telecommunication site is not a preference one (1) through three (3) location the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preference location was not technologically, legally or economically feasible. The supplied documentation should evaluate the following factors:

23.4.3.2.1 The planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost.

23.4.3.2.2 The planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies as documented by a qualified licensed engineer and that such deficiencies cannot be eliminated at a reasonable cost.

23.4.3.2.3 The existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at reasonable cost.

23.4.3.2.4 Any restriction or limitation imposed by the FCC.

23.4.4 Abandonment: A commercial wireless telecommunication site not in use for six (6) consecutive months shall be removed by the service facility owner. This removal shall occur within ninety (90) days of the end of such six (6) month period. Upon removal the site shall be restored to its previous appearance and where appropriate revegetated to blend with the surrounding area.

SECTION 24 - ROCKVILLE VILLAGE DISTRICT OVERLAY ZONE (January 2014)

24.1 **Purpose:** It is the purpose of the Rockville Village District Overlay Zone (RVDOZ) to ensure that the unique character of Rockville is maintained and enhanced for present and future generations in accordance with Connecticut General Statutes §8-2j, Village Districts. The provisions of this zone are intended to preserve and enhance the character of Rockville by encouraging the preservation and, when possible, the restoration of sites and buildings of unique historical and architectural value and by assuring that new structures and uses, in their design and layout, will be in keeping with the historical development pattern and character of Rockville.

24.2 **District boundary:** The RVDOZ is that area depicted on the map entitled, "Rockville Village District, Adopted February 6, 2014," and as depicted on the Vernon Zoning Map.

24.3 **Consistency with the 2012 Plan of Conservation and Development:** In administering the provisions of this section the Planning and Zoning Commission (PZC), the Design Review Advisory Commission (DRC), and the Local Historic Properties Commission (LHPC) shall give due consideration to the Rockville section in Chapter 6 of the 2012 Plan of Conservation and Development (POCD).

24.4 **Other design guidelines and resources:** In administering the provisions of this section the PZC and the DRC shall give due consideration to the following design guidelines and resources:

24.4.1 The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;

24.4.2 Design Guidelines—A Plan of Appropriateness & Protection, by the Vernon Local Historic Properties Commission, October 2010;

24.4.3 The Rockville Charette Report prepared by the Yale Urban Design Workshop sponsored by the Connecticut Main Street Center, May 14—May 16, 2004.

24.5 **Uses:** In the RVDOZ the following uses are permitted, notwithstanding the provisions of section 4.23 Historic District—Downtown Business & Residential Zone:

24.5.1 Retail sale of food, non-alcoholic beverages, pharmaceuticals, clothing, jewelry, hardware, stationery, specialty items, household appliances, and furnishings;

24.5.2 Restaurants, non-full service and full service; the service of alcohol shall be limited to full service restaurants but shall not be subject to the provisions of Section 17.1; drive-up service windows shall not be permitted;

24.5.3 Taverns, pubs, and private clubs with a Club or Café liquor permit; these uses shall not be subject to the provisions of Section 17.1;

24.5.4 Professional or business offices; governmental offices and facilities; clinics; dental, medical and health offices, provided none of the aforementioned uses is to be located on the ground floor of a building, unless a special permit is granted; for purposes of these regulations, "ground floor" shall be defined as the floor of the building that is entered from street level;

24.5.5 Places of worship or religious facilities, provided the same are not to be located on the ground floor of a building, unless the building was originally constructed for such purpose;

24.5.6 Banks or other financial institutions;

24.5.7 Hospitals;

24.5.8 Commercial recreational facilities;

24.5.9 Cultural, arts, crafts and education facilities; libraries; galleries; studios; and workshops;

24.5.10 Personal convenience services limited to barbershops, beauty shops, nail salons, and similar services;

24.5.11 Printing and graphic services;

24.5.12 Indoor movie theatres; performing arts theatres, auditoriums;

24.5.13 Existing single family dwellings; and the rebuilding of these structures (as originally constructed) if destroyed by natural disaster or fire;

24.5.14 Multi-family dwellings; these uses shall be subject to the provisions of Section 4.7.7 and for one bedroom and studio units, section 10.1;

24.5.15 Mixed Non-residential uses (that are allowed in this section) and residential uses upon a single parcel or within a single building shall be allowed. The non-residential uses can be on any floor for the structure while the residential use will be allowed on any floor except the ground floor. Residential use on the ground floor is only allowed by granting of a special permit;

24.5.16 Conversion of residential to non-residential use and conversion of non-residential to residential use; either conversion shall require the granting of a special permit; If granted a special permit Buildings originally constructed as single family or multifamily residences may be occupied by professional offices on all floors including the ground floor;

24.5.17 Bed and Breakfast (B&B); hotels, motels;

24.5.18 Day care establishments when accessory to a permitted non-residential use; by special permit when it is the principal use;

24.5.19 Home based businesses of Minor Type;

24.5.20 Adaptive Re-use per Sections 2.96 & 3.26;

24.5.21 Any uses not listed above but authorized in the underlying zone by special permit shall also be allowed in the RVDOZ by special permit.

24.6 Applicability: Any exterior building construction or modification associated with a proposed development or use in the RVDOZ shall be reviewed in relation to the design guidelines in Subsection 24.8 and the additional design considerations specified in Subsection 24.9.

24.7 Procedure:

24.7.1 Applications subject to the provisions of this Section shall be referred to the DRC. The DRC may refer applications to the LHPC for comment.

24.7.2 The application shall be reviewed by the DRC in relation to the design guidelines of this Section.

24.7.3 The application shall be commented upon by the DRC prior to the closing of any public hearing on the application, and such report be issued no more than thirty-five (35) days from the date of acceptance of a complete application.

24.7.4 Failure to act within the prescribed period shall be construed as approval of the design of the proposed application by the DRC.

24.7.5 A request from the DRC for resubmission of the application material based on the DRC or LHPC recommendations shall not be considered failure to act.

24.7.6 The PZC shall take action on the application upon receipt of the report from the DRC, notwithstanding the requirements of CGS § 8-7d.

