
ROCKY HILL

ZONING REGULATIONS



Rocky Hill Planning and Zoning Commission

Approved January 4, 2006

Effective February 1, 2006

Rocky Hill Planning and Zoning Commission

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AMENDMENTS

Add Section 1.3.4	Zoning Boundary dividing property	Effective 11/10/06
Add Section 6.5.5	Satellite Antennas	Effective 1/5/07
Add 4.3.5	Landscape area RC & C Zone	Effective 6/1/07
Amend Section 4.3.1	RC & C Zones-Open Space & Impervious Coverage	Effective 6/1/07
Amend Section 7.10.3	Ownership and Occupancy Standards, Active Adult	Effective 3/27/08
Add 8.1A	Pre-Application Reviews	Effective 7/23/09
Add Section 8.7.4-B- 2	Sub-section a Plot Plan Requirements	Effective 3/24/10
Section 2.2	Definition of "Filling" Modified	Effective 9/29/11
Section 2.2	Definition of "Street" Modified	Effective 9/29/11
Section 7.12.2B	Minimum Requirement for filling	Effective 9/29/11
Amend Section 2.2	Definition of Community/ Building/Center	Effective 2/22/12
Amend Section & Add:	Community Building Center	Effective 2/22/12
4.1.1 O	Special Permit Uses in Regional Commercial District	
4.1.2 N	Special Permit Uses in Commercial District	
4.1.3 L	Special Permit Uses in Office Park District	
4.1.4 M	Special Permit Uses on Business Park District	
Amend Section		
2.2 Definition:	"Commercial Vehicle", Existing Deleted New Definition added	Effective 5-28-14
2.2 Definition:	"Vehicle, Commercial", Deleted	Effective 5-28-14
2.2 Definitions:	Gross Vehicle Weight Rating", Added	Effective 5-28-14
Add 3.4.8	Accessory structures, Temporary Structure	Effective 6-25-14
Amend Section 2.2	Definition: Licensed Medical Marijuana Dispensary	Effective 2-11-15

Amend 2.2 Definition: Licensed Medical Marijuana Producer Effective 2-11-15

Add to Section 4.1.1 Special Permit Uses: S. licensed medical marijuana dispensary Effective 2-11-15

Add to Section 4.1.2 Special Permit Uses: R. licensed medical marijuana dispensary Effective 2-11-15

Add to Section 4.1.4 Special Permit Uses:

N. licensed medical marijuana producer Effective 2-11-15

O. licensed medical marijuana dispensary Effective 2-11-15

Add Section 7.13 Medical Marijuana Effective 2-11-15

Modify Section 4.1.2 and Add Mixed Use to Special Permit Uses Effective 5-1-15

Modify Section 4.1.3 Removed Mixed Uses Effective 5-1-15

Modify Section 4.1.5 Remove Mixed Uses Effective 5-1-15

Modify Section 4.3.5 not applicable to Mixed Use Development Effective 5-1-15

Add to Section 2.2 Definitions: Affordable Housing, Affordable Housing Set Aside, Apartment Unit, Condominium Unit, Mixed Use, Multifamily Unit Effective 5-1-15

Add Section 7.14 Mixed Use Development Effective 5-1-15

Add Appendix E. Silas Deane Reinvestment Plan Effective 5-1-15

Modify Section 2.2 Definitions Mixed Uses Effective 3-8-16

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APPENDIX E The Silas Deane A Vision for Reinvestment Action Items and Design Guidelines. Wethersfield and Rocky Hill, Connecticut, prepared by Fuss & O'Neill in association with Ferrero Hixon Assoc., dated April 2006.1505

SECTION 1 INTRODUCTION

1.1. AUTHORITY

These Regulations are adopted under the authority of Connecticut General Statutes Chapter 124, as amended.

1.2. PURPOSE

These Regulations are adopted to further the following general purposes:

- to promote the orderly growth and development of the Town in accordance with the adopted Plan of Conservation and Development,
- to promote the health, safety and general welfare of the community by lessening congestion in the streets, preventing overcrowding of land, avoiding undue concentration of population, and facilitating adequate provision for transportation, water, sewerage, schools, parks, and other public requirements, and
- to divide the Town into districts with considerations to the character of each district and its suitability for particular uses, so as to conserve the value of buildings and promote the most appropriate use of land throughout the Town.

1.3. ZONING DISTRICTS AND MAP

1.3.1. Zoning Districts: In order to carry out the provisions of these Regulations, the town is hereby divided into districts, designated as follows:

R-40	R-40 Residence District
R-20	R-20 Residence District
RC	Regional Commercial District
C	Commercial District
OP	Office Park District
BP	Business Park District
FP	Flood Plain District
W	Waterfront District
A	Agricultural District

1.3.2. Official Map: The boundaries of zoning districts are established on the official Zoning Map filed in the Office of the Town Clerk. This map, together with all explanatory matter thereon, is hereby adopted by reference and made a part of these Regulations. Any facsimile of the official map is intended for the convenience of the public only, and shall not be considered to be the official Zoning Map of the Town.

- 1.3.3. District Boundaries: Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:
- A. boundaries indicated as abutting right-of-way lines of streets, highway or alleys shall be construed as extending to the center line of such streets, highways or alleys;
 - B. boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;
 - C. boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
 - D. boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with actual shore line; boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines;
 - E. boundaries indicated as parallel to or extension of features indicated in Subsections (a) through (d) above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map; and
 - F. in cases of uncertainty, the Commission shall determine the location of the boundary.
- 1.3.4. Where a zoning boundary divides a lot in single ownership, then in the development of a portion of the property in one zone, the applicant shall be entitled to use the portion of the property in the other zone for purposes of determining required open space and the use of said property for providing that open space partially in the form of a conservation easement, and for the purpose of providing surface parking; provided, however, that any required buffer between commercial and residentially-zoned property shall be maintained between the parking area and residentially-zoned property and provided further that, if the primary development is in the commercially-zoned property, then not more than twenty-five percent (25%) of the required parking spaces may be located in the residentially-zoned portion of the property. (Effective November 10, 2006)

1.4. INTERPRETATION OF REGULATIONS

- 1.4.1. Prohibited if not Clearly Permitted: Any use of land, buildings, or structures not clearly permitted by these Regulations in the various zoning districts is prohibited. Activities not clearly permitted in these Regulations are prohibited.
- 1.4.2. Minimum Requirements: In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare, unless the context clearly indicates that such provision is intended to be a maximum limitation.

- 1.4.3. Conflicts: Where any conflict arises between the provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that establishes the greatest restriction upon the use of land, buildings, or structures or imposes the highest standard shall control.

1.5. CONFORMITY REQUIRED

- 1.5.1. No building, structure, or land shall be used or occupied except in conformity with these Regulations for the zone in which the building, structure, or land is located.
- 1.5.2. No building or other structure or part thereof shall be erected, moved, replaced, reconstructed, extended, enlarged, or altered except in conformity with these Regulations for the zone in which the building, structure, or land is located.
- 1.5.3. No land shall be sold or divided in a manner which results in a use of all or a part thereof ceasing to conform to these Regulations.
- 1.5.4. No lot shall be diminished in area except in conformity with the provisions of these Regulations.
- 1.5.5. No yard, setback, or other minimum requirement shall be reduced except in conformity with the provisions of these Regulations.
- 1.5.6. No height, coverage, or other maximum requirement shall be increased except in conformity with the provisions of these Regulations.
- 1.5.7. No land shall be sold or divided in a manner which results in a dimensional or any other standard that does not conform to the requirements of these Regulations.
- 1.5.8. All accessory uses shall be located on the same lot with the principal uses to which they are accessory. Accessory uses and/or structures shall not be located, established or continued on a lot without the prior establishment of a permitted principal use; nor shall any new lot be created that has an accessory use or structure without a principal use.
- 1.5.9. No yard or other open space provided about any building for the purpose of complying with the provisions of these Regulations shall be included as any part of the yard or open space for any other building; no yard or any other open space on one lot shall be considered as a yard or open space for a building on any other lot. Should a lot hereafter be formed from a part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair conformity with any of the requirements of these Regulations with respect to the existing building and all yards and other required spaces in connection therewith, and no permit shall be issued for the erection of a building on the new lot thus created unless it complies with all the provisions of these Regulations (see illustration in Appendix B.1).
- 1.5.10. Exceptions
 - A. The erection of a structure shall not, however, be prohibited on a lot in single ownership filed or recorded in the Office of the Town Clerk prior to the

effective date of these Regulations which lot is defined as a non-conforming lot in Section 2.2, provided that the owner of any such lot did not own sufficient adjoining land at the time of adoption of these Regulations to conform therewith, and provided that all further conditions and stipulations of Section 7.1.12 are met.

- B. In accordance with CGS Section 8-2h, an application, which is in conformance with the applicable Regulations as of the time of filing, shall not be required to comply with any change in the Regulations or the boundaries of zoning districts taking effect after the filing of such application.
- C. Uses not listed: any use not specifically permitted in a district shall be deemed to be prohibited within said district unless the commission determines that such use is similar to a specified permitted use and consistent with the intent of these regulations

1.6. ADMINISTRATIVE PROVISIONS

1.6.1. Repealer

Any and all provisions of Regulations heretofore adopted by the Commission are hereby repealed, except that any violations of such Regulations already existing or any offense or penalty incurred may still be prosecuted.

1.6.2. Pending Applications

Any valid Variance, Special Permit, Building Permit, Site Plan approval, Certificate of Zoning Compliance or Certificate of Occupancy, which was issued before the effective date of these Regulations shall be unaffected by the provisions of these Regulations.

1.6.3. Validity

Should any Section of these Regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof.

1.6.4. Effective Date

The effective date of these Regulations shall be February 1, 2006.

SECTION 2 DEFINITIONS

2.1. GENERAL TERMS

- 2.1.1. The words and phrases set forth in these Regulations shall be construed as defined in this Section, unless otherwise clearly qualified by their context.
- 2.1.2. Certain words contained herein shall be interpreted as follows:
- A. The word "shall" is mandatory and not discretionary.
 - B. The word "may" is permissive.
 - C. When not inconsistent with the context:
 - 1. words in the present tense include the future and vice-versa,
 - 2. words in the singular include the plural and vice-versa, and
 - 3. words in the masculine include the feminine and neuter and vice-versa.
 - D. The word "lot" includes the word "parcel" and the word "plot".
 - E. The words "occupied" or "used" include the words "designed, arranged or intended to be occupied or used."
 - F. The words "zone", "zoning district", and "district" have the same meaning.
 - G. The word "person" also includes a partnership, association, trust, corporation or other legal entity.
 - H. The word "building" includes "structure, or part thereof".
 - I. Where the verb "use" is employed, it shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, reconstructed, rented, or leased to be used."
 - J. The word "Regulations" and the phrase "these Regulations" shall refer to the entire Zoning Regulations.
 - K. The word "Statutes" and the acronym CGS shall refer to the Connecticut General Statutes.
- 2.1.3. Words not defined in this Section shall be interpreted by the Commission after consulting:
- A. the Building Code,
 - B. the Connecticut General Statutes,
 - C. the Illustrated Book of Development Definitions,
 - D. Black's Law Dictionary, and
 - E. a comprehensive general dictionary.

2.2. DEFINED TERMS

ABANDONMENT: To cease/discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, renovation or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

ACCESSORY APARTMENT: A second dwelling unit contained within or added onto an existing single-family residence and which is clearly subordinate to the main dwelling unit. A second kitchen not part of a self-contained subordinate dwelling unit shall not constitute an accessory apartment.

ACCESSORY BUILDING: A roofed and enclosed subordinate structure larger than 100 square feet.

ACCESSORY USE: A subordinate use, clearly incidental and related to the principal structure, building, or use of land, and located on the same lot as that of the principal structure, building, or use.

ACTIVE ADULT HOUSING: A managed residential development the occupancy of which is limited, as permitted by state and federal fair housing laws, to those aged 55 and over.

AFFORDABLE HOUSING: housing for which people and families pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) of the area mean income for the municipality in which such housing is located, as determined by the United States Department of Housing and Urban Development. (Effective 5-1-15)

AFFORDABLE HOUSING SET ASIDE: when the number of Multifamily Housing units in a Mixed Use development is ten (10) or more total, ten percent (10%) of such units that are Apartment Units are required to be designated as Affordable Housing as defined herein, and ten percent (10%) of such units that are Condominium Units are to be encouraged to be designated as Affordable Housing as defined herein. (Effective 5-1-15)

AGRICULTURE: See FARM

ALCOHOLIC BEVERAGE OR LIQUOR: As defined in the General Statutes.

ALTERATION: As applied to a building or structure, means a change or rearrangement, in the structural parts or in the exit facilities or an enlargement, whether by extending on a side, by increasing in height, or the moving from one location or position to another.

APARTMENT UNIT: a room or suite of rooms, including no more than two (2) bedrooms, that is a portion of a structure containing Multifamily Housing and/or a nonresidential use, and that is rented, leased or hired out to be occupied as a home or residence of one or more persons. (Effective 5-1-15)

ASSISTED LIVING FACILITY: A managed residential development that is restricted, to the extent allowed by State and Federal law, to persons who are 55 or more years of age or disabled, and provides residents three meals per day, personal care services, transportation, housekeeping services, and other assistance with activities of daily living, so that they may maintain a maximum level of independence.

AQUIFER: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of potable water.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within Rocky Hill subject to a one percent or greater chance of flooding in any given year. The area may be designated as a Zone A (A-A30) on the "Flood Boundary and Floodway Map" and is delineated on the Rocky Hill Zoning Map as the Flood Plain Overlay Zone.

AUTOMOTIVE SERVICE STATION: Any building, place, or location designed to supply motor vehicles with fuel, oils, greases, automobile sundries, or for the inspection, testing, and examination of said motor vehicles, or for the repair and replacement of automotive parts.

BASE FLOOD: The flood having a one percent chance of being equaled, or exceeded in any given year, corresponding to the Flood Plain Overlay zone delineated on the Rocky Hill Zoning Map.

BASEMENT: (as distinguished from CELLAR): A room or story partly under-ground and having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided or used for dwelling purposes or business purposes.

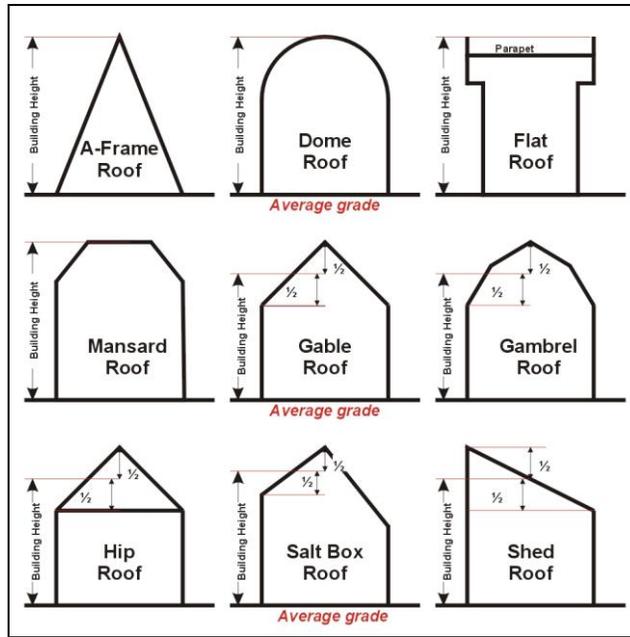
BUFFER, BUFFER AREA OR BUFFER STRIP: A strip of land along a property line or zone boundary which shall be free of any building or use other than natural woody growth, landscaping, fencing or screening to provide visual and noise separation and which may be within or part of the minimum setback requirement.

BUILDABLE LAND: That area of a parcel of land exclusive of land designated as floodplain, inland wetland, or watercourse, or with pre-development slopes in excess of 20%.

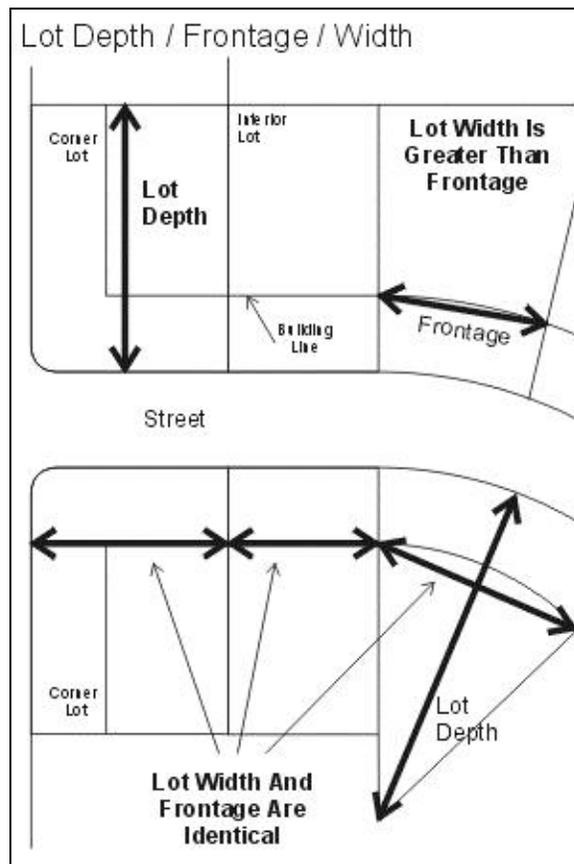
BUILDING: An independent structure having a roof supported by columns or walls resting on its own foundation, and including shed, garage, greenhouse, and other accessory buildings. A detached building is one separated on all sides from adjacent buildings by open space from the ground up.

BUILDING, ACCESSORY: A subordinate building larger than 100 square feet, the use of which is customarily incidental to that of a principal building on the same lot. Any building used or designed to be used as a dwelling shall not be considered an accessory building.

BUILDING HEIGHT: The vertical distance measured from the average level of the finished grade along all walls of the building to the highest point of the roof for A-frame, dome, and flat roofs (including the top of any parapet); to the deck-line of for mansard roofs; and to the average height between the eaves and ridgelines for gable, gambrel, hipped, salt-box or shed roofs. Chimneys, spires, and other projections shall not be counted, so long as they comprise no more than 25% of the aggregate roof area (see illustration below).



BUILDING LINE: A line parallel to the street line at a distance equal to or greater than the required front yard (see illustration below).



BUILDING, NON-CONFORMING: A building that conforms to these Regulations as to its use, but does not conform with respect to size, area, height, setback, or either detail, for the zone in

which it is situated, which non-conforming was lawful at the time these Regulations or amendments thereto became effective.

BUILDING, PRINCIPAL: A building in which has conducted the main or principal use of the lot on which said building is situated.

CAR: Any motor vehicle designed to be driven on the public way and normally considered as a passenger automobile. This term is also used to include most vans, pick-up trucks, panel trucks, and limousines. Limitations of height and width of most carwash facilities prohibit use by large trucks and buses.

CARWASH: Any facility, including structures and accessory uses operated wholly or partly to wash and clean cars.

CARWASH, AUTOMATIC: Any facility, including structures and accessory uses operated wholly or partly to wash and clean cars using conveyORIZED automatically operated mechanical equipment.

CARWASH, SEMI-AUTOMATIC: Any facility, or part of a facility, in which the car is driven to a stationary position and the automatically operated mechanical carwash equipment moves around the car. Normally the car is driven to the wash position by the driver of the car and that person remains in the car throughout the operation. Directions to the driver are normally communicated by means of illuminated signs and signals, sometimes augmented by audible signals.