24.7.7 Recommendations of the DRC and LHPC are not binding on the PZC and do not imply or guarantee approval of an application by the PZC.

24.8 Design guidelines:

24.8.1 Lot Size & Lot Coverage.

24.8.1.1 There is no minimum lot size or lot width, provided the proposed lot configuration presents no conflicts with the Building Code and/or Fire Code.

24.8.1.2 Lot coverage by all impervious surfaces including buildings, structures, parking areas, and access roads shall not exceed 85% of the total lot area. Low Impact Development (LID) practices shall be employed consistent with the Town LID Manual.

24.8.2 Building Setback Requirements & Building Height.

24.8.2.1 Non-residential structures and mixed use structures should be built to the sidewalk (front property) line. Appropriate exceptions could include relief for commercial hardscapes and commercial or public green spaces.

24.8.2.2 Residential structures may have a greater front setback to allow for landscape treatments, porches, bay windows and other architectural embellishments but shall not exceed 8 feet from the sidewalk line.

24.8.2.3 Garages, car ports, and other accessory structures shall be located behind the principal building.

24.8.2.4 There are no side or rear setback requirements, subject to building and fire code regulations.

24.8.2.5 Building height shall be a minimum of two (2) stories or 24 feet and may not exceed forty-eight (48) feet without the granting of a special permit by the PZC. The minimum height requirement shall not apply to accessory structures, such as gazebos and bus shelters.

24.8.3 Property Layout.

Layouts of primary structures, parking structures, and parking lots should be designed with the purpose of deemphasizing the dominance of the automobile and emphasizing the relationship of the primary structure and pedestrian access to the public domain.

24.8.4 Building Fronts & Sides.

The front or side of every building shall face the street. Loading docks, overhead doors, and service entries are prohibited from facing the street.

24.8.5 Placement of Utilities.

All new utilities shall be placed underground in all public streets and in rear service alleys unless waived by a three-fourths (¾) vote of all members of the PZC.

24.8.6 Parking:

24.8.6.1 General:

24.8.6.1.1 The intent of these parking regulations is to encourage a balance between compact pedestrian oriented development and necessary car storage. The goal is to construct neither more nor less parking than is needed.

24.8.6.1.2 On-street parking is permitted throughout the district except where posted otherwise. Parking need not be contiguous with the building or the use it serves.

24.8.6.1.3 Minimum parking requirements in the RVDOZ are as follows:

1 space/dwelling unit.

1 space/300 sf of retail.

1 space/300 sf of office.

24.8.6.1.4 Shared parking solutions are encouraged. Required parking minimums can be reduced by up to 50% with a shared parking solution approved by the PZC. The applicant shall provide a parking analysis justifying the proposed shared parking solution.

24.8.6.1.5 Minimum parking space dimensions for head-in or diagonal parking shall be 9'×17' with 10 foot drive lanes (20' for 2 way traffic) and parallel parking spaces shall be 8'x20' minimum with 10 foot drive lanes (20' for 2 way traffic).

24.8.6.1.6 Parking shall be provided as necessary to meet the requirements of the Americans with Disabilities Act.

24.8.6.2 On-Street Parking.

The selection of diagonal, head-in, or parallel parking along any section of road shall be determined in consultation with the Town Engineer and Town Planner.

24.8.6.3 Off-Street Surface Parking Lot Placement.

Off-street surface parking lots shall be setback a minimum of 10 feet from the sidewalk line.

24.8.6.4 Access to Off-Street Parking.

24.8.6.4.1 Alleys may be incorporated into lots as standard drive aisles. Access to all properties adjacent to the alley shall be maintained. Access between parking lots across property lines is also encouraged.

24.8.6.4.2 Circular drives are prohibited except for civic buildings. Where space permits, garage doors shall face the side or the rear property lines, not the front.

24.8.6.4.3 Off-street parking areas in front of new buildings are not permitted. Off-street parking areas in front of existing buildings shall be discouraged wherever alternative parking solutions exist.

24.8.7 Street Trees.

Streets bordering new development or substantial rehabilitation shall be planted with street trees. Trees shall be selected and arranged in consultation with the DRC. Street trees should be at least 3" in caliper at chest height.

24.8.8 Street Lighting.

Street lighting shall be provided on all streets bordering new development or substantial rehabilitation. Street light fixtures should be located within 3 feet of the curb and should be provided at consistent regular intervals. Street light fixtures shall be chosen in consultation with the DRC.

24.8.9 Street Furniture.

Street furniture includes benches, trash receptacles, street signs and traffic lights. Street furniture shall be chosen in consultation with the DRC. Benches and trash receptacles shall be provided on all streets at consistent regular intervals. Street furniture shall be located so as to maintain a clear pedestrian path. Street furniture should be consistent in color and style along both sides of any street. A five foot wide street furniture strip should be set aside and maintained.

24.8.10 Drainage.

24.8.10.1 Stormwater control measures shall be provided for impervious surfaces within the site, either as stipulated below or in other situations as deemed appropriate by the PZC. All storm water control structures shall be reviewed, approved, and inspected by the Town Engineer.

24.8.10.2 All storm drainage for proposed development in which the combined square footage of roofs, paved parking areas and other impervious surfaces exceeds 10,000 square feet shall be designed in accordance with and subject to the provisions of the Town LID Manual.

24.8.11 Access & Traffic.

24.8.11.1 The PZC may require the applicant to present a traffic survey conducted by a qualified traffic engineer evaluating the impact of the anticipated traffic on fire safety and congestion of traffic flow on the public roadway, and on pedestrian use in front of the property. The PZC may require such measures as are necessary to ensure pedestrian and vehicular safety and ease of travel, including limiting access to and from the parking area to right turns only, and requiring other measures to enhance visibility for persons exiting from the parking area and for drivers and pedestrians on the public roadways.

24.8.11.2 The PZC may require minimum sight line distances depending on present or anticipated traffic conditions and upon posted speed limits and surveyed average vehicular speeds.

24.8.11.3 Vehicular entrances shall be a maximum of 25 feet wide and shall be clearly defined. Vehicular entrances shall not exceed 30% of the lot frontage. The total number of entrances which can safely be accommodated along the same road will be a consideration for approval or disapproval of a special permit and/or site plan application. Wherever possible, each development shall be limited to one access point per property on the same road. Shared entrances are encouraged.

24.8.11.4 The applicant must demonstrate that the site design makes proper provision for pedestrian access and safety. All site plans shall provide for pedestrian walkways and circulation in and around buildings. Pedestrian pathways allowing access from the sidewalk to the primary building entrances are required.

24.8.12 Civic Sites.

24.8.12.1 Civic buildings include, but are not limited to, municipal buildings, churches, libraries, schools, recreation facilities, and places of assembly. Civic buildings do not include retail buildings, residential buildings, or privately owned office buildings. Traditionally, civic buildings have greater front yard setbacks and building frontage requirements; therefore civic buildings are not subject to set back requirements or building frontage requirements. Civic buildings should be set farther back from the street than non-civic buildings in the district.

24.9 Architectural Syntax:

The requirements and materials described in this section are intended to provide direction to applicants on the types of syntax the PZC expects to find on new or improved structures.

Alternative materials may be proposed by the applicant and may be approved by the PZC if they meet the purpose and intent of the district.

24.9.1 Details & Acceptable Building Materials.

24.9.1.1 Columns, Arches, Piers, Railings, & Balustrades:

1. General Requirements:

a. Columns and piers shall be spaced no farther apart than they are tall.

2. Permitted Finish Materials:

a. Columns:

i. Wood, painted or natural.

ii. Cast iron.

iii. Concrete with smooth finish.

iv. Stone.

b. Arches:

i. Concrete Masonry Units with Stucco (C.B.S.).

ii. Reinforced concrete with stucco.

iii. Brick.

iv. Wood.

v. Stone.

c. Piers:

i. Concrete Masonry Units with Stucco (C.B.S.).

ii. Reinforced Concrete with Stucco.

iii. Brick.

iv. Stone.

d. Railings & Balustrades:

i. Wood (termite resistant), painted or natural.

ii. Wrought iron.

iii. Balustrades shall not be farther apart than 3" minimum or 4" maximum.

3. Permitted Configurations:

a. Columns:

i. Square, 6" minimum, with or without capitals and bases.

ii. Round, 6" minimum outer diameter, with or without capitals and bases.

iii. Classical orders.

b. Arches:

i. Semi-circular & segmental.

c.Piers:

i. 8" minimum dimension.

d. Porches:

i. Railings 2•¾" minimum diameter.

ii. Balustrades 3" minimum spacing, 4" maximum spacing.

24.9.1.2 Windows & Doors:

1. General Requirements:

a. Window openings facing streets should be oriented vertically.

b. Storefront windows should replicate single panes of glass not larger than 8' in height x 6' in width.

c. For retail uses, windows should cover 75% of the street frontage on the ground floor facing the street.

d. Storefront windows should begin a maximum of three feet height above the sidewalk.

e. The following accessories are permitted:

i. Shutters (standard).

ii. Wooden window boxes.

iii. Muntins and mullions.

iv. Awnings.

2. Finish Materials:

a. Windows & Storefronts:

i. Wood.

ii. Aluminum.

iii. Copper.

iv. Steel.

v. Vinyl clad wood.

b. Doors:

i. Wood or metal.

ii. Fiberglass.

3. Permitted Configurations:

a. Windows:

i. Rectangular.

ii. Square.

iii. Round (18" maximum outer diameter).

iv. Semi-circular.

b. Window Operations:

i. Casement.

ii. Single and double-hung.

iii. Industrial.

iv. Fixed frame.

c. Door Operations:

i. Casement.

ii. French.

iii. Sliding.

24.9.1.3 Roofs & Gutters:

1. General Requirements:

a. Permitted Roof Types:

i. Gabled, hipped, flat, and domed.

ii. Down spouts are to match gutters in material and finish.

2. Permitted Finish Materials:

a. Metals:

i. Painted galvanized steel.

ii. Copper.

iii. Aluminum.

iv. Zinc-Aluminum.

b. Shingles:

i. Asphalt or metal, "dimensional" type.

ii. Slate.

iii. Cedar Shake.

c. Tile:

i. Clay, Terracotta, Concrete.

d. Gutters:

i. Copper.

ii. Aluminum.

iii. Painted galvanized steel.

e. Rubber panels and sealed membrane roofs are allowed on flat roofs or low pitched roofs:

3. Permitted Configurations:

a. Metals:

i. Standing Seam spacing, panel ends exposed at overhang, 24" maximum.

b. Shingles:

i. Square, Rectangular, Fishscale, Shield.

c. Tile:

i. Barrel, Flat, French.

d. Gutters:

i. Rectangular section.

ii. Square section.

iii. Half-round section.

24.9.1.4 Garden Walls & Fences:

1. Permitted Materials:

a. Wood (termite resistant), painted white, left natural, or painted/stained with colors approved by the DRC.

b. Concrete Masonry Units with Stucco (C.B.S.).

c. Reinforced Concrete with stucco.

d. Wrought Iron.

e. Brick.

f. Vinyl.

g. Stone.

2. Permitted Finish:

a. Wood:

i. Picket Fences: minimum 30% opaque with corner posts.

ii. Other: to match building walls.

b. Stucco:

i. With texture and color to match building walls.

c. Wrought Iron:

i. Vertical, " minimum dimension, 3" to 4" spacing.

3. Chain link fencing is not permitted.

24.9.1.5 Street Walls:

1. Street walls along any unimproved street frontage shall be between 4'-6' above the adjacent ground. The better side of a street wall shall face the street.