CAR WASH, SELF-SERVE: Any facility or part of a more extensive facility, in which the car is washed by hand by the customer, using equipment that is primarily hand held and frequently coin operated, such as a pressure hose.

CATERING ESTABLISHMENTS: Any premises which has an adequate, suitable and sanitary kitchen, dining room, and facilities to provide hot meals, which does not have sleeping accommodations for the public and which is owned or operated by any person, firm, association, partnership, or corporation that regularly furnishes or hire on such premises, one or more ballrooms, reception rooms, dining rooms, banquet halls or similar places or assemblage for a particular function, occasion or event or that furnishes provisions and services for consumption or uses at such function, occasion or event and which employs an adequate number of employees on such premises at the time of any such function, occasion or event.

CELLAR (as distinguished from BASEMENT): A room of story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be permitted to be used for dwelling or business purposes, however, the storage of materials and private residential recreational uses are permitted.

CEMETERY: Land used or intended to be used for the burial of the human dead and remains of such, and dedicated for cemetery purposes.

CHANGE OF USE: The alteration of an existing use in a building or on a tract of land so that a more stringent section of the Zoning Regulations becomes applicable.

CHURCH: A building where persons regularly assemble for religious worship, and which building is maintained and controlled by a religious body organized to sustain public worship.

CLUB: Buildings and facilities owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, to which membership is required for participation and is not operated primarily for profit.

CLUSTER HOUSING: Houses grouped in clusters or small neighborhoods, concentrated in the most appropriate buildable areas of a site, with the remainder of the property commonly held as open space for environmental and recreation uses. A cluster plan shall maintain the overall density permitted by the underlying district, or allow a greater density according to a bonus formula, in recognition of the provision of various percentages of units qualifying as affordable housing in accordance with Section 8-2 CGS and PA 91-392. Clustering shall allow flexibility in individual lot size and setback requirements for reduced single-family lots, as well as detached and two family attached condominiums with no lots.

COFFEE SHOPS, SODA, AND ICE CREAM SHOPS: Any establishment whose principal business is the sale of foods, frozen deserts, or beverages to patrons seated at a counter, booth, or tables within the building. Such establishment may or may not have kitchen facilities, has limited seating capacity and does not serve full course meals.

COMMERCIAL: Interchange of goods or commodities, including the offering of personal and professional service.

COMMERCIAL VEHICLE: Any vehicle or equipment regularly used to carry, deliver, handle or move goods in the conduct of a business, commerce, profession or trade, and which has two or more of the following characteristics:

1. Exceeds (gross vehicle weight rating) GVWR of nine thousand pounds (9,000);
2. Exceeds seven (7) feet in height from the base of the vehicle to the top;
3. Exceeds twenty (20) feet in length;
4. Has more than two (2) axles;
5. Has more than four (4) tires in contact with the ground;
6. Used, designed and built to carry more the eight (8) passengers;
7. Designed to sell food or merchandise from the vehicle or trailer itself;
8. Banners, signs, logos, advertising or markings identifying the owner or registrant, a trade, business, service or commodity;
9. Has modifications such as but not limited to platform rack, ladder rack, or mechanical equipment such as a hoist used to facilitate the carrying of goods or equipment;
10. Commercial plate or registration

Commercial Vehicles used on a farm for activites associated with that farm, and which are not in violation of any other Town Regulation and/or Town Ordinance, are exempt from the definition of Commercial Vehicle.

The following types of vehicles when regularly used to carry, deliver, handle or move goods in the conduct of business, commerce, profession or trade shall be considered commercial

vehicles: step vans, cargo vans, box trucks, flat bed or stake bed trucks, buses semitrailers, tractor trailers dump trucks wreckers and trailers for commercial purposes. The following types of equipment shall also be considered commercial vehicles: earth moving equipment, cement mixers trenching and pipe laying equipment and other similar type of contractors/construction/site work equipment. (Effective 5-28-14)

COMMERCIAL-WHOLESALE: a commercial establishment, excluding membership warehouse clubs, that generally sells commodities in large quantities or by the piece to retailers, jobbers (middlemen between manufacturers and retailers), wholesale establishments, or manufacturing establishments, basically for the use in the fabrication of a product or for use by a business.

COMMUNITY BUILDING/CENTER: A building occupied by a public or private organization or group for recreational, social, or civic purposes, and containing no dwelling units, sleeping accommodations, or public merchandising facilities. (Effective 2-22-12)

COMMISSION: The Planning and Zoning Commission of the Town of Rocky Hill.

CONDOMINIUM UNIT: An individually sold room or suite of rooms, including no more than three (3) bedrooms, that is a portion of a structure containing Multifamily Housing and occupied as a home or residence of one or more persons. (Effective 5-1-15)

CONSERVATION SUBDIVISION: A subdivision of land resulting in parcel layout and open space set aside that meet special permit requirements for such development.

COVERAGE, BUILDING: That percentage of the lot covered by the ground level area of buildings and other structures as well as specified building appurtenances.

COVERAGE, IMPERVIOUS: That percentage of the lot covered by the ground level area of buildings and other structures as well as specified building appurtenances, pavement, and other impervious surface (see illustration in Appendix B.6).

CUL-DE-SAC: A street with only one opening or connection, ending in a circular traveled way.

CURB CUT: The opening along the curb line at which point vehicles may enter or leave the roadway.

CURB LEVEL: The permanently established grade of the street at the edge of pavement, or at the base of the curb, in front of a lot.

DATA CENTER: A building in which the primary operations are the collection, processing, storage and retrieval of data by electronic means together with the programming and administrative support thereof.

DAYTIME: Shall mean the hours between 7:00 a.m. and 7:00 p.m.

DECK: A porch-like structure or portion of a structure that is usually constructed of wood with structural supports and having a height of more than eight inches.

DEPOSIT: For the purpose of these Regulations with respect to the movement of earth material, shall include, but shall not be limited to, fill, grade, dump, place, discharge or emit.

DRAINAGE: The controlled removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion, reduce suspended solids and maximize groundwater recharge during and after construction or development.

DRIVE-IN ESTABLISHMENT OR FACILITY: A business establishment providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicles or else intended to permit consumption in the motor vehicle of food or beverage obtained from said establishment (e.g. restaurants, service stations, cleaners, banks, theaters, etc.).

DRIVE-IN FACILITY: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

DUSTLESS SURFACE: A surface adequately covered with concrete, asphalt, or bituminous products, unless otherwise prescribed by the Commission, and maintained in good condition at all times.

DWELLING: Any building or portion thereof arranged for the use of one or more individuals living together as a family.

DWELLING UNIT: Any dwelling unit intended to be occupied by one family.

EARTH: Includes, in addition to earth as commonly understood, soil, loam, gravel, rock, stone, clay, or any other material of which the ground is composed.

ELDERLY HOUSING: Dwelling units for elderly occupancy in detached, semi-detached, attached or two-storied structures or any combination thereof, including condominium, apartment, cooperative and/or congregate units.

EMERGENCY HOUSING: Temporary housing accommodation whenever a dwelling unit has been involuntarily destroyed so as to become un-inhabitable by either one or combination of the following: Fire, Flood, Tornado, Hurricane, Wind Storm, Lightening, Earthquake, Vandalism, or any other catastrophe.

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

ESCAPE LANE: A traffic lane a minimum of 10 feet in width such that a vehicle can exit the property from the RESERVOIR AREA of a CARWASH, prior to the entrance of the car wash building in case of vehicle problems, emergency, or change in customer preference.

EXCAVATION: The digging out, extraction, regrading, or removal of earth, whether exposed or covered by water, so as to alter its natural contour, or its contour existing at the effective date of Section 7.13.

FAMILY: One or more persons related by blood marriage or adoption and their domestic servants maintaining a common household, or not more than four (4) unrelated persons maintaining a common household.

FAMILY DAY CARE HOME: A private family home, caring for not more than six children, including the provider's own children not at school full-time, where the children are cared for not

less than three nor more than 12 hours during a 24-hour period, where care is given on a regularly recurring basis, and where the principal provider of the services resides on the premises.

FARM, FARMING OR AGRICULTURE: The use of a lot at least five acres in area, either as a principal use or an accessory use, for the purpose of producing agricultural, horticultural, floricultural, vegetable, and fruit products of the soil, and may include the raising of horses and other domestic farm animals. Riding academies, stables, dog kennels, the breeding, raising or habitation of fur-bearing animals, commercial poultry farms, stands for the sale of products or the commercial processing of the products of the farm, shall not be included.

FENCE: A barrier of any material or combination of materials erected to enclose, separate, screen or buffer areas of land.

FILLING: The depositing of clean fill such as soil, sand, gravel, rock, clay, asphalt paving fragments which satisfy the definition of "Clean fill" pursuant to Section 22a-209-1 of the Regulations of Connecticut State Agencies, as amended, and/or other materials which satisfy said definition of "Clean fill." (Effective 9/29/11)

FLOOD-PRONE AREA: Any land susceptible to partial or complete inundation by water from any source.

FLOOR AREA, GROSS: The sum of the gross horizontal area of every floor of a building including hallways, stairs, closets, the thickness of interior walls, columns and other features, measured from the exterior faces of all outside walls, except that elevator areas, stair bulkheads, mechanical rooms, janitor facilities, terraces, steps, porches, garages, basements and attic areas, not designed for human occupancy, shall not be included in the calculation.

FLOOR AREA, NET: 85 percent of GROSS FLOOR AREA.

FOOD SERVICE, ACCESSORY: A designated portion of a principal building which dispenses food service to employees and guests of the building in which the use is located, i.e., a cafeteria or lunchroom.

FRONTAGE: The linear distance between the side lot lines of a lot measured at the street line, which frontage shall be in a fee simple on a public street (see illustration – BUILDING LINE).

FUNERAL HOME: An establishment with facilities for the preparation of the dead for burial, for viewing the body and calling on the bereaved, for meditation, and for funeral services. A funeral home may include accessory facilities such as offices, chapels, director's residence, libraries, and the like, but shall not include a crematory.

FUR-BEARING ANIMAL: An animal that is customarily bred and raised for the use of its pelt for clothing or decoration of clothing such as mink, fox, or rabbit.

GARAGE: A building for the parking or storing of motor vehicles.

GFA: See FLOOR AREA, GROSS.

GLA: See GROSS LEASABLE AREA

GRADE, FINISHED: The final elevation of a particular point above or below a given reference datum.

GRADING: Any excavating, grubbing, filling (including Hydraulic fill), or stockpiling of earth materials or any combination thereof, resulting in a change of contour or elevation.

GROUP DAY CARE HOME: A residential structure which offers or provides a program of supplementary care to not less than seven nor more than twelve children on a regular basis for a portion of the 24 hours in one or more days in the week.

GROSS LEASABLE AREA (GLA): The total floor area designed for tenant occupancy and exclusive use, expressed in square feet, measured from the center lines of joint partitions and the inside face of exterior outside walls.

GROSS VEHICLE WEIGHT RATING: GVWR is defined by the manufacturer of the vehicle. (Effective 5-28-14)

HOME OCCUPATION: Any permitted business that is conducted entirely within a dwelling in a residential zone and is clearly incidental and secondary to the use of the building for residence purposes and does not change the residential character of the dwelling or the surrounding area.

HOTEL: A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms and recreational facilities.

KENNEL: The housing or keeping of more than three dogs for show, boarding, temporary care, or sale.

KITCHEN: A room, place, or space within a structure equipped for the preparation and/or cooking of food.

LICENSED MEDICAL MARIJUANA DISPENSARY (DISPENSARY): A pharmacist licensed pursuant to Chapter 400j of the Connecticut General Statutes, who the Department of Consumer Protection has licensed to acquire, possess, distribute and dispense medical marijuana pursuant to CGS Section 21a-408 to 21a-408q inclusive of an 'Act Concerning the Palliative Use of Marijuana' and who is located on the premises of a pharmacy licensed by the Connecticut Commission of Pharmacy. Effective 2-11-15

LICENSED MEDICAL MARIJUANA PRODUCER (PRODUCER): A person or organization licensed by the Connecticut Department of Consumer Protection as a producer under CGS 21a-408-1 through 21a-408-70, whose purpose is to cultivate marijuana for palliative use, including selling, delivering, transporting and distributing such marijuana, but only to State licensed dispensaries under Sections 1 through 15, inclusive of the 'Act Concerning the Palliative Use of Marijuana.' Effective 2-11-15

LIVESTOCK: Animals kept, raised, or offered for sale on a farm.

LIVING SPACE: The floor area of a dwelling unit finished for occupancy but not including porches, utility rooms, garages, bay windows or public hallways and capable of maintaining an interior room temperature of 70 degrees Fahrenheit with adequate ventilation when outside temperature is zero degrees Fahrenheit and having ceiling heights in accordance with the applicable provisions of the Building Code.

LOADING SPACE: The required off-street area for the loading or unloading of goods.

LOT: A parcel or plot of land having definite boundaries in a deed or subdivision plan recorded in the Land Records, not divided by streets or property boundaries, which may be occupied by one or more principal buildings and accessory buildings, together with such open spaces as may be required under these Regulations, and having its principal frontage in fee simple on a public street.

LOT OF RECORD: A lot that is part of a recorded subdivision in the Office of the Town Clerk, or a lot described by metes and bounds which has been recorded in the Office of the Town Clerk prior to January 2, 1975.

LOT AREA: The entire horizontal area within the lot lines.

LOT, CORNER: A lot whose lines have an interior angle of less than 135 degrees at the intersection of two (2) street lines. A lot on a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection on the side property lines, intersect an interior angle of less than 135 degrees.

LOT, FRONTAGE: The distance measured along the full length of the front lot line and having access in fee to a public street (see illustration – BUILDING LINE).

LOT, INTERIOR: A lot other than a corner lot having frontage on a public street (see illustration in Appendix B.1).

LOT, NON-CONFORMING: A non-conforming lot is a lot that was lawfully created prior to the effective date of the zoning regulations but does not conform to the minimum lot area and/or minimum lot frontage requirements established in Sections 3, 4, and 5 for the zoning district in which it is located.

LOT, THROUGH: A lot other than a corner lot having frontage on two public streets or two frontages on the same public street even if one frontage does not meet the minimum requirement (see illustration in Appendix B.1).

LOT, REAR: A lot located to the rear of another lot fronting on the same street and served by an accessway owned in fee by the owner of the rear lot (see illustration in Appendix B.1).

LOT LINE: The boundary of a lot. The front lot line shall be that boundary along a street; rear lot line shall be the boundary farthest from the street; and side lot line shall be any other lot line, generally extending perpendicular to the street (see illustration in Appendix B.1).

MANUFACTURING: The making of goods or wares by manual labor or by machinery.

MIXED USE: A combination of a commercial use or uses permitted in, and meeting the applicable standards of, the underlying district, which use or uses shall include residential use or uses. Retail use and/or recreational, cultural, civic and/or educational uses not limited to occupants and guests of the residential component shall be included where practicable. All categories of use shall be substantial elements of the overall project, and be complementary and be physically and functionally integrated. The project shall be designed to facilitate and encourage internal and external pedestrian access to the extent reasonably practicable; Effective 3-8-16.

MOBILE HOME: See TRAILER, MOBILE HOME.

MOTEL: A building or group of buildings, containing apartments and/or rooming units, each of which maintains a separate outside entrance. The building or group of buildings is designed, intended or used primarily for the sleeping accommodations of automobile travelers and provides parking spaces conveniently on site.

MULTIFAMILY HOUSING: allowed only as a component of a Mixed Use development is a classification of housing in which multiple Apartment Units and/or Condominium Units are contained within one or more buildings within one complex. Any proposal for more than twenty-five (25) units of Multifamily Housing must be supported by a school impact study. (Eff. 5-1-15)

NIGHTTIME HOURS: Shall mean the hours between 7:00 p.m. and 7:00 a.m.

NON-BUILDING USE: A principal use of land to which buildings on the lot, if any, are accessory, such as a public parking lot or open storage yard for materials.

NON-PROFIT ORGANIZATION: Any organization recognized by the Federal Internal Revenue Service as being non-profit.

NURSERY: An area of at least five acres devoted to the commercial raising and sale of trees and plants.

NURSERY SCHOOL: A facility that provides daytime care or instruction for more than five children (including those who live on the premises) and includes but is not limited to family day care centers, group day care centers, pre-school and other similar establishments regulated by the State.

OPEN SPACE, MINIMUM: Where referred to in Area and Bulk Requirements, shall mean natural or landscaped areas not occupied by structures or impervious surface, the minimum dimension of which shall be six feet.

OPEN SPACE: That ground area and the space above which is unimpeded from the ground to the sky by any building except that the area may be used for landscaping, recreational purposes such as for swimming, shuffle board, tennis, and associated, structures or buildings. Parking lots, driveways, sidewalks, and storage areas for vehicles and material shall not be considered open spaces.

OVERLAY ZONE: A zone in which a common set of standards is applied to a designated area that lies within one or more zoning districts. These regulations apply in addition to those of the underlying zoning district.

PARKING LOT: An open area other than a street used for the parking of more than four automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers. Private driveways serving single-family, duplex or two-family dwelling units are not subject to this definition.

PARKING SPACE: The area required for the temporary storage of a motor vehicle not including aisles and driveways giving access thereto; located in other than a public street or other public way; and having a permanent means of access to a public street without requiring passage through another parking space.

PATIO: See TERRACE

PERSON: Any individual, person, firm, partnership, association, corporation, organization or legal entity of any kind including municipal corporations, government agencies or subdivisions thereof.

PERSONAL SERVICE BUSINESS: An internal business or use which a form of service such as a barber, dry cleaners, business service, or craftsman but not including the sale of products except where incidental to the principal service-oriented use.

PET: An animal that is domesticated and usually kept in the home.

PRIVATE: Confined to, or intended, only for the person or persons immediately concerned.

PRIVATE SCHOOL: Any school which meets the State of Connecticut requirements for primary or secondary education and which is not operated by the Town or State.

PUBLIC: Belonging, or available, to all the people in Town.

PUBLIC AND SEMI-PUBLIC USES: Uses such as churches, libraries, post offices, and facilities of the Town, the State, or the U.S. Government.

PUBLIC SCHOOL: Any school operated by the Town or State.

PUBLIC UTILITIES: Any use essential to the transmission and/or distribution of a service by an agency under franchise from the State to provide the public with telephone, electricity, gas, water, sewage collection, cable TV or similar service but excluding any facilities connected therewith for the actual production thereof.

QUEUING AREA: That portion of a drive-through facility devoted to the temporary storage of vehicles waiting in line for service. The driver is normally in control of the vehicle while in the queuing area. This area is frequently referred to as a reservoir or storage area.

RECREATIONAL FACILITY: A private facility designed to house passive and active recreational activities, including athletics, swimming and games. Instructional and day camp activities may take place in a recreational facility, and occasional overnight camping activities may take place accessory to the day camp activities. A recreational facility may provide incidental sale of snacks, incidental sales, or rental of sports equipment, and nursery facilities but shall not furnish for hire ballrooms, reception rooms, dining rooms, banquet halls, pavilions, picnic grounds, or similar places of assembly for particular functions.

A recreational facility shall be generally available to the public subject to the space limitations of the facility, those reasonable rules and regulations established by the owners of the facility, and payment of that cost established by management. Access to the facility may be on a membership basis, provided that memberships are generally available to the public. Such members shall meet from time to time as part of the management of the facility. A recreational facility shall contain at least 20 contiguous acres.