2. Building, Façade, Site Design Requirements

a. All spaces and structures and related site improvements visible to the public from public roadways shall be designed to add to the visual amenities of the area in relationship to the proposed development.

b. The color, size, height, location, roof treatments, building materials, landscaping and proportion of openings of any proposed new construction, substantial reconstruction or rehabilitation, and whatever signs and lighting that may be proposed for such uses, shall be evaluated for compatibility with the architecture of existing buildings in the vicinity. The color, size, height, and architectural style of the building shall complement and not compete with other architecturally distinguished buildings in the district. These details shall be reviewed by the DRC.

c. Primary colors shall not be used for building walls unless they are muted in tone. Neon colors are not allowed.

d. Trim colors for windows, soffits, cornices, moldings, etc. should be whites or dark saturated cool colors (for example, greens, blues, bronze). Brick and stone may be left their natural color.

e. Roof colors must be natural colors.

f. Entry doors may have greater color latitude.

g. Wherever possible and where site conditions allow the front building plane should be oriented towards the street. Accessory buildings may be exempt.

h. The street elevation of buildings shall have at least one entrance oriented towards the street.

i. Façade materials should be finished with brick, stucco, wood, stone, or appropriate concrete masonry units.

24.9.1.6 Where Clearly Visible From Streets or Public Areas.

1. Design standards generally apply only in conditions WHERE CLEARLY VISIBLE FROM THE STREET OR PUBLIC AREAS. The architectural and façade controls concentrate on the public realm and minimize requirements of private views. For example, an architectural element that is visible only through an opening in a street wall is not clearly visible from the street.

2. The following are prohibited where visible from parks, squares and pubic streets: Utility boxes and machinery including but not limited to: backflow devices, electric meters and air conditioning units. Blank walls must not be visible from a public street. The applicant shall propose a site plan that minimizes the view of parking lots, driveways, or garage doors from public view.

24.9.1.7 Building Numbering:

Building numbers shall be located over the primary entrance to the building and shall be visible from the street.

24.9.1.8 Signage:

Signage shall be permitted in accordance with Section 16 of these regulations.

SECTION 25 - VALIDITY

25.1 **Validity clause:** If any section, paragraph, clause or provision of these Regulations shall be adjudged invalid, such decision shall apply only to the section, paragraph, clause or provision in question, and the remainder of these regulations shall be deemed valid and effective.

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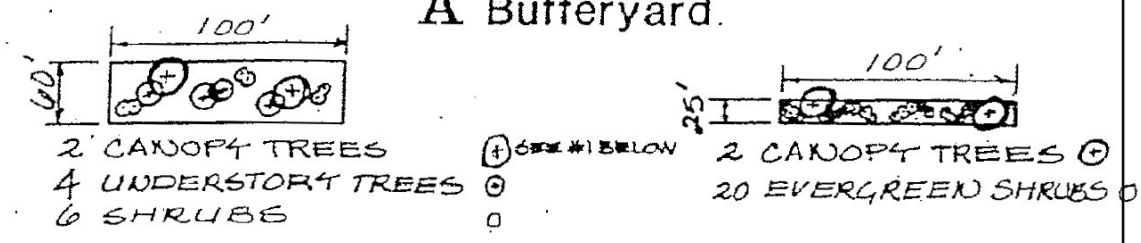

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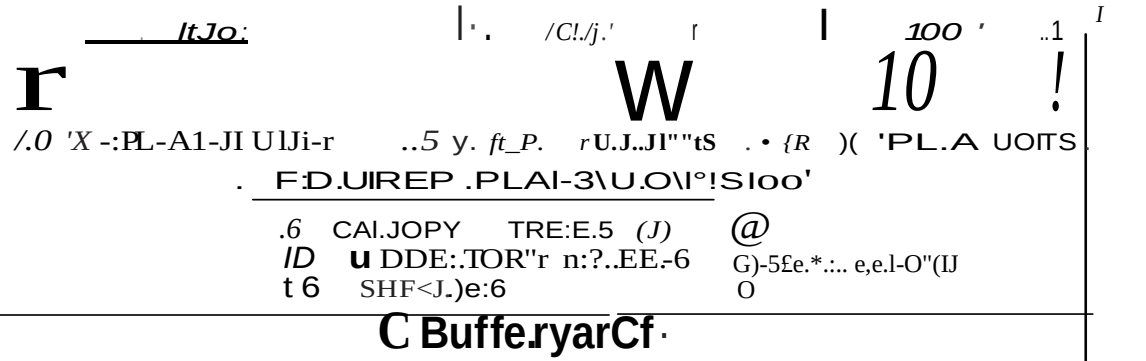

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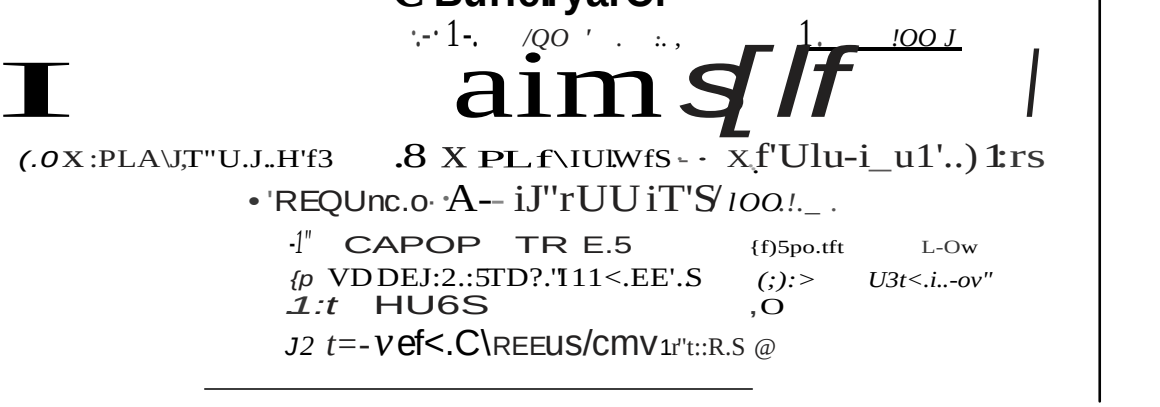

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APPENDIX B—ZONING AMENDMENTS

SECTION	*EFFECTIVE DATE*	*REMARKS*	*AMENDED BY APPLICATION NO.*
21.2	1/1/80	Var. fee	
2	1/1/80	Definition devel. Acre	
17.3	1/1/80	Special permits in flood hazard areas	
2	3/10/80	Condo related definitions	
4	3/10/80	Condos	
e17	3/10/80	Condo and condo conversion Regulation	
4	4/1/80	Municipal buildings	
4	4/1/80	Bedroom ratios	
4	3/3/79	Massage parlors	
3	6/1/79	Building below street level	
4	8/20/79	Municipal buildings	
5	10/1/79	Flood plain regulations	
1	11/2/79	Application withdrawal	
2, 4	11/25/79	Special Ed. Facilities	
4	11/19/79	Use variances	
12.3.8 and 9	5/15/79	Off-street parking	
21.2	5/1/80	Fee structure	
17.3	5/8/80	Fee structure	
2	11/25/79	Lot width	
4.13	7/23/80	Body shops in IP zone	
14.1	7/23/80	Planning Commission approval of mobile home parks	
17.3	7/23/80	Special Permits	
4.19, 4.10, 4.11, 4.13	9/1/80	Full service restaurants with liquor	
17	10/1/80	Separating distances	
4.9, 4.10, 4.11, 4.12, 4.13	10/1/80	Use variances	
4.14	10/1/80	Floating industrial zone	
18	11/1/80	Condo regulations	
18.6	2/2/80	Garages and unit fees in condos	
4	2/2/81	Governmental buildings	
15.1	4/1/81	Excavation permits	
5	4/1/81	Governmental buildings	
17.3	4/17/81	Special Permit wording	
5.2	4/17/81	Permits in flood hazard zones	
18	12/1/81	Utility connections in condos	
5.17.3	12/1/81	Special Permits in flood zones	
4.17.3	3/8/82	Rockville rezoning as per Master Plan	
14	3/8/82	POD requirements as per Master Plan	
14	6/1/82	POD requirements as per Master Plan	
4.15, 4.19	6/1/82	Erosion-Sedimentation Control	
4.17	6/1/82	Use variances - Rockville commercial	
4.1	6/1/82	Condos in R-10 zones	
2	5/1/82	Use, Accessory definition	
10.15, 4.1, 4.2, 4.15, 4.17	7/1/82	Duplex - allowed	
21	9/1/82	Fee structure	
4.20	11/1/82	Rt. 83 Special Dev'l Zone	
4.20.6	2/1/83	Use variance prohibition	
4.21	3/1/83	Planned Commercial Zone	
2	5/24/83	Lot corner	
17.1	5/24/83	Alcoholic beverage sale by Special Permit	
3.3	6/23/83	Height of automobile garages	
14.1.1	6/23/83	POD approvals	

SECTION	*EFFECTIVE DATE*	*REMARKS*	*AMENDED BY APPLICATION NO.*
4.10.3	6/23/83	Repairer's license with car dealerships	
6.1.1.1	6/23/83	Lots of record ownership	
2	8/1/83	Retail sales comm. ed. Facilities	
16.3.4	8/1/83	Directional signs	
12.1	8/1/83	Daycare facility comm. ed. Facility	
21	9/21/83	Fee structure	
4	9/21/83	Billboards	
3.19	12/1/83	Roadside selling	
18.6.4	1/1/84	Off street parking setbacks	
21.2.7	1/2/84	Fees for plan modifications	
4.6.1.1	3/1/84	MHP size to 15 acres	
2, 3, 4, 18, 19, 20, 21,22	6/1/84	Roadside selling, lot, condos/multiple single family dwellings	
2	8/24/84	Animal definitions	
4.15.3.6, 17.3.6	10/22/84	Hospitals added	
4.22, 12, 2	1/1/85	GZ zoning	
12	2/2/85	Off street parking	
2, 17	5/1/85	Elderly housing	
2, 18	7/5/85	Erosion/Sed. Control	
4.17	10/25/85	Site Plan/Sp. Permit mod.	
14.1.3.	4/12/86	Remove time limits	
14.2	10/10/86	POD Criteria	
12.3.15, 12.1	11/15/86	Off street parking	
2.4, 12	12/1/86	Emergency Shelters	
4.17.4	12/1/86	Multiple single family in RC	
4.3.4.6	12/1/86	Municipal Non Profit Rec	
4.7.2, 4.7.4	2/12/87	Multi Family to Special Permit	
16, 2.4	7/1/87	Signs	
6	7/1/87	Lots of record	
4.12.4.7	11/1/87	Small engine repair GI zones	
2	1/15/88	Streets, public utility structures, day care	
3.11	1/15/88	Public street access	
1, 6, 11	1/15/88	Non conforming dates	
4.7.5	1/15/88	Bedroom mix	
13.1.9	1/15/88	Deleted	
14.2.4	1/15/88	P.A. 87-533	
16.1.5	1/15/88	Signs to property lines	
17.3	1/15/88	Special Permit approval	
4.9.3.8, 4.10.3.5,			
4.11.2.4, 4.21.5.7	1/15/88	Delete massage establishment	
12.3, 15	1/15/88	Off street parking P.O.D. approval	
2.27.1, 2.91.1	1/15/88	Move to Section 3	
4.1, 4.2, 4.3, 4.4, 4.5	1/15/88	Day Care facilities	
12.3.9	1/15/88	Access drives	
4.17	1/15/88	Day Care Centers	
4.2, 4.3, 4.4	1/15/88	Delete multiple single family	
2.6, 18.5.1	4/1/88	Certifying Agent ESCP	
4.7.4	5/1/88	Single/Two families in PRD	
17.2	6/15/88	Appeals from ZEO to ZBA	
4.6	6/15/88	Mobile Home Decks	
4.16.3.4	7/15/88	Vocational training facilities	
12.1.24	7/15/88	Parking for vocational training	
2	12/15/88	Residential floor area, affordable housing; community rec; aquifer protection	