RECREATIONAL VEHICLE: A portable vehicle built on a chassis and designed to be used as a temporary dwelling for travel and recreational purposes. Recreational vehicles shall include campers, travel trailers, boats, boat trailers and motor homes, but shall not include mobile homes.

RESIDENCE: Any dwelling unit or group of dwelling units.

RESTAURANT: Space in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where hot meals are regularly served, but which has no sleeping accommodations for the public and which shall be provided with an adequate and sanitary kitchen and dining room and shall have employed therein at all times an adequate number of employees.

RESTAURANT-FAST FOOD: Any establishment whose principal business is the sale of foods, frozen deserts or beverages to the customer in a ready-to-consume state, usually served in paper, plastic or other disposable containers, for consumption within the restaurant building, elsewhere on the premises, or for carry out for consumption off the premises.

RIGHT-OF-WAY/STREET: The area of a public or private street, between the parallel boundary lines of that street.

SEDIMENT: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion as per Section 6.12.

SETBACK: The minimum required distance from any street line or lot line to the closest point of any building, structure or use, measured in a straight line from, and most nearly perpendicular to, such street line or lot line from such point (see illustration in Appendix B.1).

SHOPPING CENTER: A group of five or more commercial establishments existing on a single tract of land and owned or managed as a unit of not less than 20,000 square feet GFA on a minimum of three (3) acres of land.

SIGN: Any advertisement, announcement, banner, billboard, direction, display, flag, illumination, illustration, insignia, lettering, logo, pennant, picture, structure, or other visual communication device, however made, placed, displayed, painted, supported or attached, intended for use for the purpose of advertisement, identification, publicity or notice when visible from any street or from any lot other than the lot on which the sign is located. Signs placed or erected by governmental agencies or non-profit civic associations for a public purpose in the public interest shall not be included therein, nor shall this include signs that are a part of the architectural design of a building. Non-Commercial flags or any single flag per pole displayed on flag poles or staffs, as shown on an approved site plan, will not be considered to be signs.

SIGN, ARCHITECTURAL: A sign that is an integral part of a building.

SIGN, BILLBOARD: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the lot where such sign is located.

SIGN, BUSINESS: A sign that directs attention to the name of a business, the name of a product, or a type of service that is offered on the same premises the sign is located.

SIGN, CANOPY: A sign placed on the vertical panels of a canopy, or located above and supported by the canopy and extends no higher than the parapet wall or roof eaves.

SIGN, CONSTRUCTION: A sign on a site that is to be developed or is being developed.

SIGN, DIRECTIONAL: A sign that directs and gives guidance to the public but does not contain any listing or advertising.

SIGN, FREESTANDING: A sign that is not attached to a building and is supported on its own permanent foundation. Novelty signs may be temporarily attached to a building or other support, but do not have their own permanent support.

SIGN, IDENTIFICATION: A sign on the premises that identifies the name of the building located on the same premises.

SIGN, MARQUEE: A sign placed on the vertical panels of a marquee.

SIGN, MECHANICAL: A sign that involves motion or rotation for any part, or which displays flashing lights, intermittent lights, or creates an illusion of movement.

SIGN, NAMEPLATE: A sign located on the premises indicating the names of the occupant of the premises or the names and nature of a home occupation.

SIGN, NOVELTY: Any banner, pennant, valance, or other advertising display usually constructed of cloth, fabric, cardboard or like material and intended to be displayed for a short period of time.

SIGN, PROJECTION: A sign supported by a building and projecting more than 18 inches from the building.

SIGN, PUBLIC INFORMATION: A sign informing the public of matters of public nature such as political campaign posters, social and service organizations, church activities, governmental activities. This type sign is generally temporary.

SIGN, ROADSIDE: A sign that directs attention to the sale of agricultural products grown on the premises.

SIGN, TEMPORARY: A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, or any other special events of a temporary nature.

SIGN, WALL: A sign placed on the wall of building but not extending above the roofline or parapet wall.

SINGLE-FAMILY DETACHED DWELLING: A one family house surrounded by open land on all sides.

SOIL: Any unconsolidated mineral or organic material of any origin.

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, as prescribed by Section 6.12.

STABLE: The housing or keeping of more than three horses for riding, show, boarding, temporary care, or sales.

STATE: The State of Connecticut.

STOOP: Any raised entrance platform with one or more steps leading up to it.

STORE, RETAIL: A use primarily devoted to the retail sale of a commodity.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if its ceiling is more than five feet above the elevation from which the height of the building is measured, or if a floor area in excess of 50 percent of the floor area directly above it used for any purpose other than accessory storage, vehicular parking, or housing or mechanical equipment (such as facilities for heating, plumbing, electrical, water, waste disposal and the like) attached to and required to serve the building.

STREET: A public thoroughfare that affords the principal means of access to abutting property. The term "street" shall mean and include only: (1) a street accepted as a Town Street; (2) a street whose layout has been approved by the Commission; or (3) a street maintained by the Town.

A street, under (1) and (3) above, shall be constructed of a pervious and an impervious layer only, unless located within a Floodplain Overlay District or a wetland, in which case only a pervious layer is required. Such pervious layer shall consist of fill and/or other materials determined to be acceptable under the Connecticut Department of Energy and Environmental Protection Regulations, as may be amended. (effective 9-29-11)

STREET LINE: A dividing line between a lot and a street right-of-way.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. As used in these Regulations, structures shall be deemed to include, but not be limited to, buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicap ramps, permanent awnings, a gas or liquid storage tank that is principally above ground, ground-mounted antennas, ground-mounted solar panels and satellite dishes and fences or walls more than six feet in height, other than retaining walls (Revised 2/4/91).

STRUCTURE, ACCESSORY: A subordinate structure, including an accessory building, the use of which is customarily incidental to that of a principal structure or building on the same lot. Any structure used or designed to be used as a dwelling shall not be considered an accessory structure.

STRUCTURE, PRINCIPAL/PRIMARY: A structure that accommodates the primary use of a lot and/or site on which it is situated.

STRUCTURAL ALTERATION: Any change in the supporting members of a building such as bearing walls, columns, beams or girders or other work requiring a Building Permit under the State Building Code.

SUPPER CLUB: An establishment primarily serving meals to the public, but also allowing entertainment.

SWIMMING POOL: Any structure capable of containing water and intended for swimming, bathing or recreational use, provided the same has a potential water depth of a least 18 inches or at least 100 square feet of water surface area.

TEMPORARY: A non-permanent structure or use, the time period for its existence or operation shall be as specified in these Regulations or as determined by the Commission.

TENNIS AND OTHER GAME COURTS: A specially prepared, level playing surface with either a full or partial enclosure or fence protecting the playing area for tennis, basketball, paddleball, platform tennis, racquetball or similar games. Tennis and other game courts shall be deemed structures.

TERRACE OR PATIO: An improved or graded area located on the ground with no structural supports other than subsurface base material and retaining walls. A terrace or patio located at grade or ground level shall not be deemed a structure.

TOWN: The Town of Rocky Hill, Connecticut.

TRAILER, AUTOMOBILE: Any of the various types of vehicles, either with motor power or designed to be drawn by a motor vehicle and to be used for human habitation.

TRAILER CAMP: Any lot, parcel, subdivision or area of land which is used or permitted to be used for the parking of more than one occupied trailer or mobile home.

TRAILER, MOBILE HOME: Any vehicle or similar portable structure which is or can be used for sleeping, living, or working quarters and which is, has been, or can be mounted on wheels, whether or not resting upon a temporary or permanent foundation.

TWO-FAMILY DWELLING: A single-family dwelling attached to an adjacent single-family dwelling by a common wall or garage, and having its own ground floor and at grade entrance.

USE: The specific purpose for which a building, structure or land 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 non-conforming use.

USE, NON-CONFORMING: A use of land or of a building or both which does not conform to these Regulations as to the use in the zone in which it is situated, which non-conformity was lawful at the time these Regulations or amendments thereto became effective.

USE, PRINCIPAL: The primary or predominant use of any lot or building.

WATERCOURSE: Any river, stream, brook, waterway, lake, pond, marsh, swamp, bog, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through, or border upon the Town or any portion thereof not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

WETLAND: Any land, including submerged land as defined in these regulations, not regulated pursuant to Sections 22a-28 through 22a-35 inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resource and Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites, which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey. Such lands are schematically shown on the map entitled "Town of Rocky Hill Official Inland Wetland & Water Courses Map" (as it may be amended from time to time). In the event of reasonable

doubt as to the classification as "Wetland" of any particular body of water or area of land, the actual character of the soil, as competently verified and accepted by the Open Space and Conservation Commission, shall determine whether the area in question is a wetland.

YARD: An open space, other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward.

YARD, FRONT: A yard extending across the full width of the lot and lying between the street line of the lot and a parallel line at a distance therefrom as specified by these Regulations (see illustration in Appendix B.1).

YARD, REAR: A yard extending across the full width of the lot and lying between the rear property line of the lot and a parallel line at a distance therefrom as specified by these Regulations (see illustration in Appendix B.1).

YARD, SIDE: A yard between the side line of the lot and a parallel line at a distance therefrom as specified by these Regulations, and extending from the front yard line to the rear yard line (see illustration in Appendix B.1).

ZBA: The Zoning Board of Appeals of the Town of Rocky Hill, Connecticut.

ZEO: The Zoning Enforcement Officer of the Town of Rocky Hill, Connecticut.

SECTION 3 RESIDENTIAL DISTRICTS

3.1. PURPOSES

- 3.1.1. R-40: This district is composed of certain lands and structures in the Town having a low-density single-family residential character. A principal objective is to create a living environment of high standards for single-family dwellings, and to make it possible to efficiently program, install and maintain public facilities and services in terms of need resulting from a defined intensity of land use.
- 3.1.2. R-20: This district is intended to permit a limited increase in density while maintaining an environment of high standards and to make it possible to program, install, and maintain public facilities in terms of need resulting from a defined intensity of land use.

3.2. PRINCIPAL USES

- 3.2.1. The following principal uses shall be permitted as a matter of right in all residential districts subject to the issuance of any necessary zoning and building permits:
 - A. single-family dwellings,
 - B. farms, orchards, raising of crops, raising of livestock, and
 - C. multi-family housing developments in existence as of February 1, 2006.
- 3.2.2. The following principal uses shall be permitted in all residential districts subject to Site Plan Approval in accordance with Section 8.2 and subject to the applicable standards of Sections 6 and 7:
 - A. public schools and public buildings,
 - B. cemeteries, and
 - C. accessory apartments in compliance with Section 6.7.
- 3.2.3. The following principal uses shall be permitted in all residential districts subject to approval of Special Permit and Site Plan Approval in accordance with Sections 8.2 and 8.3 and subject to the applicable standards of Sections 6 and 7:
 - A. commercial greenhouses as part of an existing nursery operation,
 - B. churches, synagogues and places of worship,
 - C. community and municipal buildings for non-profit organizations,
 - D. public utilities,
 - E. public and private recreational facilities,
 - F. group day care homes.
 - G. conservation design subdivisions in the R-40 district only,

- H. housing for the elderly and assisted living facilities,
- I. active-adult housing, and
- J. any other use similar to a use permitted by Special Permit in a residential district, as determined by the Commission.

3.3. ACCESSORY USES

Accessory uses customarily and reasonably incidental to a permitted principal use.

- 3.3.1. Professional offices and home occupations subject to Section 6.8.
- 3.3.2. Temporary roadside stands for sale of products grown on the premises.
- 3.3.3. Signs subject to Section 6.4
- 3.3.4. Parking subject to Section 6.3.
- 3.3.5. Parking of commercial vehicles in compliance with Section 6.3.
- 3.3.6. Not more than two recreational vehicles (including boats) shall be permitted as accessory uses on a lot in any Residential District, provided such vehicles shall be:
 - A. parked or stored at all times in a fully enclosed structure, or it parked outdoors, not located within the required front yard, unless located on the driveway;
 - B. not used for living, recreation or business purposes while parked or stored on a residential lot; and
 - C. directly owned or leased by the owner or tenant of the premises on which they are stored.
- 3.3.7. In all residential Districts, the keeping of horses, ponies and other animals of the equine family shall be permitted only for the use of the occupants of the property, subject to the following land area and setback requirements:
 - A. There shall be a minimum lot area of two acres required for the first animal being kept and 1/3 acre for each additional animal with a maximum of 10 such animals.
 - B. No barn, shelter, or other buildings used for the housing of said animals, the storage of feed and supplies, or the storage of waste materials shall be located any closer than 75 feet from the property line.
 - C. The area used for the grazing, exercising, or training of said animals shall be securely fenced to prevent straying and to prevent the public from entering the enclosure.

This shall not be construed as allowing the establishment of any commercial enterprise.

3.4. ACCESSORY STRUCTURES

The following accessory structures shall be permitted in all residential districts subject to the issuance of any necessary zoning and building permits.

- 3.4.1. Satellite receiving antennas subject to Section 6.5.
- 3.4.2. Tents set in place for no longer than five days, including but not limited to those erected for weddings, outings (family, business) but not those which are part of a fair, carnival, or multi-use event.
- 3.4.3. Recreation structures for private use, including tennis courts, paddle tennis courts and similarly developed recreation structures that comply with all yard, coverage and other applicable regulations (see illustration in Appendix B.4).
- 3.4.4. A swimming pool that meets all the regulations affecting accessory buildings and the specific standards of Section 6.10.
- 3.4.5. Accessory buildings provided that:
 - A. no accessory building in a residential district shall be located in any front yard,
 - B. the total floor area of accessory buildings shall not exceed the gross floor area of the principal structure on the same parcel,
 - C. no accessory building shall be located in any side yard nearer to the side lot line than the minimum width required for a side yard for the principal building, or in a rear yard unless at least ten feet from any lot line, and
 - D. on corner lots in addition to the above requirements, no accessory building in a rear yard shall be located within the required setback of any adjacent street.
- 3.4.6. Notwithstanding any other Section of these Regulations, Emergency Housing as a temporary housing accommodation whenever a dwelling unit has been involuntarily destroyed so as to become un-inhabitable by either one or a combination of the following: Fire, Flood, Tornado, Hurricane, Wind Storm, Lightening, Earthquake, Vandalism, or any other catastrophe, subject to the standards of Section 6.9.
- 3.4.7. An underground shelter if not constructed as an integral part of any conforming principal or accessory building or structure, subject to the provisions of Section 6.11.
- 3.4.8. A single temporary structure, including membrane structures, no larger than 200 sq. ft. will be allowed on a Residentially Zoned Property for no more than 6 months in any 12 month period. Temporary structure permits shall be obtained from the Planning and Zoning Department. This Section is not applicable to farms, either existing as of the effective date of this Regulation and/or possible future farms as defined by the Zoning Regulations. (Effective 6-25-14)

3.5. HEIGHT AND AREA REQUIREMENTS

3.5.1. The requirements in the following table shall be deemed the minimum requirements in every instance of their application except for a Conservation Design Subdivision pursuant to Section 7.11 and subject to the dimensional specifications and exceptions of Section 3.5.2.

Standard	R-40	R-20
Maximum Density (units per acre of buildable land)	0.80	1.60
Min. Lot Area	40,000 sq. ft.	20,000 sq. ft
Maximum Building Coverage	12%	20%
Min. Lot Frontage	150'	100'
Cul-de-sac Frontage	For a lot abutting a cul-de-sac, the minimum lot frontage shall be measured 50' from the street line	For a lot abutting a cul-de-sac, the minimum lot frontage shall be measured 45' from the street line
Corner Lot Frontage	On a corner lot, the minimum lot frontage shall be 125' on each street.	On a corner lot, the minimum lot frontage shall be 125' on each street.
Minimum Depth, Front	60'	40'
Minimum Width, one side	30'	15'
Total Minimum Width, both sides	60'	30'
Minimum Depth, Rear	50'	25'
Maximum Building Height	35'	35'

3.5.2. The requirements in the following table shall be deemed the minimum requirements in every instance of their application to a Conservation Design Subdivision.

Standard	Conservation Design Subdivision
Maximum Density(units per acre of buildable land)	0.80
Maximum Building Coverage	15%
Minimum Open Space	40%
Minimum Lot Frontage	75'
Minimum Depth, Front: Public Street*	35'
Minimum Depth, Front: Private Street or Rear Lot	25'
Minimum Width, one side	15'
Total Minimum Width, both sides	30'
Minimum Depth, Rear	15'
Maximum Building Height	35'

Lots on existing streets must meet setback standards of Section 3.5.1.

SECTION 4 BUSINESS DISTRICTS

4.1. PURPOSES AND PRINCIPAL USES

4.1.1. Regional Commercial District

Purpose: To provide an area for more intensive retail and service type activities that attract business from a regional area with suitable highway access infrastructure.

Site Plan Uses

The following uses each containing less than 15,000 sq. ft. of GFA shall be permitted subject to Site Plan approval in accordance with Section 8.2 and the applicable standards of Sections 6 and 7:

- A. retail stores,
- B. personal services,
- C. offices,
- D. financial institutions, and
- E. farms, orchards and raising of crops, but excluding raising of livestock.

Special Permit Uses

The following uses shall be permitted subject to Site Plan approval and issuance of a Special Permit in accordance with Sections 8.3:

- A. restaurants, fast food restaurants, and similar eating establishments in accordance with Section 7.4,
- B. hotels and motels in accordance with Section 7.5,
- C. shopping centers in accordance with Section 7.3,
- D. sale of alcoholic beverages in accordance with Section 7.6,
- E. automotive service station in accordance with Section 7.7,
- F. sales of new or used automobiles,
- G. car washes,
- H. commercial amusements, including theaters, bowling alleys and similar uses,
- I. funeral parlors, where sewer and water service is provided to the lot,
- J. public utilities and transportation facilities,
- K. public schools and public buildings,
- L. private schools including nursery schools,
- M. public and private recreation,
- N. churches, synagogues, and places of worship,
- O. community buildings/center, Eff. 2-22-12
- P. Site Plan uses in structures exceeding 15,000 sq. ft.,
- Q. any retail or service use proposing drive-through service, and
- R. Assisted living facilities.
- S. licensed medical marijuana dispensary with Section 7.13, Eff. 2-11-15

4.1.2. Commercial District

Purpose: To provide an area of less intensive retail and service type activities to serve local areas and neighborhoods with a broad diversity of commercial uses.

Site Plan Uses

Special Permit Uses

The following uses each containing less than 10,000 sq. ft. of GFA shall be permitted within the Commercial District subject to Site Plan approval in accordance with Section 8.2 and the applicable standards of Sections 6 and 7:

- A. retail stores,
- B. personal services,
- C. offices,
- D. financial institutions,
- E. single-family residences,
- F. farms, orchards, and raising of crops, but excluding raising of livestock.

The following uses shall be permitted within the Commercial District subject to Site Plan approval and issuance of a Special Permit in accordance with Sections 8.3.

- A. restaurants and similar eating establishments in accordance with Section 7.4
- B. hotels and motels in accordance with Section 7.5,
- C. sales of alcoholic beverages in accordance with Section 7.6,
- D. shopping center in accordance with Section 7.3,
- E. automotive service stations in accordance with Section 7.7,
- F. commercial greenhouses,
- G. housing for the elderly in accordance with Section 7.9,
- H. funeral parlors, where sewer and water service is provided to the lot,
- I. public utilities and transportation facilities,
- J. public schools and public buildings,
- K. private schools including nursery schools,
- L. public and private recreation,
- M. churches, synagogues, and places of worship,
- N. community building/center, Eff. 2-22-12
- O. any Site Plan use exceeding 10,000 sq. ft. of GFA,
- P. any retail or service use proposing drive-through service, and
- Q. Assisted living facilities in accordance with Section 7.9.
- R. licensed medical marijuana dispensing facility with Section 7.13. Eff.2-11-15
- S. mixed use in C-MX Commercial –Mixed Use Zoning District, in accordance with Section 7.14 Effective 5-1-15.