SECTION	*EFFECTIVE DATE*	*REMARKS*	*AMENDED BY APPLICATION NO.*
3.20	12/15/88	RC zones multiple buildings per lot	
3.22	12/15/88	vacancy rates	
4	12/15/88	Minimum floor areas	
4.20	12/15/88	Add. Comm.. rec. facilities	
10	12/15/88	Minimum floor areas	
12	12/15/88	Underground parking, parking for comm. rec. loading dock locations, stacked park	
11/3	12/15/88	clarify language	
14	12/15/88	delete 90 day requirement on mylar filing, delete references to staff 400,000 per 10 yr. Approval, delete 12 copy requirement	
15	12/15/88	require POD for all movement, fill or excavation of earth, delete 15.1.1.	
19	12/15/88	Revise fee schedule	
2	1/1/89	Definitions of lot, lot coverage, open space; retail sales, mobile, manu-factured homes; day care services	
3	12/15/89	Back taxes, frontage on streets, surfacing, roadside	
4	12/15/89	Lot coverage, contract zoning for affordable housing, day care centers, restaurants as Special Permits	
5	12/15/89	Substantial improvements, damage	
11	12/15/89	Non-conforming intent	
12	12/15/89	Size of spaces pavement of vehicle storage; setbacks	
14	12/15/89	Delete 14.2, Special Permits over 35 parking spaces, site plan wording	
15.1.2	12/15/89	Wording to site plan	
16	12/15/89	Delete billboards confiscation	
17	12/15/89	Zoning violation alcoholic beverages	
2/3	5/15/90	Accessory building def. & uses	
4.9,4.10,4.11	5/15/90	Rest. As Sp. Permits	
4.21	5/15/90	Lot width	
14.1.8	5/15/90	Off site road improvements	
16.2	5/15/90	Real estate signs	
19	5/15/90	Fee structure/enforcement	
2,4,12	8/15/90	Adult day care	
3.23	11/1/90	Delete Back Taxes slips	
4	11/1/90	Delete Family Day Care	
5	1/1/91	Flood hazard	
3	1/1/91	Delete buffer strip; fences one foot from line	
15	1/1/91	Residential excavation	
4	1/1/90	MHP street length	
5.7.5.8	4/1/91	Flood hazard def.	
14.1.4	4/1/91	Time frames for start of const.	
4.6.5.8	12/1/91	Mobile home site width	
2,4	12/1/91	Bed & Breakfasts	
19	1/1/92	Rear lots	
	1/1/92	MPOD (Comm/Industrial) Design (Review)	
	1/1/92	Appeals to ZBA, eliminate conflict with building codes	
4.6	3/1/92	Mobile Home Placement	
3.19	3/1/92	Roadside Selling	
14.2	3/1/92	Delete Criteria	
4.9/4.10	3/1/92	Special Permit Thresholds	
2.40	5/15/92	Frontage definition	
4.20.2	5/15/92	Uses	
4.20.5	5/15/92	I-84 MPOD	
4.4.46	5/15/92	Composting sites	
4.5.4.7	5/15/92	Composting sites	

SECTION	*EFFECTIVE DATE*	*REMARKS*	*AMENDED BY APPLICATION NO.*
12.1	5/15/92	Use changes	
17.3.3	5/15/92	Historic zoning MPOD	
3.3	5/15/92	Access building	
9.1	5/15/92	Landscaping buffer strips	
4	5/15/92	Organic recycling	
20	7/1/92	Aquifer Protection Regs	
4.6	11/15/92	MHP Subdivisions	
4.9.3	11/15/92	Repair License Procedures	
20.7	11/15/92	Delete Section 20.7.3	
4.9.4	12/1/92	Gasoline Sales	
2	4/1/93	Rear lot definition	
19.2.8	4/1/93	Clarify procedures	
4.20.4.16.1	4/1/93	Outdoor recreational facilities floor areas	
2/4.9	6/1/93	Massage Regulations	
20	11/1/93	Stratified Drift Areas Added	
14	11/1/93	Time Frames (P.A. 93-19)	
4.6	12/1/93	Delete 4.6.5.4.4	
12.3.12	1/1/94	Clarify outside parking	
16.3	2/15/94	Second Free Standing Sign	
3/4/4.9	2/1/95	Home Occupations, Burial of materials, Residential Uses in Commercial zones Repairer's license Requirement	
4.9	5/15/95	Alcoholic beverage approvals	
15.1	5/15/95	Time frames/Special Permits	
2	9/1/95	Define hospital	
16.2/21.7.7	10/1/95	Define Non full service restaurants	
20.6.4/4.9.4	10/1/95	Map amend aquifer zones	
4.9	11/1/95	Independent Massage Therapy	
4.17	11/15/95	Clarify sign procedures	
17.1.1	1/15/96	20,000 sq. foot except sep. dist.	
22	5/1/96	Fee structure	
17.1.1	5/1/96	Alcoholic beverage, bowling alleys	
4/20	6/1/96	Delete coverage, heights make Special Permit threshold	
4.20	6/1/96	Indoor movie theaters	
4.20	8/15/96	MPOD Revisions	
16	12/1/96	Sign Policy	
16	2/1/97	Banner; Free standing signs	
23	8/1/97	Telecommunication facilities	
3	2/15/98	Building below street level	
15	3/1/98	Rock crushers; 50-yard min.	
23	3/1/98	Tower heights	
2	4/14/98	Day care in nursing homes	
3.14	4/15/98	To all zones	
2/3	4/15/98	Adult day care/trash and debris	
2/4	5/15/98	Assist. Living facilities	
3	5/15/98	Sidewalk installation	
6	7/1/98	Existing lots	
3.19	9/15/98	Roadside selling	
21	9/15/98	Design Review Procedures	
2/4.10	9/15/98	Redemption Centers	
4.20	10/15/98	1 acre min. SED	
2.59	4/1/99	Elderly Housing private dev.	
3.20	4/1/99	Elderly Housing	
17.4	4/1/99	Elderly Housing setback, coverage	