Modifications Effective 5-1-15

4.1.2A C-MX Commercial-Mixed Use Zoning District Purpose: To provide an area within the center of Town where mixed use development, Section 7.14, would be allowed with a Special Permit or the uses of the underlying C-Commercial Zone would be allowed as indicated in Section 4.1.2

4.1.3. Office Park District

Purpose: To provide an area for large-scale office and light industrial uses in areas supported by the transportation infrastructure, with site design standards to maintain compatibility with nearby commercial and residential uses.

Site Plan Uses

Special Permit Uses

<p>The following uses shall be permitted in structures of 15,000 sq. ft. of GFA or larger within the Office Park District subject to Site Plan approval in accordance with Section 8.2 and the applicable standards of Sections 6 and 7:</p> <ul style="list-style-type: none"> A. offices, B. research and development, C. light assembly, D. farms, orchards and raising of crops, but excluding raising of livestock. <p>Modification Effective 5-1-15</p>	<p>The following uses shall be permitted within the Office Park District subject to Site Plan approval and issuance of a Special Permit in accordance with Sections 8.3</p> <ul style="list-style-type: none"> A. hotels and motels in accordance with Section 7.5, B. general warehousing and distribution, C. public utilities and transportation facilities, D. retail sales accessory to uses permitted by Site Plan or Special Permit, E. sale of alcoholic beverages, in accordance with Section 7.6, F. funeral parlors, where sewer and water service is provided to the lot, G. public utilities and transportation facilities, H. public schools and public buildings, I. private schools including nursery schools, J. public and private recreation, K. churches, synagogues, and places of worship, L. community building/center, Eff. 2-22-12 M. Site Plan uses in structures of less than 15,000 sq. ft. of GFA, and N. Assisted living facilities in accordance with Section 7.9.
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4.1.4. Business Park District

Purpose: To provide an area for light industrial uses in area where such uses presently exist and can be supported by the roadway and utility infrastructure, with site design and operational standards that ensure such uses are not environmentally detrimental to the surrounding area.

Site Plan Uses

Special Permit Uses

<p>The following uses shall be permitted within the Business Park District subject to Site Plan approval in accordance with Section 8.2 and the applicable standards of Sections 6 and 7:</p> <ul style="list-style-type: none"> A. offices, B. manufacturing, C. assembly, D. warehousing and distribution of goods manufactured or assembled on premises, and E. farms, orchards and raising of crops, but excluding raising of livestock. 	<p>The following uses shall be permitted within the Business Park District subject to Site Plan approval and issuance of a Special Permit in accordance with Sections 8.3:</p> <ul style="list-style-type: none"> A. wholesale commercial, B. general warehousing and distribution, C. research and development, D. hotels and motels in accordance with Section 7.5, E. contractor yards and lumber yards, F. public and private recreation, G. funeral parlors, where sewer and water service is provided to the lot, H. public utilities and transportation facilities, I. retail sales accessory to permitted mfg. or warehousing, J. public schools and public buildings, K. private schools including nursery schools, L. churches, synagogues, and places of worship, and M. community building/center. Eff. 2-22-12 N. licensed medical marijuana producer with Section 7.13, Eff. 2-11-15 O. licensed medical marijuana dispensary with Section 7.13, Eff. 2-11-15
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4.1.5. Waterfront District

Purpose: To provide an area for mixed uses, retail, and services that are compatible with and appropriate to Connecticut River proximity and access.

Permitted Uses

Special Permit Uses

<p>The following uses shall be permitted within the Waterfront District subject to Site Plan approval in accordance with Section 8.2 and the applicable standards of Sections 6 and 7:</p> <p>A. farms, orchards and raising of crops, but excluding raising of livestock.</p>	<p>The following uses shall be permitted within the Waterfront District subject to Site Plan approval and issuance of a Special Permit in accordance with Sections 8.3:</p> <p>A. retail stores, B. personal services, C. offices, D. studios and galleries, E. restaurants and similar eating establishments in accordance with Section 7.4, F. hotels in accordance with Section 7.5, G. sale of alcoholic beverages in accordance with Section 7.6, H. residential use, I. active-adult housing, J. marinas. Modifications Effective 5-1-15</p>
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4.2. ACCESSORY USES

4.2.1. In all non-residential districts, accessory uses and accessory structures on any parcel used for residential use as of February 1, 2006 shall be permitted in accordance with Sections 3.3 and 3.4.

4.2.2. In all non-residential districts, the following accessory uses are permitted with the issuance of any required zoning and building permits:

- A. temporary roadside stands for products grown on the premises,
- B. signs subject to Section 6.4,
- C. signs as part of a group sign plan in accordance with Section 6.4.8 with the issuance of a Special Permit,
- D. parking and loading subject to Section 6.3,
- E. satellite receiving antennas,
- F. a swimming pool that meets all the regulations affecting accessory buildings and the specific standards of Section 6.13, and
- G. uses customarily accessory to a permitted use, as determined by the Commission.

4.3. HEIGHT AND AREA REQUIREMENTS

4.3.1. The requirements in the following table shall be deemed the minimum or maximum requirements in every instance of their application, subject to the dimensional specifications and exceptions of Section 7.2. Dimensions are in feet unless otherwise indicated.

	Regional Commercial District	Commercial District	Office Park District	Business Park District	Waterfront District
Min. Lot Area	1 acre	20,000 sq. ft.	3 acres	20,000 sq. ft.	20,000sq. ft.
Max. Building Coverage	30%	30%	30%	40%	30%
Max. Total Impervious Coverage	75%	75%	55% multi-story 65% single story	75%	40%
Minimum Landscaped Area	25% ³	25% ³	45% multi-story 35% single-story	25%	60%
Minimum. Lot Frontage	175' 125' existing and new shared access	175' 125' existing and new shared access	300' state or arterial 200' town or internal road	125'	50'
Minimum Depth, Front	35'	35'	50'	50'	25'
Min Width, one side	15'	15'	45'	35'	15'
Total Min. Width, both sides	30'	30'	90'	70'	30'
Min. Depth, Rear	20'	20'	55'	55'	25'
Max. Building Height¹	35'	45'	55' (4 stories)	55' (4 stories) or 75' ² (6 stories) ²	35'

¹ All rooftop equipment and appurtenances shall be fully enclosed with a suitably aesthetic enclosure and shall not exceed ten feet above the roofline (see Section 7.2.1).

² Maximum building height in the Business Park District may be increased to 75 feet or 6 stories with the provision structured parking that at a minimum accommodates the additional floor area above four stories (see Section 4.3.4)

³ See Section 4.3.5

4.3.2. All non-residential development shall have a minimum six (6) foot wide landscaped area, exclusive of driveways and sidewalks, around the entire

perimeter of the lot, or around the exterior perimeter of any consolidated lots conforming to Section 4.3.3.

- 4.3.3. For the purpose of integrating development in a particular non-residential district or in similar adjoining districts, any number of contiguous parcels may be consolidated for the purpose of development and the consolidated parcel shall be construed to be one lot when computing building coverage and yard requirements and permitted uses, provided:
- A. the owner of each lot shall give to the owner of each lot in the consolidated parcel by deed, easement, or agreement filed in the office of the Town Clerk, the right of entrance, exit, passage, parking, and loading;
 - B. the consolidated parcel is developed with an integrated plan of buildings, access, parking, loading, and required landscaping; and
 - C. the Commission may require or limit use of access driveways to one or more parcels, whether or not under separate ownership, in accordance with the parking and access plan required by Section 6.3.6.
- 4.3.4. The maximum building height in the Business Park District may be increased to 75 feet or six (6) stories with the provision structured parking to at least accommodate the additional floor area above four stories. Nothing in this regulation shall preclude the provision of structured parking for buildings of four stories or less.
- 4.3.5 In RC- Regional Commercial and C-Commercial Zoning Districts at least 50% of the required landscaped area under Section 4.3.1 shall be located between the building façade that faces the street and the street line.

The Commission may reduce the portion of the Minimum Required Landscaped Area to be located between the street line and the building façade facing the street, from the 50% requirement stated above, downward to a requirement of 30% when requested by the Applicant and :

- 1. accommodates unique circumstances specific to the subject site;
- 2. is deemed by the Commission to not materially detract from the site development plan; and
- 3. would promote more harmonious development with adjacent sites.” Effective 6/1/07

This Section (4.3.5) is not applicable to Mixed Use Developments approved under Section 7.14. (Effective 5-1-15)

SECTION 5 SPECIAL DISTRICTS

5.1. AGRICULTURAL DISTRICT

- 5.1.1. Purpose: To allow appropriate and compatible agricultural uses consistent with historic uses while protecting important river and flood plain resources.
- 5.1.2. Zone Designation: the Agricultural District shall be delineated on the Rocky Hill zoning map to encompass that area commonly known as the “Meadows” easterly of the existing railroad right-of-way to the bank of the Connecticut River from the Wethersfield town line to the southern boundary of Ferry Park.
- 5.1.3. Site Plan Uses: The following uses shall be permitted subject to Site Plan Approval in accordance with Section 8.2:
- A. farms, orchards, raising of crops, and raising of livestock,
 - B. temporary roadside stands for the sale of products grown on the premises,
 - C. wildlife sanctuaries and preserves,
 - D. planting of tree crops, for purposes of soil erosion prevention, and
 - E. recreational uses other than those in buildings or structures.
- 5.1.4. Area and Bulk Requirements: The following requirements shall be deemed the minimum or maximum requirements in every instance of their application.

Minimum Lot Area	40,000 sq. ft.
Maximum Building Coverage	5%
Minimum Lot Frontage	150'
Minimum Depth, Front Yard	50'
Minimum Width, One Side Yard	20'
Total Minimum Width, Both Side Yards	50'
Minimum Depth, Rear Yard	75'
Maximum Building Height	15'

5.2. FLOODPLAIN OVERLAY DISTRICT

- 5.2.1. Purpose: The Floodplain Overlay District is intended to provide a reasonable degree of protection to persons and property from the effects of flooding. The provisions of this Section apply in addition to the requirements of the underlying zone.
- 5.2.2. Permitted uses in the Floodplain Overlay District are principal and accessory buildings, structures, and uses permitted in the underlying zone to the extent they comply with the requirements of this Section and any requirements of the Open Space and Conservation Commission.

- 5.2.3. In the event an application is made to the Commission pursuant to these Regulations, and the application involves land designated in a Flood Hazard Zone on the Flood Insurance Rate Maps for the Town, then such applicant shall conform to all applicable requirements of the Flood Damage Prevention Ordinance of the Town.
- 5.2.4. Any use similar to a permitted use in the Floodplain Overlay District may be allowed by Special Permit by the Commission subject to the provisions of Section 8.2.
- 5.2.5. Other Requirements
 - A. There shall be no filling of land, soil excavation, or dumping of any material in any Floodplain Overlay District.
 - B. No structure shall be erected nor earth or other material moved so as to create possible permanent ponding, diversion, or backing-up of flood waters.

5.3. AQUIFER PROTECTION DISTRICT

- 5.3.1. Purpose: To protect any and all potential sources of potable groundwater underlying the Town of Rocky Hill by minimizing the risk of contamination from industrial, commercial, agricultural, and residential sources.
- 5.3.2. The Aquifer Protection District shall be superimposed on existing zoning districts. The provisions of this zone shall be in addition to all other requirements of the existing zoning districts. In the event of conflict between any provisions of this ordinance and another regulation, the more restrictive requirement shall apply.
- 5.3.3. The Aquifer Protection District shall coincide with the Section of Town identified in the report entitled Protection High and Moderate Yield Stratified Drift Aquifers, prepared by the Connecticut Department of Environmental Protection. Pursuant to Special Act 85-84, dated 1987.
- 5.3.4. All uses that are permitted in the existing zones are also permitted in the Aquifer Protection District with the exception of those uses identified under Special Requirements.
- 5.3.5. Special Requirements
 - A. Where single-family dwellings relying on on-site septic systems for the disposal of wastewater are located within the Aquifer Protection District, no more than one such single-family dwelling shall be permitted per acre.
 - B. All industrial and commercial uses shall be on public sewers.
 - C. The following uses are prohibited:
 - 1. road salt storage and loading areas, except properly contained Town and State salt storage and loading areas;
 - 2. solid waste disposal sites;
 - 3. septage disposal lagoons;

4. any industrial, commercial, or other use which, by its nature, handles, stores, produces, or otherwise generates more than 100 kilograms per month of any substance identified as a hazardous waste pursuant to Section 3001 of the Solid Waste Disposal Act.(42 U.S.C. 6901-6991i);
 5. underground storage of fuels, chemicals, and any other materials with potential to contaminate groundwater;
 6. manure storage pits;
 7. large-scale applicators, which are individuals or businesses who apply materials to five (5) or more acres within the Aquifer Protection District, and manufacturers of fertilizer, lawn chemicals, pesticides and other materials; and
 8. automobile sales.
- D. In addition to the Site Plan review criteria listed in Section 8.2, all commercial and industrial uses shall submit a report detailing:
1. the amount and composition of industrial or commercial wastes including fly-ash, and proposed method of disposal of such wastes, outside the Aquifer Protection District; and
 2. the amounts and composition of any hazardous materials including but not limited to those identified by Section 3001 of the Resource Conservation and Recovery Act, that are handled, transported, stored or discharged to the air or the ground at the site.
- E. Any industrial/commercial proposal/use has to assure compliance to hazardous materials ordinance (Town Ordinance 132-85). A list of materials that will be on-site shall be submitted for review. The Commission may, upon reviewing this list and after consultation with the Rocky Hill Health Department, request the use of some materials be discontinued when the materials are deemed to present a groundwater contamination potential.

5.4. CONNECTICUT RIVER CONSERVATION DISTRICT

- 5.4.1. Purpose: The Connecticut River Conservation District is established as an overlay district to accomplish the objectives of Connecticut General Statutes (CGS) Section 25-102aa.
- 5.4.2. District Designation: The Connecticut River Conservation District shall encompass all of that land within the Connecticut River Stream Channel Encroachment Line established by the Connecticut Department of Environmental Protection and shown on the Rocky Hill Zoning Map.
- 5.4.3. Referral of Applications: In accordance with CGS 25-102ff, any application for the following uses within the Connecticut River Conservation District shall be referred to the Connecticut River Assembly in accordance with the procedures of Section 8.1.11:
- A. any use of land for commercial, business, retail or office use, or any combination thereof, which requires a land area of more than seven and one-half (7.5) contiguous acres or a change of zone of more than seven and one-half (7.5) contiguous acres, or a building floor area of more than seventy-five thousand (75,000) square feet;

- B. any industrial or manufacturing use which requires a land area of more than ten (10) contiguous acres or a change of zone of more than ten (10) contiguous acres, or the employment of more than two hundred fifty (250) employees;
- C. any residential use which requires more than twenty-five (25) contiguous acres or a change of zone of more than twenty-five (25) contiguous acres, or includes more than fifty (50) dwelling units;
- D. any municipal or institutional use which requires a land area of more than fifteen contiguous acres;
- E. any project which is submitted by a public service company for municipal approval which includes a proposed land use of ten acres or more;
- F. any use having one hundred or more parking spaces;
- G. any hazardous waste facility as defined in CGS Section 22a-115,
- H. any solid waste facility, as defined in CGS Section 22a-207;
- I. any oil refinery or bulk fuel oil storage facility;
- J. any bridge, dam or hydropower facility;
- K. any electric transmission line of a design capacity of sixty-nine kilovolts or more;
- L. any soil and earth material removal operation involving fifteen thousand (15,000) cubic yards of material or five (5) contiguous acres of land area.

5.5. **RESERVED**

5.6. **RESERVED**

SECTION 6 STANDARDS

6.1. ENVIRONMENTAL AND PERFORMANCE STANDARDS

The use of land, buildings, and other structures shall be conducted in accordance with the following performance standards. It shall be incumbent upon all applicants for Site Plan Approval under these Regulations to demonstrate that the use they propose shall in no way violate the following standards.

- 6.1.1. No offensive dust, dirt, fly ash, or smoke shall be emitted into the air. In no case shall dust be emitted in excess of one cubic centimeter of settled matter per cubic meter of air. 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 minutes in any one hour, which is as dark or darker in shade than that designated as No. 2 on the Ringleman 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 Ringleman Chart.
- 6.1.2. No offensive odors shall be permitted which are perceptible from any property line or off the lot on which the operation is located, and shall emit no noxious, toxic, or corrosive fumes or gases. Offensive odors noticeable off the premises where the use is located shall not exceed the standards established in Section 22a-174-23 of the Connecticut General Statutes, as amended.
- 6.1.3. No noise, which shall be objectionable due to volume, intermittence, beat frequency, or shrillness, shall be transmitted outside the property where it originates, and in no case shall it exceed 65 decibels during daylight hours or 55 decibels during nighttime hours as registered on equipment provided by the Town, at any property line. In any Business Park District, the allowable noise levels at any property line shall be 75 decibels during daylight hours and 55 decibels during nighttime hours.
- 6.1.4. No wastes shall be discarded into any stream, watercourse, or storm sewer. No seepage or spillage shall be allowed to occur on any adjacent property due to construction or other activity on an adjacent property.
- 6.1.5. The emission of any toxic or noxious matter shall be so controlled that no concentration at or beyond lot lines shall be detrimental to or endanger the public health, safety, comfort, and the general welfare, or cause damage or injury to property.
- 6.1.6. All radioactive materials shall be contained within fireproof containers made of concrete or steel and shall not include lead or other low melting metals or alloys unless the lead or low melting metal or alloys shall be completely encased in steel.
- 6.1.7. Each use shall be operated so as to lessen the damage from fire and explosion.
 - A. All uses storing, processing, or producing free or active burning material shall be located entirely within buildings or structures having exterior

noncombustible walls and all such buildings shall be set back at least fifty (50) feet from all lot lines.

- B. All materials or products or operations that produce flammable or explosive vapors or gases under ordinary weather conditions shall not be permitted within 100 feet of any lot line and shall be stored in facilities approved by the Fire Marshal.
 - C. All explosive materials shall be stored within a building or structure and shall be set back from all property lines, a distance to be determined by the Fire Marshal, but in no case less than 100 feet.
- 6.1.8. Any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare shall be carried out within an enclosure and in such a manner as not to be perceptible at or beyond any lot line.
- 6.1.9. All stormwater drainage systems shall be designed to conformity with the study entitled, "Stormwater Management Plan, Town of Rocky Hill, dated June 9, 2004" including amendments thereto and updates thereof.

6.2. DISPLAY OR STORAGE OF MATERIALS

- 6.2.1. In all zones, the display, exhibition, or storage of merchandise, materials, or articles for sale in the required front yard shall be prohibited and the storage of such materials behind the building line shall be covered or screened from the street.
- 6.2.2. Except as provided in Section 6.2.3, for any use requiring Site Plan approval, no outdoor storage shall be permitted except behind an opaque fence six (6) feet high. Said requirement may be waived by the Commission in the case of the display of new or used merchandise for sale at retail, in accordance with an approved Site Plan.
- 6.2.3. The use of semi-trailers and/or cargo containers for outside storage are prohibited unless:
- A. parked at a loading dock shown on an approved Site Plan, in the case of a semi-trailer, or
 - B. stored in an appropriately screened location shown on an approved Site Plan.
- 6.2.4. In the Business Park District, outside storage shall be permitted provided the following shall be observed:
- A. outside storage, where necessary, shall be located at the side or rear of the building in a specifically designated location and shall be enclosed with an aesthetically acceptable opaque fence not more than ten (10) feet high,
 - B. materials stored within the designated area shall not protrude above the fence,

- C. no outside storage shall exceed three (3) percent of the floor area of all main and accessory buildings and structures, and
- D. outside storage area shall not reduce the minimum open space requirements.

6.3. ACCESS, PARKING, AND LOADING

6.3.1. Applicability: All uses permitted by these Regulations shall be subject to the minimum parking requirements of this Section and any district specific standards of this Section. Where not otherwise specified, all Special Permits and Special Uses as defined by these Regulations, shall have minimum parking requirements as determined by the Commission, based upon the particular characteristics of the use or uses, and the characteristics of the Site Plan as submitted under the provisions of Section 8.2.

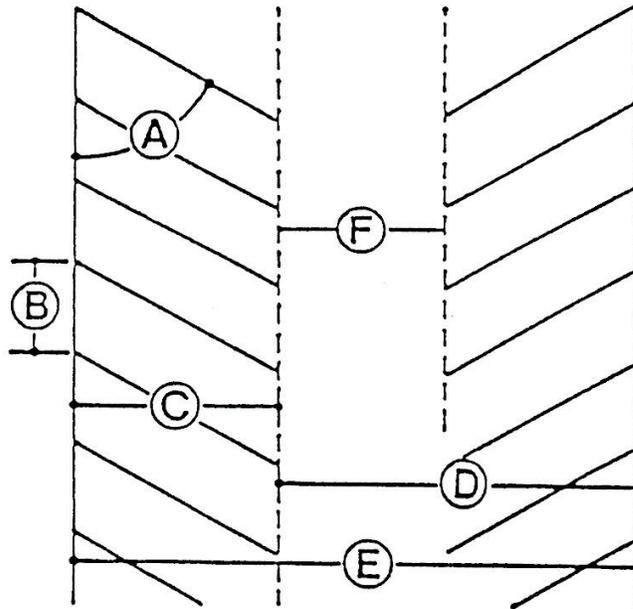
6.3.2. General Requirements

- A. All unenclosed off-street parking areas shall be constructed in accordance with Town specifications and shall be maintained, drained, and effectively designed to discourage the intermingling of pedestrians and vehicular circulation.
- B. Parking spaces may be permitted to be located beneath or within the primary structure or in a detached building.
- C. If located in a detached building, said building shall not be placed between a driveway or other accessway and any primary structure. A detached building designed to accommodate vehicular parking shall be considered a secondary or accessory use for purposes of these Regulations unless said building shall be the only use on the parcel of land. All parking areas that are covered and not part of the primary structure shall not be closer than 25 feet to the primary structure. All uncovered spaces shall be located no closer than 12 feet to the primary structure on three (3) sides of the structure. This 12 foot clear area may be grassed, landscaped or improved with sidewalk and other improvements required for safe building access or fire fighting purposes. The remaining fourth side of the building shall provide a paved surface or drive of a least 24 feet in width whose furthest point is no further than 25 feet away from the building. No parking shall be permitted within this 25 feet area and suitable landscaping shall be provided unless the area is to be used for driveway purposes.
- D. In reviewing the parking and access, the Commission shall consult with the Fire Marshal regarding the building design, type of construction and access for fire fighting purposes. The requirements of this paragraph shall not pertain to one or two-family dwellings; furthermore, structures and land uses existing prior to the adoption of these Regulations shall be exempt from the provisions of this Section. The Commission may waive the requirements of this Section if it determines that there are existing topographical, geographical, or other physical conditions that are peculiar to the site.

E. Minimum area for parking and loading spaces:

1. Parking spaces designated for the handicapped shall be provided pursuant to Section 6.3.2.H.
2. All other required parking spaces and aisles in parking lots shall be designed as follows:

Minimum Dimensions



A.	Parking Angle	0°	45°	60°	90°
B.	Curb Length per Car	23'0"	13'5"	11'0"	9'6"
C.	Stall Depth	9'6"	19'5"	20'4"	18'0"
D.	Lot Width for 1 Row + Driveway	25'6"	35'5"	36'4"	42'0"
E.	Lot Width for 2 Row + Driveway	35'0"	54'10"	56'8"	60'0"
F.	Driveway Width	16'	16'	16'	24'

3. Each off-street loading space shall contain not less than 10 feet by 25 feet exclusive of driveways and aisles. Such spaces shall be unobstructed to a height of 14 feet.

F. Shared parking areas for more than one use shall be encouraged. Combination of curb cuts and access drives to parking for more than one use shall be encouraged and may be specified by the Commission on any Site Plan in accordance with Section 6.3.6.

G. Off-Street Loading:

1. One loading space for each use over 10,000 square feet GFA.

2. One additional loading space for each additional 40,000 square feet GFA. All off-street loading shall not permanently protrude into any designated fire lanes, pedestrian or vehicular access.
3. The Commission may waive the requirements for off-street loading if in the Commission's judgment an off-street loading facility were not necessary to the development.

H. Parking spaces for the physically handicapped shall be provided as follows.

1. Handicapped parking spaces shall be located:
 - a. as close as possible to the nearest accessible ramp, walkway, and building entrance on an accessible route;
 - b. so that physically handicapped persons shall not be compelled to wheel or walk behind parked cars to reach the nearest accessible ramp, walkway, and building entrance; and
 - c. within 25 feet of the building.
2. Handicapped parking spaces shall be no less than ten (10) feet wide with a crosshatched, painted access aisle no less than five (5) feet wide. Two (2) accessible parking spaces may share a common access aisle. One (1) of every eight (8) but no less than one (1) handicapped accessible parking spaces shall be van-accessible parking spaces that are no less than eight (8) feet wide with a crosshatched, painted access aisle no less than eight (8) feet wide.
3. All accessible parking spaces shall be clearly designated with signs situated approximately 5 feet above grade and, wherever possible, with pavement markings. Signs shall display the international symbol of access and shall bear the words "Handicapped Parking Permit Required" and "Violators Will Be Fined." Accessible spaces for vans shall also bear the words "Van-Accessible."
4. The following minimum number of parking spaces for the physically handicapped persons shall be provided:

Total Parking Spaces in Lot	Required Number of Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
1001 plus	20 plus 1 for every 100 spaces over 1000

5. Where these standards conflict with any applicable provisions of Section 14-253a(h) of the Connecticut General Statutes, the State Building

Code, or the Americans with Disabilities Act (28 CFR Part 36) as they may be amended, the more stringent standard shall prevail.

- I. Said spaces shall conform with Section 14-253a(h) of the State Statutes. At a minimum, accessible parking spaces shall be provided in the number required by the State Building Code. However, additional handicap spaces may, depending on the number of entrances and the nature of the population served, be required by the Commission. Wherever feasible, the parking spaces located closest to a primary entrance shall be designated as accessible parking spaces. Appropriate accessways to and from the adjacent primary entrance shall be developed in association with all accessible parking spaces.
- J. Reserved Parking: If an applicant can demonstrate that the actual demand or need for off-street parking spaces for a specific use is actually less than the minimum required number of parking spaces for said use, or if the application includes shared access and shared parking for development on adjoining parcels, the Commission may agree to the applicant reserving up to 25% of the required spaces for future parking needs. Such reserved spaces shall be standard sized, shown in dotted lines on the Site Plan and labeled "Reserved Parking", and shall be limited to natural areas, grass areas without trees or buildings thereon. The Commission may require the future construction of said Reserved Parking, or portion thereof, into paved parking, within three months of written notice to do so based upon a change in parking demand, a change of use or a change in traffic safety circumstances as determined by the Commission, and provided such notice shall take into account the time of the year suitable for pavement installation.
- K. Access for Drive-Through Commercial Uses: Where permitted in accordance with Section 4.1, commercial uses providing drive-through services, including but not necessarily limited to car washes, fast-food restaurants, banks, and other retail and service uses, shall comply with the following access conditions, to be shown on the Parking and Access Plan required by Section 6.3.6:
 1. sufficient queuing area is provided on site such that no car is forced to back into a public street or impede the line-of-sight on any public street;
 2. queuing lanes for storing cars shall not:
 - a. be less than ten (10) feet wide,
 - b. impede the use of required parking spaces or the flow of traffic through the site, or
 - c. impede the flow of traffic on adjacent public streets;
 3. for the purpose of calculating the car capacity of a queuing area, each car shall require 20 feet of length of each lane in the queuing area;
 4. distance from exit of facility to public street must not be less than 100 feet; and
 5. an adequate "exit/escape" lane shall be provided.

6.3.3. Commercial Vehicle Parking

- A. Parking of commercial vehicles is allowed in R-20 and R-40 Zoning Districts under the following conditions:

1. a commercial vehicle up to a gross vehicle weight of 9,000 lbs shall be permitted;
 2. commercial vehicles exceeding 11,000 lbs gross vehicle weight shall not be permitted;
 3. commercial vehicles over 5,000 lbs parked overnight must be screened, by either a stockade fence, six feet in height or a row of non-deciduous shrubs along the closest property line where the vehicle is parked; and
 4. any vehicle stored outside must be kept on a prepared surface suitable for parking.
- B. Exceptions to these restrictions may be allowed by Special Permit as per Section 8.3 where the vehicle is not parked in front yard and adequate screening is provided.
- C. The provisions of this Section do not apply to vehicles, trailers, or construction equipment used on farm as defined in the Zoning Regulations.

6.3.4. Business Park Parking and Loading:

In addition to the general provisions of Section 6.3, Site Plan uses and Special Permit uses in the Business Park District shall comply with the following.

- A. Assigned and handicapped parking may be permitted between one of the streets and the front of the building, however, no parking shall be permitted within the required set back line and the street line. The Commission shall determine the number of reserved and handicapped parking spaces to be authorized. The remaining parking spaces may be permitted between any of the remaining streets and the side(s) of the building, however, no parking shall be permitted within the required set back line and the street line.
- B. Parking areas shall be paved, lighted, landscaped, and continuously maintained in good condition.
- C. Except as provided in Sections 6.3.5 and 6.3.6, no parking shall be located closer than 15 feet to any side or rear property line.
- D. Company owned trucks, trailers, or other commercial vehicles that are parked overnight, where possible, shall be garaged within the building or, if necessary, in an appropriate outdoor paved parking area properly screened and designated for this purpose at the side or rear of the building.
- E. No parking including temporary parking shall be permitted on any other area of the lot.
- F. No loading docks or docks shall be permitted on the front of the building. If located on the side of the building, adequate screening shall be provided to buffer the loading area from the street.

6.3.5. Office Park District Parking and Loading:

In addition to the general provisions of Section 6, Site Plan uses and Special Permit uses in the Office Park District shall comply with the following.

- A. No parking shall be permitted within 20 feet of any side or rear property line or within 40 feet of the front property line. A landscaped area of at least 20 feet in width shall be provided along the side or rear property lines and at least 40 feet in width along the front property line. The Commission may grant, for good reason, parking within ten feet of a side or rear property line for distances not exceeding 25% of the length of that property line.
- B. Off-street parking and loading spaces shall be provided for each use within this district in accordance with the provisions of Section 6.3.

6.3.6. Site Plan and Special Permit Use Parking and Access

In addition to the general and district-specific provisions of Section 6.3, Site Plan uses and Special Permit uses shall comply with the following.

- A. For any proposed development, the applicant shall provide a parking and access management plan meeting the requirements of this Section and showing the overall parking layout and configuration, traffic circulation within the site, the number and location of access points to and from the site, the opportunity for sharing parking with adjoining properties within the same zoning district and an explanation of why such sharing is not feasible if not proposed, and the nature and type of traffic circulation on adjacent roadways to ensure that public safety and welfare is promoted with the greatest efficiency.
- B. The Commission may require an applicant or owner to:
 - 1. provide for shared access (whether existing or future) for two or more abutting properties in a location acceptable to the Commission;
 - 2. establish easements to provide for shared access (existing or future);
 - 3. close an existing or eliminate a proposed curb cut and utilize a mutual driveway or other easement that exists on abutting property in lieu of having a separate curb cut onto a road;
 - 4. construct all or a portion of such mutual driveway or service road in order to provide for shared access (whether existing or future);
 - 5. file such easements on the land records in favor of the abutting property owners and/or the Town of Rocky Hill as shall be acceptable to the Commission and the Town Attorney; and/or
 - 6. take other actions reasonably required to accomplish access management.

6.3.7. Minimum Required Parking Spaces

Parking spaces shall be provided as specified in the following table.

- A. In accordance with the provisions and intent of Section 6.3.2.F, shared parking areas may be permitted, and the Commission may, in its discretion, permit a reduction of the minimum number of spaces required under this Section. The reduction shall be determined by the Commission, but such reduction shall in no event exceed the total number of shared spaces.

Use	Minimum Spaces
a. Single-family dwellings	2 spaces/dwelling unit.
b. Housing for the Elderly	1.25 spaces/living unit, plus 1 space/employee on the largest shift.
c. Assisted living facility	0.60 spaces/living unit.
d. Active-adult housing	2 spaces/dwelling unit.
b. Temporary roadside stands for sale only of products grown on the premises	1 space for each 5 linear ft. of front wall of building or stand.
c. Customary home occupations	2 spaces in addition to residence requirement
d. Public schools, private schools	1 space for each faculty member and 1 space for every 50 students at maximum rated capacity.
e. Nursery schools	1 space for each employee and 1 space for every 10 enrollees.
f. Public and private recreational uses, indoor	1 space for every 4 persons at maximum expected usage of facility or one space/300 sq. ft. GFA, whichever is greater.
g. Public and private recreation uses, outdoor	1 space for every 4 persons at maximum expected usage of facility.
h. Churches, synagogues, places of worship	1 space for each 4 seats provided or for each 200 sq. ft. of GFA, whichever is greater.
i. Community buildings (organizations not for profit) and public building	1 space for every 4 persons at maximum expected usage of facility or for each 200 sq. ft. of GFA whichever is greater.
j. Utilities, transportation facilities, transshipment and distribution centers	To be determined by Commission.
k. Retail stores, personal services	1 space/150 sq. ft. first floor GLA; 1 space/200 sq. ft. second floor GLA.
l. Non-medical offices, financial institutions	1 space/300 sq. ft. GLA.
m. Shopping Centers	5 spaces for each 1,000 square feet of GLA up to 50,000 square feet, plus 4.5 spaces for each 1,000 square feet of GLA between 50,000 and 99,000 square feet, plus 4 spaces for each 1,000 square feet of GLA over 100,000 square feet.
n. Medical offices and clinics	1 space/150 sq. ft. GFA.

Use	Minimum Spaces
o. Restaurants and similar eating establishments	1 space/100 sq. ft. floor area devoted to seating/eating area exclusive of kitchen and storage areas.
p. Nurseries (commercial greenhouse)	1 space/100 sq. ft. sales GFA.
q. Contractors and lumber yards	1 space for each employee or for each 400 sq. ft. of floor area, whichever is greater.
r. Manufacturing, research and assembly of parts	1 space for each 4 employees or for each 250 sq. ft. of GFA, whichever is greater.
s. Gasoline filling stations	8 spaces plus 3 spaces for each pump bay.
t. Furniture and carpet stores	1 space/400 sq. ft. GLA.
u. Wholesale, and utility buildings	1 space/500 sq. ft. GFA.
v. Storage warehouses	1 space/1,000 sq. ft. GFA.
w. Automobile or truck sales or	20% of the area of the lot or intended rental for sale, servicing, and storage of vehicles shall be reserved for customer/employee parking.
x. Hotels and Motels	1 space for each guest room, plus 1 space/100 sq. ft. of restaurant floor area devoted to seating/eating area, exclusive of kitchen and storage areas, plus 1 space/50 sq. ft. GFA of meeting rooms.
x. Other uses not listed above	As determined by the Commission.

6.4. SIGNAGE

6.4.1. Purpose: To provide for the control of signage. Appropriately designed and located signs serve a legitimate public function, provided they do not create confusion, devalue adjacent property and do not impair the public's general health, safety, and welfare.

6.4.2. Permitted Signs: The following signs are permitted in accordance with these Regulations. Unless otherwise noted, areas are the cumulative totals for message bearing surfaces.

A. Signs Permitted in All Districts

Type	Description	Required Permit	Maximum Number and Area Per Sign
Real Estate	Temporary freestanding sign advertising the sale or lease of the premises on which the sign is displayed.	N/A	(1) @ 6 sq. ft.
Construction	Temporary freestanding sign with a maximum height of 6 feet may be allowed during approved active construction. Sign must be removed within 7 days after the project has been completed.	Sign Permit	(1) per entrance @ 20 sq. ft.
Contractor	Temporary freestanding sign with a maximum height of 3 feet. Sign must be removed within 7 days after the project has been completed.	N/A	(1) @ 12 sq. ft.
Bulletin Board	Sign on the premises of churches and public institutions.	Sign Permit	(1) @ 12 sq. ft.
Identification	Freestanding or wall sign for municipal, civic, institutional, or charitable purposes, or identifying a subdivision,	Site Plan Sign Permit	(1) @ 20 sq. ft.
Special Event	Temporary freestanding sign advertising a special event.	Sign Permit	(1) @ 32 sq. ft.
Roadside	Temporary freestanding sign advertising a special event.	Sign Permit	(1) @ 12 sq. ft.
Temporary	Temporary freestanding sign advertising a special event.	Sign Permit	(1) @ 12 sq. ft.

B. Signs Permitted in Residential Districts

Type	Description	Required Permit	Maximum Number and Area Per Sign
Nameplate	Freestanding or wall sign giving the name of occupant or use of the premises.	N/A	(1) per dwelling unit @ 2 sq. ft.
Identification	Freestanding sign giving the name of a condominium or apartment complex.	Site Plan Sign Permit	(1) per entrance @ 12 sq. ft.
Farm Identification	Wall or freestanding sign giving the name of a farm, including signs painted on a wall.	Sign Permit	(1) @ 32 sq. ft.
Farm Product	Temporary freestanding sign identifying farm produce for sale on a seasonal basis, for a period not to exceed six (6) months.	Sign Permit	(1) @ 32 sq. ft. or (2) @ 16 sq. ft.
Directional	Freestanding or wall signs directing visitors to destinations within a site.	Site Plan Sign Permit	(1) freestanding @ 12 sq. ft. and/or (1) wall @ 2 sq. ft.
Public Information	Temporary freestanding or wall sign advertising a special event.	Sign Permit	(1) freestanding @ 12 sq. ft. or (1) wall @ 6 sq. ft.