SECTION	*EFFECTIVE DATE*	*REMARKS*	*AMENDED BY APPLICATION NO.*
23.4	4/1/99	Towers on rear lots	
4.9	4/1/99	Delete license types	
4.10.4.10	4/15/99	Add banks	
5	6/1/99	Flood hazard	
4.20	6/1/99	Lot width	
4.23	6/15/99	Mixed-use development zone	
16.1.4	12/1/99	Add business	
3.20	1/15/2000	M.U.D. exception	
22	1/15/2000	Make all fees uniform	
3.18	4/15/2000	Below grade building	
4.23/16	4/15/2000	Signs in MUD zones	
14.1.9	6/1/2000	Offsite improvements	
14.1.1	10/15/2000	Comm/Ind. In Resid Zones	
12.3.14	10/15/2000	"Replacement"	
21.4	10/15/2000	Wetlands Plants	
2.128	10/15/2000	Clarify hazard material	
2	4/1/01	Define Applicant	
17.1.2	6/1/01	Separating distances	
4.22.3	6/1/01	Delete S.F. home mandates	
16.1.13	6/1/01	Signs on same parcel	
4.9.4.1	6/15/01	Mixed Uses	
4.23.4.9	4/21/02	Planned MUD District	
4.24.5.13	9/5/02	Add Day Care Centers	
3.25	4/7/03	Sidewalks	
1.2, 14.1.1.1 & 4.24	5/30/03	Historic District Downtown Business & Residential (DBR)	
20.4.2.20	11/17/03	Aquifer Protection	
2.132. 3.4 & 3.22	02/02/05	Definition of 'Accessory Buildings'	
4.23.1.1	02/02/05	Extend Moratorium for PMUD	
Section 9	02/02/05	Landscape Buffer Strips	
Sections 2,3,4, 13,14,17,	05/05/05	Adaptive Re-use of Mill Properties	PZ-2005-07
4.24	7/2/05	PDZ (Gerber Farm)	PZ-2005-18
4.25	7/2/05	PDZ (Exit 67 Area)	PZ-2005-18
Section 2.61	02/15/06	Kennels	PZ-2005-23
4.9.4.13	02/15/06	Delete	PZ-2005-23
4.10.2.9	02/15/06	Delete	PZ-2005-23
4.9.4.13	02/15/06	Commercial District Kennel	PZ-2005-23
4.10.4.15	02/15/06	Industrial District Kennel	PZ-2005-23
4.20.4.21	02/15/06	SED District Kennel	PZ-2005-23
2.60	2/15/06	Delete Definition- Housing for the Elderly	PZ-2005-29
4.1,4.2,4.3,4.4,4.5,4.7,	2/15/06	Delete Special Permits Housing for Elderly	PZ-2005-29
4.15,4.16,4.17,4.24,25	2/15/06	Delete Special Permits Housing for Elderly	PZ-2005-29
2.35 - 2.43	2/15/06	Dwelling	PZ-2005-29
2.55A, 2.55b, 2.55c	4/15/06	Historic district use, local, national register	PZ-2005-30
14.1.1.3	4/15/06	Plan of development and modifications in historic districts	PZ-2005-30
17.2.1.3	4/15/06	Special exceptions in/abutting historic districts	PZ-2005-30
2.114	5/5/06	delete	PZ-2005-31
2.106 -1,2,3	5/5/06	Sign Advertising,	PZ-2005-31
16.1.14	5/5/06	message board	PZ-2005-31
16.3.8,.9,	5/5/06	message board	PZ-2005-31
4.9.4.24, 4.10.4.16,			
4.14.4.13, 4.17.3.32,			
4.19.3.8, 4.20.4.22,			

SECTION	*EFFECTIVE DATE*	*REMARKS*	*AMENDED BY APPLICATION NO.*
4.21.5.15, 4.22.8.7,			
4.23.5.23, 4.24.4.3.14.4,			
4.25.4.3.15.4 5/5/06			
4.74.18, 4.74.19,			
4.24.4.3.16, 4.25.4.3.17,			
4.25.4.3.18	9/25/06	Home Occupations	PZ-2006-15
3.9	7/8/07	Delete Fences	PZ-2007-15
4.1.4, 4.2.5, 4.3.5, 4.4.5,			
4.5.5, 4.6.7, 4.7.9, 4.9.5,			
4.10.5, 4.14.6, 4.15.5,			
4.16.5, 4.17.5, 4.18.4,			
4.19.4, 4.20.6, 4.22.6,			
4.21.7, 4.22.6, 4.23.6,			
4.24.5, 4.25.5, 20.9	5/6/07	Use Variances	PZ-2006-31
4.24.2.3, 4.24.4.3.15.7,			
4.24.7.4	5/6/07	PDZ-Gerber Front Yards	PZ-2007-06
4.25.2.3, 4.25.4.3.16.7,			
4.25.7.4	5/6/07	PDZ-Exit 67 Front Yards	PZ-2007-06
3.28, 4.5.4.11	5/24/07	Outdoor Wood Burning Furnaces	PZ-2007-02
4.24.2.7 , 4.24.2.8,			
4.24.4.1.5, 4.24.4.1.6,			
4.24.4.1.7, 4.24.4.2.1,			
4.24.4.3.2.3,			
4.24.4.24.4.3.15.5,			
4.24.4.3.15.9, 4.24.4.4			
4.25.2.7, 4.25.2.8,			
4.25.4.1.5, 4.25.4.1.6,			
4.25.4.1.7, 4.25.4.2.1,			
4.25.4.3.16.5, 4.25.4.3.16.9,			
4.25.4.4, 12.4, 20.4.2.25	7/29/07	PDZ, LID, Parking, Aquifer Protection	PZ-2007-16
22.2.1-22.2.16		Application fees	PZ-2007-08
4.22.5, 4.22.7	12/3/07	Garden Zone - Floating Zone	PZ-2007-25
2.65 , 2.84 , 2.136			
2.137 , 2.139, 2.140,			
3.10, 4.2.1 et. seq.,		Open space & yard definitions, captions for area & yard	
4.7.6, 4.20.5.1, 4.26	1/24/08	requirements in residential zones, new open space zone	PZ-2007-19
2.106.3, 16.1.1	3/28/08	Electronic Message Board	PZ-2008-03
16.1.5, 16.1.10	10/8/08	Signs, portable	PZ-2008-15
13.10	10/10/08	Storage containers, dumpster	PZ-2008-15
4.27	10/24/08	Comprehensive Multifamily Dwelling zone	PZ-2008-17
3.12	10/28/08	Storage of boats & trailers	PZ-2008-15
2.56, 3.28	3/23/09	Home Based Business	PZ-2008-19
9.1-9.4	9/25/09	Landscape Buffer Strips	PZ-2009-13
14.1.1-14.1.10, 14.2	9/25/09	Site Plan Requirements	PZ-2009-13
4.23.5.15	11/12/09	Tattoo Studio, HD-DBR zone	PZ-2009-17
3.26	10/21/10	Adaptive Reuse	PZ-2010-13
4.25.2	11/17/10	PDZ-Exit 67 Area: Area and Yard Requirements	PZ-2010-17
4.1.3.8, 4.2.4.8, 4.3.4.8,			
4.4.4.8, 4.5.4.9, 4.15.3.8,		Change home occupation in residential & mixed use zones to home	
4.16.3.8, 4.23.5.15	8/25/11	based business of major - type 2	PZ-2011-03
4.9.2.2, 4.9.2.3, 4.9.3.2,			
4.9.3.3, 4.9.4.4, 4.9.4.10,		Changes to permitted uses, special exception uses, and special	PZ-2011-17