C. Signs Permitted in Commercial Districts

Type	Description	Required Permit	Maximum Number and Area Per Sign
Real Estate	Temporary freestanding sign advertising the sale or lease of the premises on which the sign is displayed. Allowed for a period of 6 months and may be renewed in additional 6 month increments.	Sign Permit	(1) @ 32 sq. ft.
Informational	Freestanding or wall signs (e.g. credit cards, entrance, products, etc.).	Sign Permit	2 sq. ft.
Business	Architectural, canopy, freestanding, marquee, projecting, or wall sign advertising the name of a business and/or products sold.	Site Plan Sign Permit	(1) freestanding @ 40 sq. ft. (both faces); and (1) architectural @ 1 sq. ft. per 4 linear ft. front wall; or (1) canopy @ 3 sq. ft. per 2 linear ft. of front wall; or (1) marquee @ 3 sq. ft. of sign per 2 linear feet of front wall; or (1) projecting @ 40 sq. ft.; or (1) wall @ 16 sq. ft.
Directional	Freestanding or wall signs directing visitors to destinations within a site.	Site Plan Sign Permit	4 sq. ft.
Identification	Architectural, freestanding, or wall sign identifying the name of the building.	Site Plan Sign Permit	(1) architectural @ 1 sq. ft. of sign per 4 linear feet of front wall; or (1) freestanding @ 20 sq. ft.; or (1) wall @ 20 sq. ft.
Public Information	Temporary freestanding or wall sign, which may include novelty signs, advertising a special event.	Sign Permit	(1) freestanding @ 20 sq. ft. or (1) wall @ 12 sq. ft.
Informational	Freestanding or wall sign	Sign Permit	(1) @ 2 sq. ft.

1. A total of only one (1) canopy, marquee, projecting sign, roof sign, or wall sign shall be permitted per each business use (unit) shown on an approved Site Plan in the C - Commercial District, RC - Regional Commercial District. An additional sign of 20 square feet may be allowed at a rear entrance upon approval by the Commission.
2. One freestanding sign shall be permitted for each business building in addition to other allowable signage provided it shall be supported on its own permanent base or foundation and shown on an approved Site Plan.

D. Signs Permitted in the Business Park District

Type	Description	Required Permit	Maximum Number and Area Per Sign
Real Estate	Temporary freestanding sign advertising the sale or lease of the premises on which the sign is displayed. Allowed for a period of 6 months and may be renewed in additional 6-month increments.	Sign Permit	(1) @ 32 sq. ft.
Business	Freestanding or wall sign advertising the name of a business.	Site Plan Sign Permit	(1) freestanding @ 40 sq. ft.; and (1) wall @ 40 sq. ft.
Directional	Freestanding or wall signs directing visitors to destinations within a site.	Site Plan Sign Permit	4 sq. ft.

1. No signs shall be placed within the area of the front setback line, except signs identifying the occupant of the premises, relating to the sale or lease of the property, or traffic control signs.
2. Roof top signs shall not be permitted.
3. One freestanding sign, not to exceed five feet in height above the ground with a measured message space area containing not more than 40 square feet, shall be permitted.
4. One sign attached to the face of the building shall be permitted provided said sign does not exceed 40 square feet.
5. External lighting shall be permitted provided the following shall be observed:
 - a. No signs, freestanding or attached to a building, shall be internally illuminated.
 - b. External sign illumination shall be allowed provided the light source shall be entirely shielded from public view.
 - c. Such external light source may be ground-mounted below the sign or may be installed above the sign.
 - d. Sign light fixtures located above the sign shall be totally contained in an architecturally acceptable housing which shall shield the fixture lamps from view and which shall properly control the direction of light.
 - e. Light fixtures for attached signs shall not project from the face of the building on brackets, goosenecks, or conduit.
 - f. No portion of any sign or sign light attached to a building shall project above the roof line of the building wall on which it is mounted.
 - g. Sign lighting shall in no way distract or obscure the vision of any motorist, nor shall it cause a nuisance to, or interfere with, the use and enjoyment of other properties in the area.

E. Signs Permitted in the Office Park District

Type	Description	Required Permit	Maximum Number and Area Per Sign
Real Estate	Temporary freestanding sign advertising the sale or lease of the premises on which the sign is displayed. Allowed for a period of 6 months and may be renewed in additional 6-month increments.	Sign Permit	(1) @ 32 sq. ft.
Business	Freestanding or wall sign advertising the name of a business.	Site Plan Sign Permit	(1) freestanding @ 40 sq. ft. and (1) wall @ 40 sq. ft.
Directional	Freestanding or wall signs directing visitors to destinations within a site.	Site Plan Sign Permit	4 sq. ft.
Identification	Freestanding signs for identifying an office park.	Sign Permit	(1) @ 40 sq. ft. and (1) @ 80 sq. ft. along frontage of an interstate highway

1. Only one freestanding sign pertaining to the use of the entire district, for the purpose of identifying the development, may be erected. Such a sign shall not exceed 40 square feet in area nor a height of eight (8) feet. An additional sign of 80 square feet may be erected along an Interstate Highway frontage within the District.
2. Only one freestanding sign pertaining to the business and for the purpose of identifying the name of the business shall be erected on any lot in the District. An additional sign may be permitted if the lot has entrances or more than one public street. Such signs shall be subject in all respects to Section 6.1.
3. Directional signs may be maintained on any lot provided that no such sign shall be larger than four (4) square feet in area nor exceed a height of four (4) feet.
4. All signs within the District shall be of a consistent design and theme and said design shall be provided at the time of Site Plan approval.

6.4.3. Sign Design Standards: The following standards shall be used in evaluating signs in all zoning districts.

- A. Wall signs (other than overhead projecting signs) shall not project more than 15 inches from the wall to which they are attached. Such signs shall not project into a traffic right-of-way and shall provide adequate clearance for the walking public and motor vehicles.
- B. Wall signs shall not exceed two-thirds (2/3) of the length of the building frontage or project above the parapet or roofline.

- C. Projecting signs shall not project into a traffic or street right-of-way, and shall provide adequate clearance for the walking public and motor vehicles.
 - D. Freestanding signs shall not exceed eight (8) feet in height, as measured from lot grade, nor 12 feet in length, including all supporting structures. The minimum distance from the ground to the bottom of the sign shall be 24 inches. The Commission may permit a maximum height of 12 feet under special circumstances during Site Plan review. Signs shall not project into a pedestrian walkway nor obstruct vehicle sight line and shall be on an approved Site Plan.
 - E. A freestanding sign larger than 40 square feet may be considered by the Commission under Site Plan review where the size of the structure and/or number of businesses contained therein warrant an increase in size, in order to adequately advertise such business.
 - F. The square footage of a double-faced sign shall be determined by adding the area of both sides of the sign and dividing by two. Each side of a double-faced sign shall not exceed 20 square feet.
 - G. No sign shall be attached to any tree, fence, or utility pole; nor shall any sign be painted directly onto any building, structure, or pavement (except as allowed under 6.12f above, or as required for traffic and parking control).
 - H. When requiring Site Plan review, the Commission shall consider the size, scale, landscaping, and support of the sign in relation to its specific location, purpose, and other buildings in the vicinity of the sign.
 - I. All signs allowed under this Section shall be located within the property lines of the site, and in no case shall any part of the sign protrude or project beyond the property line.
 - J. The maximum size of letters on any sign shall be 24 inches in height unless otherwise approved during Site Plan review.
- 6.4.4. Multiple Signs: Multiple signs identifying multiple uses (businesses) on a single parcel, or on a combined Site Plan, shall be limited to the area designated above, and further shall be limited to one sign per use (business) and one freestanding sign for the total parcel. The Commission may vary this requirement under a Special Permit where, in its judgment, the specific use and its related sign requirements are of such a peculiar or extraordinary nature as to require such variation.
- 6.4.5. Temporary Signs
- A. Signs advertising property/structures for sale and/or rent do not require a Sign Permit, except real estate signs as required under Section 6.4.2.C. Those signs advertising community and/or civic projects, political signs, tag sale signs and temporary contractor's signs are exempt from requiring a Sign Permit. Signs shall not obstruct sight lines.

- B. Temporary signs for special events may be allowed by Permit from the ZEO or Assistant ZEO under the following conditions:
 - 1. temporary signs shall be removed upon completion of the purpose for which they were installed,
 - 2. no temporary sign shall exceed 32 square feet,
 - 3. a temporary sign or signs shall not be allowed for more than a total of eight (8) weeks per business per year, and
 - 4. a temporary new business/grand opening sign will be allowed for a period of 60 days, over and above the provision of 6.15b3 under a Temporary Sign Permit.
 - C. Street vendors shall be allowed two temporary signs, not to exceed six (6) square feet each.
 - D. All temporary signs must be secured so as not to become a hazard, and must not obscure sight lines.
- 6.4.6. Signs for Identification or Public Purposes: Permanent signs for municipal, civic, institutional, or charitable purposes, or signs identifying a subdivision, or for non-profit purposes are permitted in all Districts:
- A. Written permission from the property owner or agency having jurisdiction over the property shall be obtained.
 - B. No sign shall exceed 20 square feet on each face.
 - C. All signs shall comply with design standards in Section 6.4.3.
 - D. All signs erected by the State or the Town of Rocky Hill specified in the “Manual on Uniform Traffic Control Devices for Streets and Highways” by the U.S. Department of Transportation, Federal Highway Administration, as amended, shall be exempt from the provisions of this Regulation.
- 6.4.7. Business Park District Signs
- A. No signs shall be placed within the area of the front setback line, except signs identifying the occupant of the premises, relating to the sale or lease of the property, or traffic control signs.
 - B. Roof top signs shall not be permitted.
 - C. One freestanding sign, not to exceed five feet in height above the ground with a measured message space area containing not more than 40 square feet, shall be permitted.
 - D. One sign attached to the face of the building shall be permitted provided said sign does not exceed 40 square feet.
 - E. External lighting shall be permitted provided the following shall be observed:
 - 1. No signs, either freestanding or attached to a building, shall be internally illuminated.

2. External sign illumination shall be allowed provided the light source shall be entirely shielded from public view.
3. Such external light source may be ground-mounted below the sign or may be installed above the sign.
4. Sign light fixtures located above the sign shall be totally contained in an architecturally acceptable housing which shall shield the fixture lamps from view and which shall properly control the direction of light.
5. Light fixtures for attached signs shall not project from the face of the building on brackets, goosenecks, or conduit.
6. No portion of any sign or sign light attached to a building shall project above the roofline of the building wall on which it is mounted.
7. Sign lighting shall in no way distract or obscure the vision of any motorist, nor shall it cause a nuisance to, or interfere with, the use and enjoyment of other properties in the area.

6.4.8. Group Signage

The Commission may by Special Permit approve signage for any group of nonresidential uses altering one or more of the size, height, and location requirements of these Regulations based on a plan for uniform signage for any number of contiguous parcels within any single non-residential use district. The plan shall include a time, not to exceed five (5) years, by which all signs shall conform. Site Plan application requirements for such a Special Permit shall only address signage.

6.4.9. Sign Prohibitions

- A. No sign shall be permitted in any zoning district, within which a Site Plan is required, unless such sign is shown on an approved Site Plan and either the Commission has approved details of such sign or a Temporary Sign Permit has been issued by the ZEO.
- B. Movable or portable signs, including those which may be attached to a parked vehicle when such vehicle is being used for the purposes of advertising and not in conjunction with its designed use as primary transportation are prohibited.
- C. Vehicles displaying advertising directly on their surface shall not be parked within 40 feet of the street line of the site where the business is located during the hours when the business is not open. However, this shall not prohibit the parking of a vehicle in a residential driveway, providing the vehicle meets Section 6.3.3.
- D. No "A Frame" signs or similar portable signs that cannot be secured to the ground shall be permitted.
- E. No off-premise signs shall be permitted in non-residential districts, except temporary signs allowed under Section 6.4.5. Property owner's approval must be obtained for any off-premise site sign permit.
- F. Novelty signs, (banners, and the like) are prohibited except on a temporary basis as described under Section 6.4.5.

- G. Inflatable objects and the like are prohibited in all zones.
- H. Canopies as signs are prohibited, except as may be approved by the Planning and Zoning Commission through Site Plan review.
- I. No flashing, rotating, or intermittent illumination shall be permitted, nor shall any sign producing an illusion of movement. Sign lighting shall not interfere with or be confusing to passing motorists, or the general public, nor shall lighting be permitted to shine onto abutting property.
- J. Billboards, other than those existing prior to these Regulations, are prohibited.

6.5. SATELLITE ANTENNAS

- 6.5.1. No more than one satellite-receiving antenna larger than 24 inches in diameter shall be permitted per property and no antenna or its supporting structure shall exceed 10 feet in diameter and 15 feet in total height. In addition to meeting the required yard setbacks for the district in which it is located, all antennas larger than 24 inches in diameter shall be located in the rear yard behind the rear face of the principal structure. No more than two (2) satellite-receiving antennas smaller than 24 inches in diameter shall be permitted per residential dwelling.
- 6.5.2. In all single-family residential districts, satellite-receiving antennas larger than 24 inches in diameter shall be ground mounted only and permanently anchored according to the State Building Code. All such antennas shall be screened, with natural plantings when possible, to minimize direct view from adjacent streets and properties.
- 6.5.3. Roof-mounted antennas larger than 24 inches in diameter shall be permitted on nonresidential structures and apartment buildings located in a C, or BP zoning district only if said antennas shall not be visible to the general public, or if visible, shall be screened with a material compatible with the architecture of the supporting building. Screening shall not be required along the front of the receiving antenna if interference will be created. Screening shall be installed and maintained at sufficient density to provide uniform year-round screening to a height of five (5) feet.
- 6.5.4. A Site Plan and Building Permit shall be required for the installation of all satellite-receiving antennas over 24 inches in diameter. Accompanying the applications shall be technical information concerning the proposed satellite-receiving antenna along with a plan showing where the antenna shall be located on the property, what type of screening devices shall be used and describing how the antenna shall be anchored.
- 6.5.5 In the Office Park Zoning District, the Commission may, in its discretion, modify the requirements of Section 6.5 and 7.2.1 of these Regulations when, in its judgment, the specific use and its related satellite antenna requirements are of such a nature as to warrant such modification. In addition, notwithstanding the provision of Section 6.5.4, when, in the judgment of the Town Planner or other Commission designee, the installation of one or more satellite receiving antennas over 24 inches in diameter would not significantly affect the overall layout, design, density,

impact or nature of a previously approved Site Plan, such installation may be made upon approval of the Town Planner or other Commission designee in accordance with Section 8.2.4.E. (Approved 12/20/06; Effective January 5, 2007)

6.6. STORAGE OF FUEL OILS

- 6.6.1. Before any flammable liquid installation utilizing a tank or tanks larger than 500 gallons for commercial use or of any size for residential use if not within an enclosed structure shall be constructed or established, plans and written specifications shall be submitted for approval to the Commission, Fire Marshal, and the Building Inspector.
- 6.6.2. In approving plans and specifications for the storage of fuel oils, the Commission shall confirm compliance with the provisions contained in the "Underground Storage Tank Regulations, Sections 22a-449(d)-1, and Sections 22a-449(d) 101-113 (Revised July 28, 1994)" prepared by the State of Connecticut Department of Environmental Protection Underground Storage Tank Program, as amended, in addition to any other applicable State or local environmental or safety standards.
- 6.6.3. Where a commercial fuel storage facility adjoins a residential district, adequate screening shall be required along the district boundary.

6.7. ACCESSORY APARTMENTS

The purpose of this regulation is to provide additional housing stock for the community; to enhance the types of rental units available; and to further the opportunities for attainable home ownership in Town.

- 6.7.1. The Planning and Zoning Commission may after review, approve an accessory apartment, if in their opinion the proposed accessory apartment meets the following:
 - A. the square footage of the accessory apartment unit, whether added to a single-family dwelling unit or created internally within the same, shall not exceed twenty-five (25) percent of the gross floor area of the single-family dwelling unit after construction;
 - B. the conversion/addition shall not result in more than one additional dwelling unit per lot or more than two (2) bedrooms for an accessory dwelling unit. Not more than two adults may occupy the accessory unit;
 - C. off-street parking is to be provided in accordance with Section 6.3 or is to be provided in such a way so as to not create the appearance of a parking lot;
 - D. the conversion/addition for an accessory apartment shall maintain the exterior appearance and style of the single-family dwelling in which the unit will exist; and
 - E. the property owner shall reside on the premises.

- 6.7.2. Procedure:

- A. Application for an accessory apartment shall be made in writing in 15 copies to the Commission at least 21 days prior to a regular meeting.
- B. Sketch plan plus exterior photographs of the residence are to be submitted to Planning Department with the application.
- C. The Commission may require additional information as it determines necessary.

6.8. PROFESSIONAL OFFICES/HOME OCCUPATIONS

Where permitted in a residential district as an accessory use, subject to issuance of a Certificate of Zoning Compliance, professional offices and home occupations shall conform to the following standards. A Certificate of Zoning Compliance application for a profession office/home occupation shall provide sufficient information to demonstrate conformance with these standards. Not more than one (1) non-resident person shall be employed on the premises, except that a physician, dentist, or surgeon shall be limited to not more than two (2) non-resident employees.

- 6.8.1. The accessory use shall not be noticeable from the exterior of the building or change the exterior appearance of the residential character of the building, except for a permitted sign, and shall not have any outside storage unless screened; commercial vehicles may be allowed under Section 6.3.3.
- 6.8.2. The accessory use shall not create any electrical, radio, television, or similar interferences.
- 6.8.3. The accessory use shall permit occasional visits by clients, patrons, and/or associates to render or receive service. No use shall include the delivery or sale of tangible produce, other than documents or works of art.
- 6.8.4. The aggregate area devoted to such accessory use shall not exceed 25% of the total square footage of the dwelling, exclusive of garage, attic, and cellar, and shall not be located within any accessory building.
- 6.8.5. There shall be no display of products or signs in, on, or about the premises except signs as permitted by Section 6.4.
- 6.8.6. There shall be no parking areas for residents, employees or the general public permitted to be located between any street line and a front yard setback or building line as now or hereafter established.
- 6.8.7. Any of the above professionals or uses that are, or shall become, more intensive than permitted in the residential districts shall only be permitted in the appropriate business district. The following uses are, by their inherent nature and intensity, not permitted uses in residential districts: barber shops, beauty parlors, animal hospitals, dance studios, mortuaries, restaurants, metal working, automobile, boat or other vehicle repair or painting, and other uses as may be determined by the Planning and Zoning Commission.

6.9. TEMPORARY EMERGENCY HOUSING

- 6.9.1. Temporary Emergency Housing shall be located on the same lot upon which the building that was destroyed was standing.
- 6.9.2. The owner of the building and/or the tenants who inhabited the dwelling before it was destroyed shall have the right to locate and reside in the temporary emergency housing. The names of all occupants of any temporary emergency housing shall be submitted to the Planning and Zoning Commission.

- 6.9.3. The occupant of any temporary emergency housing or the property owner shall indicate the date the temporary housing will be removed from the site.
- 6.9.4. All temporary emergency housing shall be required to be connected to sanitary water and sanitary sewers if available, and to electricity and/or gas.
- 6.9.5. The Planning Commission or its designee shall have the right to inquire about progress toward rehabilitating or rebuilding the structure that was destroyed. If in the opinion of the Commission satisfactory progress is not being made to rehabilitate or reconstruct the destroyed structure the Commission shall have the right to have the temporary emergency housing removed from the site by a date certain. The Commission shall also have the right to order the removal of the temporary structure after the permanent structure has been rehabilitated or reconstructed.
- 6.9.6. The Town Planner and the Chairman of the Planning and Zoning Commission, in consultation with the Building Official shall approve the location and type of temporary emergency housing.