SECTION	*EFFECTIVE DATE*	*REMARKS*	*AMENDED BY APPLICATION NO.*
4.9.4.12, 4.9.4.21	6/15/12	permit uses in the Commercial zone	
4.10.2.15, 4.10.2.16	6/15/12	Changes to permitted uses in the Industrial zone	PZ-2011-17
4.10.4.1, 4.10.4.9, 4.10.4.10	6/15/12	Changes to special permit uses in the Industrial zone	PZ-2011-17
4.16.3.3	6/15/12	Change in nomenclature in the HD-Neighborhood R-10 zone	PZ-2011-17
4.19.2.6, 4.19.2.7, 4.19.2.8	6/15/12	Changes to permitted uses in the HD-Industrial zone	PZ-2011-17
4.19.3.1, 4.19.3.2, 4.19.3.4	6/15/12	Changes to special permit uses in the HD-Industrial zone	PZ-2011-17
4.21.5.16, 4.21.5.17, 4.21.5.18			
4.21.5.19, 4.21.5.20	6/15/12	Changes to special permit uses in the Planned Commercial zone	PZ-2011-17
4.23.5.21, 4.23.5.24, 4.23.5.25	6/15/12	Changes to special permit uses in the Downtown Business &	
		Residential zone	PZ-2011-17
4.9.2, 4.9.3, 4.9.4, 11.1.1,		Restrictions on sales of used vehicles, changes to qualification of non-	
11.1.1.2, 12.5, 12.6	3/27/2013	conforming uses, add sections on access mgmt & shared parking	PZ-2013-01
2.74A, 3.15, 3.25, 4.26.1,			
4.26.2, 9.1, 9.3.4, 9.3.7,		Incorporate Low Impact Development (LID) requirements into	
13.9, 14.1.2, 21.4.9	5/1/2013	relevant sections of the zoning regulations	PZ-2013-02
1.3A, 3.7, 4.9.2.15, 7.5,	12/3/13	Changes to general provisions, permitted uses, cluster development	PZ-2013-18
12.1.27		and off-street parking.	
24, 25		Rockville Village District Overlay Zone was added renumbered.	PZ-2013-22
2.9, 2.17, 2.34, 2.86, 2.104,	3/23/15	Definitions - additions	PZ-2015-01
4.9.2.14	3/23/15	Require a site plan with commercial parking facilities	PZ-2015-01
13.10.4, 13.10.6	3/23/15	Addition of Police Chief approval to dumpsters and time limits	PZ-2015-01
13.11	3/23/15	Addition of section on Permanent Shipping/Cargo Storage Containers	PZ-2015-01
13.12	3/23/15	Charitable Donation Collection Bins	PZ-2015-01
20.3.2	3/23/15	Amendments to Aquifer Protection Maps	PZ-2015-01
2.121	6/6/15	Definition - Amendment to definition of Street, Public	PZ-2015-05
1.2, 1.5, 1.6.	6/4/15	General - Amendments, deletions and clarifications	PZ-2015-08
2.6, 2.7, 2.17A, 2.21, 2.22, 2.33, 2.36, 2.43.1, 2.46,2.55, 2.70, 2.71, 2.72, 2.79, 2.85, 2.87, 2.97, 2.98, 2.100, 2.122, 2.125, 2.127, 2.136, 2.137, 2.139, 2.140	6/4/15	Definitions - Amendments, deletions and clarifications	
3.20, 3.22, 3.23	6/4/15	General Provisions: Deleted reference to MUD and deleted definition and clarified	PZ-2015-08
4.1.1.8, 4.2.4.9, 4.4.4.9,	6/4/15	Reformatting, deletion of some text, correct typographical errors	PZ-2015-08
4.5.1.8, 4.6.5.4.4, 4.8,			
4.9.4.11, 4.10.6, 4.15.6,			
4.17.3.12, 4.23.5.18,			
4.23.5.19, 4.24.4.1.5			
4.24.4.3.15.5,			
4.24.4.3.15.9, 4.24.4.3.15.9.4			
4.25, 4.25.4.1.5,			
4.25.4.3.16.5.1.3			
4.25.4.3.16.9, 4.25.7.1.4			
4.25.7.2.1, 4.25.7.3,			
12.1.15	6/4/15	Correct typographical errors	PZ-2015-08
17.1.1, 17.1.2.3	6/4/15	Reformatting, correction typographical errors	PZ-2015-08
18.3.2.1,18.3.2.1.1	6/4/15	Correct typographical errors	PZ-2015-08
20.4.2.25, 20.6.4	6/4/15	Deleting text that is superseded by previously approve PZ-2015-01	PZ-2015-08
22.2.8, 22.2.12	6/4/15	Deletion or and redefining minor mod application fee	PZ-2015-08
4.9.4.1	2/8/16	Mixed Commercial and Multi-Family Uses	PZ-2015-17
17.1.1	12/15/16	Addition of alcoholic liquors manufacturers	PZ-2016-18
4.4.4.11	11/15/17	Addition of Adaptive Re-Use	PZ-2017-09