6.10. SWIMMING POOLS

- 6.10.1. The setbacks (see Section 3.5) for swimming pools shall be measured from the edge of any deck or platform structure adjacent to the pool or otherwise from the exterior lip of the pool to the nearest property line.
- 6.10.2. Swimming pools shall be considered a structure and are subject to the building coverage and lot coverage requirements of the zoning district in which it is located.
- 6.10.3. If a swimming pool shall be located nearer than 25 feet to the side or rear lot lines, there shall be installed, and maintained a permanent solid fence or wall six feet in height and of such design, location and construction that effective screening shall be provided for the protection of adjacent property.
- 6.10.4. No swimming pool shall be provided with an above-ground-level deck or terrace unless such deck or terrace observes the required yard space for a main building as provided by these Regulations.
- 6.10.5. Non-deciduous shrubbery, where located adjacent to a swimming pool and of sufficient compactness, density and height to afford truly effective screening may, during the period of its effectiveness, be substituted for the required fence or wall if approved by the ZEO as adequate for the purpose of screening.
- 6.10.6. All swimming pools shall comply with the State Building Code.

6.11. UNDERGROUND SHELTERS

- 6.11.1. Such shelter shall be covered with at least two (2) feet of earth, including a top layer of soil capable of supporting the growth of grass.
- 6.11.2. The finished ground level above such underground shelter shall be not more than two (2) feet above natural ground level.

6.11.3. Notwithstanding any other provision of these Regulations, any underground shelter may be located in any front, side, or rear yard provided it is covered with at least two (2) feet of earth plus topsoil, and the finished grade is not established above natural ground level. Such shelter may be located under a terrace, subject to the provisions of Section 7.2.6.

6.11.4. Any entrance or existing structure rising above finished ground level shall be set back at least the minimum distance required for an accessory building by these Regulations. With respect to shelters not provided for above, such shelters shall meet the zoning requirements applicable to the buildings and structures in the zone in which they are to be located.

6.11.5. All underground shelters shall comply with the State Building Code.

6.12. SOIL EROSION AND SEDIMENTATION CONTROL

6.12.1. Applicability

In the event any property owner or developer in the course of any subdivision, resubdivision, development or redevelopment intends to disturb one-half acre or more of land by making changes in the contour of the land, natural top soil, trees or other vegetation by use of grading, excavation, filling or other procedure, the applicant shall obtain approval of a Soil Erosion and Sediment Control Plan (hereinafter called the Control Plan) from the Commission. Preparation of the Control Plan shall comply with applicable Sections of these Regulations.

6.12.2. Exemptions

- A. The provisions of this Section shall not apply to single-family homeowners engaged in activities incidental to the maintenance or improvement of their premises, such as home gardening or landscaping, unless it affects wetlands or watercourses. Regulated activities, as defined in the Inland Wetlands and Watercourses Regulations, shall require a permit from the Town Open Space and Conservation Commission.
- B. Farming and the growing of nursery stock shall be exempt from the requirements of this Section provided, however, that such farming and nursery operations are conducted in accordance with approved soil conservation practices of the Connecticut River Coastal Conservation District.
- C. Requirements: The Site Plan submitted with any application subject to this Section shall provide the soil erosion and sedimentation control information specified in Appendix A to these Regulations.

6.12.3. Control Measures

The following measures, although not intended to be a comprehensive list, have been found to be effective in minimizing erosion and sedimentation, and shall be implemented by the developer when feasible. Said implemented measures shall be included, where applicable, on the Site Plan map and narrative.

- A. Land disturbance shall be kept to a minimum and, where feasible, natural vegetation shall be retained, protected, and supplemented across the site.
- B. When necessary, the stripping of vegetation, regrading, or other development shall be done in a way that will minimize erosion.
- C. Acceptable temporary measures, both natural and manmade, shall be used to protect exposed or disturbed areas during development.
- D. In disturbed areas, the duration of exposure shall be kept to a minimum with permanent vegetation and structural erosion control measures installed as soon as possible. Temporary vegetation should be planted if an area is to be stripped for a long period of time.
- E. Sediment in the run-off water shall be kept at a minimum using such measures as diversions, vegetation, debris basins, sediment basins, hay bale dams, silt fences, silt traps or similar measures, which measures shall be detailed in the soil erosion and sedimentation plan submitted.
- F. Storm drain inlets and outlets shall be adequately protected and maintained to minimize intrusion of sediment and storm water velocities shall be kept low by keeping slope lengths short and gradients low.
- G. Cut and fill slopes shall not endanger adjoining properties and shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing as approved by the Commission.
- H. Fill shall not encroach on water sources and watercourses; vehicular traffic shall not be allowed to cross running streams except by bridges or culverts of approved design.
- I. All soil erosion measures and facilities shall be periodically maintained so as to ensure proper performance.
- J. All erosion and sedimentation control measures shall be constructed in accordance with the standards and specifications of the "Connecticut Guidelines for Soil Erosion and Sediment Control" by the Connecticut Council on Soil and Water Conservation.

6.12.4. Inspection

The Commission or its designated agent shall make periodic inspections of the soil erosion and sediment control measures as shown on the approved plan.

6.12.5. Action Regarding Problems

In the event the Control Plan for any subdivision, resubdivision, development or redevelopment results in erosion, siltation or sedimentation problems, the Commission or its authorized agent shall be authorized to require the owner or developer engaged in such project to cease and desist from activities resulting in erosion, siltation or sedimentation and to require immediate temporary remedial

measures to be instituted until a plan is submitted and approved showing permanent corrective action.

6.12.6. Revocation

If a developer fails to implement the Control Plan in a timely manner, the approved plan shall be subject to revocation by the Commission.

6.12.7. Inland Wetland Referral

In the event any property owner or land developer shall be required to obtain approval of a Control Plan under Section 8.2 and the plan involves land regulated as an inland wetland or watercourse as defined by State Statute and as further designated by the Town Open Space and Conservation Commission, then such plan shall also be referred to the Open Space and Conservation Commission.

6.12.8. Bonding

All improvements and conditions contained in the approval of a Control Plan shall be bonded as part of any development project in accordance with Section 8.1.13.

6.13. LANDSCAPING

As part of its review of Site Plans, the Commission shall be assured that landscaping and screening shall be so located as to enhance the new development and protect adjoining uses. The applicant shall meet the following requirements:

6.13.1. Where a non-residential use shall be proposed on a lot that abuts an R-40 or R-20 Residential District, a buffer shall be provided which shall have a depth of not less than 50 feet. The buffer shall be planted, or preserved in a natural state, with a mixture of evergreen and deciduous trees and shrubs which shall afford an attractive year-round visual screen within 12 months after initial planting and through which vehicles and structures on the non-residential site are totally obscured when viewed horizontally from the adjacent property line at a point six (6) feet above average ground level. Such screening may include ornamental fences, berms, and/or walls, but only in combination with trees and shrubs, which shall provided at least 25 percent of the effective screening. All existing natural screening within buffer and setback areas shall remain undisturbed to the maximum extent possible. It shall be the responsibility of the owner of the non-residential site to maintain all plantings at maturity heights and to maintain all fences and walls in good condition, which responsibility may be enforced pursuant to the terms of the Special Permit or Site Plan Approval.

In circumstances where a significant percentage of open space is located in the rear of the lot that abuts a residential property, the Commission may waive the buffer requirement by a maximum of 20% of the total buffer area in order to ensure that landscaping is divided equitably on the site so as to enhance the development and still protect adjacent houses.

6.13.2. Unless otherwise specifically indicated elsewhere in these Regulations, all plant materials shall meet the following minimum size standards. Caliper measurements shall be measured at four (4) feet above ground.

Plant Material Type	Minimum Size
Canopy Tree	
Single-Stem	2 inch (caliper)
Multi-Stem Clump	8 feet (height)
Understory Tree	4 feet (height)
	2 inch (caliper)
Evergreen Tree	4 feet (height)
Shrub	
Deciduous	18 inches (height)
Evergreen	15 inches (height)

6.13.3. The design of any proposed Site Plan subject to these landscaping requirements shall keep the natural landscape and habitats intact as much as possible and provide landscaping compatible with indigenous native vegetation wherever possible.

6.13.4. Required landscaping, trees, and plants shall be planted in a growing condition according to accepted agricultural practices, and they shall be maintained in a healthy growing condition. Any landscaping, trees, and plants found in a condition that does not fulfill this intent shall be replaced by the property owner during the next planting season for the particular plant material.

6.13.5. Required screening fences or walls shall be maintained by the property owner in good condition throughout the period of the use of the lot.

6.13.6. All landscaping, trees, and planting materials adjacent to parking areas, loading areas or driveways, shall be properly protected by barriers, curbs, or other means from damage by vehicles.

6.13.7. To the extent possible, existing trees, vegetation and unique site features such as stone walls, shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully created against requirements. Rare or specimen trees shall be protected and worked into the development plan.

6.13.8. Exotic or invasive plants, as listed in Appendix D, shall be prohibited on site landscaping plans.

6.13.9. To the extent possible, landscape trees and vegetation shall promote bird, butterfly, and wildlife habitat preservation for the purpose of securing the biodiversity of regional and local species. Planting of trees and vegetation that provide protection, nesting and food for bird and other wildlife populations is encouraged in site landscape plans (see Appendix D for suggested species).

6.14. OUTDOOR LIGHTING

These Regulations are intended to provide specific standards concerning lighting, in order to maximize the effectiveness of site lighting; to enhance public safety and welfare; to raise public awareness of energy conservation; to avoid unnecessary upward illumination and illumination of adjacent properties; and to reduce glare.

6.14.1. Standards

- A. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
1. prevent direct or objectionable glare or light trespass,
 2. be shielded to the extent possible,
 3. employ soft, transitional light levels which are consistent from area to area,
 4. minimize contrast between light sources, lit areas and dark surroundings, and
 5. be confined within the target area.

See Appendix B.9 for example of acceptable and unacceptable lighting fixtures.

- B. In all Residential zones and in all areas adjacent to residential property, no externally-mounted, *direct light source* directed towards the property line shall be visible at the property *line at or above ground level*.
- C. To reduce off-site glare, lighting fixtures for all parking and pedestrian areas shall be:
1. full cut-off type fixtures, or
 2. fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
- D. Lighting fixtures for building security or aesthetics and any display purposes shall, except as may otherwise be approved, be:
1. top downward (not upward or sideways), and
 2. full cut off or fully shielded/recessed.
- E. Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that:
1. their beams fall within the primary playing area and immediate surroundings, and
 2. no direct illumination is directed off the site.
- F. Lighting designed to highlight flagpoles shall be low level and shall be targeted directly at the flag.
- G. All non-essential lighting (such as display, aesthetic, parking and sign lighting) shall be configured for "photocell on - time clock off" operation.

- H. Where necessary, lighting for site security may be configured for motion or infrared sensor operation.
- I. Any lighting fixture with a lamp or lamps rated at a total of more than 1,800 lumens, and any flood or spot lighting fixtures with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than one-third (1/3) of the distance in feet to the nearest property boundary. In no case shall the maximum height of lighting fixtures exceed 25 feet in driveways, parking areas, and other vehicular areas, or 18 feet for sidewalks, plazas or other exclusively pedestrian areas.
- J. The applicant shall provide a lighting plan evidencing the above requirements. Such plans shall employ soft, transitional light levels that are consistent from area to area, minimizing contrasts between light sources, lit areas, and dark surroundings.

6.14.2. Exemptions and Modifications

- A. Traditional seasonal lighting is exempt from these Regulations.
- B. Temporary lighting used by the Police Department, Fire Department or Emergency Services is exempt from these Regulations.
- C. The Commission may, by Special Permit, allow lighting that does not comply with the requirements of this Section provided the Commission determines, in its sole discretion, that such proposed lighting is consistent with the purpose of these Regulations, in the following cases:
 - 1. where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists,
 - 2. where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas,
 - 3. where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation,
 - 4. where special lighting is indicated for historic buildings,
 - 5. where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity, or
 - 6. where ornamental up-lighting of sculpture, buildings or landscape features shall enhance the character of the area.
- D. The Commission may modify the requirements of this Section for a temporary use approved under these Regulations.
- E. The Commission may modify the number or height of light fixtures where necessary to provide for motorist and pedestrian safety, to address topographic constraints, or to protect adjacent residential zoned areas.

SECTION 7 SPECIAL STANDARDS

7.1. NON-CONFORMING USES, STRUCTURES, AND LOTS

- 7.1.1. Any non-conforming use, building or structure existing as of the effective date of the adoption of these Regulations or any amendments hereof shall be permitted to continue, notwithstanding any other provisions of these Regulations or any amendments hereof.
- 7.1.2. A single-family detached residential building, used entirely for residential purposes, which does not conform to the yard requirements, may be enlarged as long as such enlargement conforms to all other current Regulations.
- 7.1.3. Non-conforming land uses, building or structures may be changed to comply with these Regulations and any amendments thereto at any time.
- 7.1.4. By Special Permit and Site Plan Approval in accordance with Sections 8.2 and 8.3, the Commission may allow:
 - A. a change in a non-conforming use to a lesser non-conforming use that the Commission determines is more in keeping with the character of the underlying district; and
 - B. modification to or minor expansion of a non-conforming use of land or structure to allow the use or structure to remain viable for its current use, provided that such modification or expansion does not add any additional non-conforming uses or significantly change the nature or intensity of the use of land or structure.
- 7.1.5. A conforming land use, building, or structure shall not be permitted to revert to a non-conforming land use, building, or structure.
- 7.1.6. A non-conforming land use, building, or structure which has been damaged or destroyed by fire, explosion, flooding, wind, rain, snow, sleet, hail, ice, heat, cold, vandalism, enemy, or act of God not previously mentioned, may be restored to the same or lesser dimensions, floor area and cubic volume existing immediately prior to such damage or destruction, provided a Building Permit shall be issued for such restoration within twelve (12) months from the date of such damage or destruction.
- 7.1.7. Non-conforming land uses, buildings, or structures, except as provided in Section 7.1.2, may be altered or repaired provided such alteration or repair shall not increase the original footprint of the building or structure and the land use shall not be extended or enlarged. Such repair or alteration shall be necessary to protect the health, safety, and general welfare of the building or structure's inhabitants and the individuals involved in the land use.
- 7.1.8. No non-conforming building or structure shall be relocated within the boundaries of a lot from its original location.

- 7.1.9. If any non-conforming land use, building, or structure is not occupied by reason of voluntary discontinuance or abandonment for a continuous period of at least twelve (12) months, then the re-establishment of any future use of the land, building or structure shall be in conformity with the provisions of these Regulations and any amendments thereof, unless the owner can provide evidence that there was no intention to abandon the use.
- 7.1.10. Nothing in these Regulations, including the provisions of these Sections, shall be interpreted as authorization for, or approval of, the continuation of the use of land, building, or structures in violation of these Regulations.
- 7.1.11. The repair, strengthening, or restoration of any non-conforming land use, building, or structure shall be permitted provided such land use, building, or structure is declared to be unsafe for human occupancy or use by the official charged with the responsibility of enforcing these Regulations.
- 7.1.12. When a non-conforming lot pre-dates the adoption of these Regulations or is shown on an approved and signed subdivision plan on file in the Town Clerk's Office and can be used in conformity with all applicable regulations, except that the lot does not meet the requirements for minimum lot area and/or minimum lot frontage as required in Sections 3, 4, or 5, then the lot may be used as proposed as if it were conforming.

7.2. DIMENSIONAL SPECIFICATIONS AND EXCEPTIONS

- 7.2.1. Height of Buildings or Structures: The height limitations of these Regulations shall not apply to church spires, belfries, flagpoles, cupolas and domes not used for human occupancy; or to chimneys, ventilators, solar panels, skylights, water tanks, bulkheads, non-commercial transmitting or receiving antennas, or similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to the minimum height necessary to accomplish the purpose they are intended to serve, and the total area covered by such features shall not exceed 15 percent of the roof area or the area actually needed, whichever is less. All roof mounted structures and equipment shall be integrated into the architectural design of the buildings so as to be concealed and inconspicuous and shall not exceed ten (10) feet above the roofline.
- 7.2.2. Porches: Any porch, whether enclosed or unenclosed, shall be considered a part of the building in the determination of the size of yard or amount of lot coverage (see illustration in Appendix B.6.). A roof over entrance doorways shall not extend more than three feet into any required yard.
- 7.2.3. Projecting Architectural Features: The space in any required yard shall be open and unobstructed except for the ordinary projection of the windowsills, cornices, eaves, chimneys, and other architectural features, provided, however, that such features shall not project more than twelve inches into any required yard.
- 7.2.4. Bay Windows: Bay windows, including their cornices and eaves, shall not project into any required yard more than two feet, provided, however, that the sum of the lengths of any such projections on any wall shall not exceed one-fourth the length of any said wall.

- 7.2.5. Stairs and Ramps: Entry stairs, fire escapes, and access ramps for the handicapped shall not extend more than five (5) feet into any required yard and shall not be closer than four feet at any point to any lot line.
- 7.2.6. Terraces: A paved terrace shall not be considered in determination of yard size or building coverage, provided, however, that such terrace shall be unroofed and without walls, parapets, or other forms of enclosure (see illustration in Appendix B.6.). Such terrace, however, may have an open guard railing not to exceed three feet high, and shall not project into any yard to a point closer than eight feet from any lot line.
- 7.2.7. Walls and Fences: The yard requirements of these Regulations shall not be deemed to prohibit any fence or wall, including any necessary retaining wall, provided that in any residence district no fence or wall in any required yard shall exceed an average of six (6) feet in height over any ten (10) feet in length, measured above the highest finished grade abutting the fence or wall, subject to limitation in Section 6.10.
- 7.2.8. Corner Lot Vision: On all corner lots, no planting, fence, wall or barrier to vision more than two feet in total height from the pavement elevation at the nearest street center line shall be placed, erected or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which point is 25 feet distant from the point of the intersection (see illustration in Appendix B.3).
- 7.2.9. Rear Lots: Rear lots shall be permitted in any Residential District subject to the following conditions and safeguards:
- A. each rear lot shall contain a minimum lot area 50% greater than that required for the zoning district in which located;
 - B. each rear lot shall require a minimum front yard setback 50% greater than that required for the zoning district in which located;
 - C. each rear lot shall comply with all other lot and building requirements for the zoning district in which located;
 - D. each rear lot shall be connected by an accessway at least 20 feet in width, in fee simple ownership by the owner of said rear lot, to an existing Town road or a subdivision road approved by the Commission and on file with the Town Clerk;
 - E. the maximum number of adjoining accessways shall be two;
 - F. the accessway shall not exceed a length of 400 feet in the R-40 District or a length of 300 feet in the R-20 District; and
 - G. the area of the accessway shall be included in the minimum required area of the rear lot.

7.2.10. Corner Lot - Front Yard: On a corner lot each line that abuts a street shall be deemed to be a front lot line and the required yard along both lot frontages shall be the required front yard. The remaining two required yards shall meet the applicable side yard requirements.

7.2.11. Odd Shaped Lots: Where a question arises as to the proper application of any of the requirements of these Regulations to a particular lot or parcel because of the peculiar or irregular shape of the lot or parcel, the Planning and Zoning Commission shall determine how such Regulations shall be applied.

7.2.12. Incentive Development

A. The Commission may grant an increase in the maximum impervious coverage percentage and/or in the maximum permitted floor area to any eligible property owner or adjoining property owners entering into a legally binding agreement for shared access and parking in any non-residential district if in its judgment:

1. the public interest would be better served by the improvements brought about through the Site Plan approval procedures in Section 8.2; and
2. the increase in maximum impervious coverage percentage and/or in the maximum permitted floor area would not be detrimental to adjacent properties and would still be adequately served by traffic circulation, parking, storm drainage, and sewage disposal; and
3. the proposed access plan will provide safe and convenient access without creating additional traffic impacts due to the number of access points and the scale of the development.

B. Such Commission action would be subject to Special Permit and Site Plan approvals and to the following conditions:

1. the subject property shall be non-residential;
2. the application shall include all contiguous property under the same name or all property deemed by the Commission to be part of the same development;
3. the increase in maximum impervious coverage percentage shall not exceed 35 percent (35%) of the permitted lot coverage and the increase in the maximum floor area shall not exceed 35 percent (35%) of the permitted gross floor area, as provided in Section 3 and 4; and
4. the lot shall be served by sanitary sewers and a public water supply.

C. When the lot size in the Commercial District exceeds 40,000 square feet, the maximum building size and use size allowed may be increased by up to 2,000 square feet for each additional 10,000 square feet of lot size with a maximum building size of 40,000 square feet GFA.

7.3. SHOPPING CENTERS

Where permitted with a Special Permit and Site Plan approval in accordance with Sections 8.2 and 8.3 (commercial use table) a shopping center shall conform to the following standards in addition to other applicable standards of these Regulations.

7.3.1. Site Area, Yards, and Height:

Minimum Site Area	3 acres
Minimum Lot Frontage	200 feet
Minimum Front Yard	100 feet
Minimum Side Yard	30 feet unobstructed by accessory buildings
Minimum Rear Yard	50 feet
Maximum Building Coverage	25%
Maximum Building Height	35 feet
Maximum GFA	150,000 sq. ft.
Minimum Open Space	35% of lot
Minimum Building Size	20,000 sq. ft.

7.3.2. Utility Provisions

- A. Public sanitary sewers shall be required.
- B. Public water supply shall be required and fire hydrants shall be installed so that all buildings are within 250 ft. of a hydrant.

7.4. RESTAURANTS

Where permitted by Special Permit or Site Plan approval in accordance with Section 4, restaurants and similar eating establishments shall comply with the following.

- 7.4.1. The use shall be appropriate with existing land uses in the area for which it is proposed to be located.
- 7.4.2. The Commission may require that the applicant demonstrate that the number of similar existing establishments in the area of the proposed use is insufficient to satisfy the demands of the general public.
- 7.4.3. The location of any points of ingress and egress and an arrangement off-street parking facilities shall be sufficient for the size and intensity of the proposed use.

7.5. HOTELS AND MOTELS

Where permitted by Special Permit or Site Plan approval in accordance with Section 4, hotels, motels and motor inns shall comply with the following conditions:

7.5.1. Site Area, Yards, and Height:

Minimum Site Area	2 acres
Minimum Lot Frontage	200 feet
Minimum Front Yard	50 feet
Minimum Side Yard	20 feet
Minimum Rear Yard	30 feet
Maximum Building Height	45 feet
Maximum Building Coverage	30%
Maximum Impervious Coverage	75%

7.5.2. Site Area per Occupancy Unit: There shall be 2,500 square feet of site area for each occupancy unit on the first floor and 500 square feet of site area for each unit above the first floor.

7.5.3. Public sanitary sewers and public water supply shall be required.

7.5.4. The uses shall be located on an expressway interchange, arterial, or collector street as defined in the Plan of Conservation and Development.

7.6. SALE OF ALCOHOLIC BEVERAGES

Where permitted in accordance with Section 4, the sale of alcoholic beverages shall comply with the following.

7.6.1. No building or premises shall be used, erected, or structurally altered which shall be arranged, intended, or designed to be used for the sale of an alcoholic beverage if any part of such building or premises shall be situated:

- A. on any part of a lot within a radius of 1,500 feet of any part of another lot used for a purpose of selling alcoholic beverages, or
- B. within 1,500 feet of any part of another lot used or reserved to be used for a public school, a duly organized school other than a public school, church, a charitable institution, a hospital, or a library.

7.6.2. The provisions of Section 7.6 shall not apply to establishments chiefly engaged in the retail sale of groceries which also sell beer under a Grocery Store Beer Permit, nor to retail drug stores selling alcoholic beverages under a Drug Store Liquor Permit, nor to restaurants selling alcoholic beverages under a Restaurant Liquor Permit, provided however, a Special Permit shall be issued by the Commission. A Special Permit to sell alcoholic beverages in restaurants shall not be issued if in the opinion of the Commission any one of the following conditions exists:

- A. the sale of alcoholic beverages could have a detrimental effect on existing land uses in the area;
 - B. the applicant shall demonstrate that the number of existing and similar outlets in the area of the proposed new outlet appear sufficient to satisfy the demands of the general public; or
 - C. the applicant did not conclusively demonstrate how he proposes to insure the protection of the general health, safety, and welfare of the people in the community.
- 7.6.3. The applicant shall identify the type of restaurant permit being requested. The Commission shall recommend the type of restaurant permit to be permitted and forward said recommendation to the State Liquor Control Commission.

7.7. AUTO SALES AND SERVICE STATIONS

Where permitted in accordance with Section 4.1 and subject to Special Permit and Site Plan approval in accordance with Sections 8.2 and 8.3, garages and automotive service stations and sales of new or used automobiles shall comply with the following.

- 7.7.1. No such use shall be located within 500 feet of any entrance to a public park or playground, excluding small park areas within the boundaries of a highway, or within 500 feet of the nearest point of any building in which there is established or maintained a school, hospital, church, theater, public library or building for public assembly. If any of these uses shall locate within 500 feet of any existing automotive use as described above, such location shall not result in the automotive use becoming non-conforming. No gasoline or diesel filling station shall be erected less than 1,500 feet from any part of any lot or plot used for the above stated purposes.
- 7.7.2. Motor vehicles may be parked and other mechanical equipment may be stored outside if arranged in an orderly manner at all times. There shall be no outdoor storage of discarded vehicles, equipment, or dismantled motor vehicles in any residential district. Where such storage of equipment or motor vehicles shall be required as part of the operation of a garage or automotive service station in connection with the repair of vehicles or equipment, it shall be arranged in a side or rear yard and be suitably screened from a street and nearby properties.
- 7.7.3. Sales of new or used automotive vehicles and storage of new or used automotive vehicles shall be required to meet the following specific conditions:
 - A. the outdoor storage shall be arranged in an orderly manner;
 - B. no lighting shall be employed which would result in glare on adjoining residential districts;
 - C. all side or rear yards shall be screened when abutting adjoining residences or adjoining residential districts; and
 - D. there shall be no display at any time of partially dismantled or wrecked vehicles.

- 7.7.4. Any such use shall conform to the parking and loading requirements of Section 6.3.
- 7.7.5. All motor vehicle sales and repair locations shall be approved by the ZBA, in whatever District they are located in accordance with Section 8.7.5, for the purposes of Connecticut General Statutes Section 14-54, and shall be subject to all requirements of these Regulations.
- 7.7.6. All gasoline sales locations shall be approved by the Planning and Zoning Commission for the purposes of Connecticut General Statutes Section 14-321, and shall be subject to all requirements of these Regulations.

7.8. CAR WASHES

Where permitted in accordance with Section 4.1, and subject to Special Permit and Site Plan approval in accordance with Sections 8.2 and 8.3, Car Washes shall comply with the following conditions.

- 7.8.1. The site shall be served by public water and sanitary sewers.
- 7.8.2. The location of points of ingress and egress shall be sufficient for size and intensity of the proposed use.
- 7.8.3. Such use shall conform to the parking and access requirements of Section 6.3.
- 7.8.4. Sufficient reservoir area, in accordance with Section 6.3.2.K is never to be less than 700 feet for each automatic car wash bay; nor less than 140 feet for each self-serve type car wash bay; nor less than 300 feet for each semi-automatic car wash bay.
- 7.8.5. No parking shall be permitted on site except for vehicles of employees, service representatives or vendors. No overnight parking shall be allowed except for service vehicles working on equipment.
- 7.8.6. Vacuum spaces shall be 20 feet in length and 12 feet wide. Ingress and egress into and from a vacuum space is permitted from the queuing area, escape lane, or exit.

7.9. HOUSING FOR THE ELDERLY AND ASSISTED LIVING FACILITIES

- 7.9.1. Elderly Occupancy
- 7.9.2. The occupancy of any dwelling unit within housing for the elderly developments shall be limited to:
 - A. persons who are 55 years of age or older,
 - B. a spouse of an occupant pursuant to (a.) above, and who resides in the same unit,
 - C. an employee of the qualifying resident unit owner, pursuant to Section 7.10.3.A, who performs substantial duties related to the care of the owner, or

- D. occupants pursuant to (b.) above, who survive his or her spouse, and
- E. occupants pursuant to (b.) above, whose spouse has entered a long term continuing care facility.

7.9.3. Handicapped persons who are under 62 years of age shall be allowed to occupy in up to five percent (5%) of the units in an assisted living facility.

7.9.4. Housing for the elderly and assisted living facilities shall conform to the requirements of these Regulations except that the following requirements are specifically designed for the development of elderly housing in the Town of Rocky Hill. Notice is hereby given to the special housing needs of the elderly.

7.9.5. Where permitted by Special Permit and Site Plan approval, applications for Housing for the elderly developments shall comply with Sections 8.2 and 8.3 as well as the following.

- A. The entire site shall be devoted to elderly housing and related accessory uses, including health, recreation, and therapeutic care facilities for use by the occupants and open space uses.

B. Area and Bulk Requirements

Minimum Site Area	5 acres
Minimum Lot Frontage	150'
Minimum Front Yard	50'
Minimum Side Yard unobstructed by accessory buildings	30'
Minimum Rear Yard	30'
Maximum Building Height	Same as underlying zone
Maximum Building Coverage	25%
Maximum Impervious Coverage	50%
Minimum Contiguous Open Space (See Section 7.9.3.H.2)	25%

C. Utility Provisions

1. public sanitary sewers shall be required; and
2. public water supply shall be required, and
3. fire hydrants shall be provided on site per the Fire Marshal's approval.

D. Living Unit Sizes

The minimum living area of residential units shall be as follows:

	Housing for the Elderly	Assisted Living for the Elderly
Efficiency Unit	400 sq. ft.	275 sq. ft.
One-Bedroom Unit	500 sq. ft.	400 sq. ft.
Two-Bedroom Unit	650 sq. ft.	650 sq. ft.

The number of efficiency units of less than 300 SF in the assisted living facility shall be limited to no more than fifty percent (50%) of the total units to be constructed.

The maximum living area of residential units shall not exceed 1,200 square feet.

E. The common areas of the structure shall be at least thirty percent (30%) of the total area of the structure. Common areas include dining room(s), recreation room(s), kitchen facilities, and corridors.

F. Development Requirements

1. The proposed site is on a bus line; is within reasonable walking distance to required services of the elderly; or private transportation services are provided by the development.
2. The number of dwelling units shall not exceed ten (10) per acre for Housing for the elderly and 20 per acre for Assisted living facilities.
3. Ten percent (10%) of the units in a Housing for the elderly development shall be specifically designed for use by the handicapped in accordance with the State Building Code. All accessory buildings within a project shall be accessible to the handicapped.
4. Assisted living facilities shall comply with the Uniform Federal Accessibility Code for board and care facilities.
5. Assisted living facilities shall provide for three (3) meals per day, personal care services, handicapped-accessible transportation, and housekeeping services
6. Assisted living facility units shall not include full-kitchen facilities (stove and oven) except that units of 325 square feet or larger may have full-kitchens with a 3.8 cubic foot (or larger) refrigerator and sink, and all units will provide a full-bathroom with shower.
7. The dining room and kitchen facility shall be of such a size as to service all residents in one seating.
8. The facility shall be staffed 24 hours per day.

G. Affordability Requirements

1. Twenty percent (20%) of the living units in Housing for the Elderly developments shall qualify as affordable housing under the Connecticut General Statutes by virtue of being either:
 2. subsidized housing units,
 3. financed by the Connecticut Housing Finance Authority, or
 4. deed restricted for 40 years to remain affordable to households earning less than 80% of the regional median household income.

H. Landscaping Requirements

1. The development shall be landscaped to preserve or develop natural vegetation for beauty, recreation, screening, and shade. There shall be a minimum landscaped buffer of 15 feet in width adjacent to the sides of the site except at points of entry. The Commission may waive this

- requirement if it finds the existing natural landscaping is sufficient to provide the intended buffer.
2. Unless waived by the Commission for good cause, 25% of the site shall be contiguous open space.

7.10. ACTIVE-ADULT HOUSING

7.10.1. Purpose

To provide for planned residential developments especially for adults 55 years of age or older. The development shall be compatible with the character of any adjacent residential neighborhoods and the Town as a whole. The development shall promote innovative development, which utilizes the scarce and valuable recreational and utility resources efficiently with the intent to produce a comfortable neighborhood for its residents while protecting environmentally sensitive areas.

7.10.2. Appropriateness

In determining the appropriateness of an Active-Adult Housing development, the Commission shall consider the following factors in addition to those contained in Sections 8.2 and 8.3:

- A. the need within the Town for an Active-Adult Housing development,
- B. accessibility to major roads and proximity to community services,
- C. the physical characteristics of the lot,
- D. the availability of a public water system as defined by the Connecticut Department of Public Health and a public sanitary wastewater system,
- E. the appropriateness of the design and site layout for the property, and
- F. its compatibility with adjacent residential areas of similar density and character.

7.10.3. Ownership and Occupancy Standards

Where permitted by Special Permit and Site Plan approval in a residence district, Active-Adult Housing shall comply with the following standards:

- A. An Active-Adult Housing development shall fully comply with the provisions of the United States Fair Housing Act, as amended, and Connecticut State Statutes Section 46a-64b, as amended as it pertains to "Housing for older persons." This included compliance with any and all rules promulgated by the United States Department of Housing and Urban Development, which govern the implementations of such act.
- B. Permanent Occupancy of any Unit is restricted to:
 - (1) (a) any person of the age of 55 year or over, and

- (b) any person approved by the Declarant or the Board, in accordance with the provisions set forth below in this Section (“Age Qualified Person”);
- (2) a husband, wife or companion, over the age of 18 years, residing with the Age Qualified Person;
- (3) children residing with the Age Qualified Person or residing with the husband, wife or companion of the Age Qualified Person, provided the children are over the age of 18 years;
- (4) an individual, over the age of 18 years, residing with and providing physical or economic support to the Age Qualified Person; or
- (5) any person who was permitted to and did occupy a Unit with an Age Qualified Person may continue to occupy the Unit after the death of Age Qualified Person.

The Fair Housing Act permits housing intended for persons 55 and older provided that (1) at least 80% of the occupied units are occupied by at least one person who is 55 or older;(2) the Community publishes and adheres to policies demonstrating the intent to be age-restricted; and (3) the Community meets certain rules for verifying the age restrictions of the Community. Thus, up to 20% of the Units may be occupied by individuals all or whom are under 55 years of age.

- C. The proposed development shall be a “Common Interest Ownership Community” as defined in Chapter 828 of the Connecticut General Statutes.
- D. The constituent documents of the Common Interest Ownership Community shall contain provisions requiring the Declarant, in connection with the initial sale of Units, and the Association, as to all subsequent sale of Units, to enforce the Declaration which shall incorporate the Ownership and Occupancy Standards of the Zoning Regulations so that at all times the Common Interest Community will qualify for the 55 or over housing for older persons exemption under The Fair Housing Act. Permanent occupancy of any Unit shall not be permitted or allowed to continue if such occupancy violates the provisions of the Declaration or the Zoning Regulations or results in the loss of the Common Interest Community’s 55 or over housing for older persons exemption under the Fair Housing Act. At the closing of title of each unit being sold by Declarant, the purchaser of said Unit will be required to sign a certification or declaration to be used to insure that the Common Interest Community will qualify for the exemption under The Fair Housing Act and to insure that said purchaser is in compliance with the age restrictions set forth herein. Persons may not transfer, sell, gift, lease, assign, grant, buy, rent or occupy any Unit, except for the sale of the Unit by Declarant, until such person receives the approval of the Board in accordance with the provisions of the Declaration. (Approved March 19, 2008, Effective March 27, 2008)

7.10.4. Development Standards

Where permitted by Special Permit and Site Plan approval in a residence district, Active-Adult Housing shall comply with the following standards.

A. Area and Bulk Requirements

Minimum Site Area	5 acres
Minimum Lot Frontage on a Public Street	150'
Minimum Front Yard	50'
Minimum Side Yard	50'
Minimum Rear Yard	50'
Maximum Building Height	Same as underlying zone
Maximum Building Coverage	25%
Maximum Impervious Coverage	50%
Maximum Density Per Acre	3
Maximum Dwelling Units per Building	4
Maximum Floor Area Ratio¹	6,000 sq. ft. per acre
Minimum Separation Between Buildings	The greater of 30' or the height of adjacent buildings
Minimum Setback From Internal Street or Sidewalk	20'
Minimum Contiguous Open Space	25%

¹Excluding cellars

B. Utility Provisions

1. public sanitary sewers shall be required; and
2. public water supply shall be required and fire hydrants shall be provided on site per the Fire Marshal's approval.

C. Circulation Requirements

1. all roads shall conform to Town specifications,
2. through roads shall be public street,
3. interior roads shall be private streets owned by a homeowners association pursuant to Section 7.10.3.c., and
4. the Commission may require a walking trail system and/or sidewalks within the development.

D. Parking Requirements: There shall be two (2) spaces for each dwelling unit, plus one-half (0.5) spaces per unit for visitors. At least one (1) parking space per unit should be provided in an attached garage.

E. Minimum Living Area per Dwelling Unit shall comply with the following:

1. Single-Family Unit: 1,200 square feet, and
2. Attached Unit: 950 square feet.

F. The maximum number of bedrooms per unit shall be two (2).

G. The master bedroom shall be located on the first floor.

H. Each unit shall have a basement or attic for storage purposes.

I. Structures containing more than two dwelling units shall be varied substantially in plane along the building's length.

J. There shall be sufficient noise attenuation between attached dwelling units.

K. Unless waived by the Commission for good cause, 25% of the site shall be contiguous open space.

L. Recreational facilities suitable for active and/or passive recreation shall be provided to serve the development.

7.10.5. Market Analysis

The applicant shall provide the Commission with a written, independent, professional market analysis demonstrating the viability and local need for the proposed active-adult housing based on demographics and the availability of similar housing within the Town. No application for an active-adult housing development shall be approved by the Commission unless it finds that a need exists within the Town of Rocky Hill for such housing.

7.10.6. Verification

The homeowners association shall verify to the Zoning Enforcement Officer, compliance of the development with state and federal age requirements as set forth in the provisions of the Housing for Older Persons Act of 1995, as amended.

7.11. CONSERVATION DESIGN SUBDIVISIONS

The Commission may grant a Special Permit and Site Plan approval for Conservation Design Subdivisions in the R-40 District, provided that the proposed lots meet the requirements of Section 3.5.2. All Special Permit hearings may be held at the same time as any required hearing for subdivision.

7.11.1. Open Space Requirements:

- A. Open space to be preserved shall comprise not less than forty percent (40%) of the total parcel area.
- B. Land preserved to meet the requirements of this Section may include wetlands (as determined by a certified soil scientist) and steep slopes in excess of twenty percent (20%), provided that the percentage of land in these categories shall not exceed the percentage of land in these categories for the entire tract proposed for subdivision. No restrictions apply to land preserved as open space in excess of the minimum required.
- C. The area proposed to be conserved as open space is of a size, configuration, and location that meets one or more of the following criteria:
 1. land meeting the objectives and criteria for preservation of open space associated with the Connecticut River and to establish greenways, as specified in the Rocky Hill Plan of Conservation and Development,
 2. areas providing for the expansion and/or protection of existing open space and recreational areas,
 3. areas of woodland and/or farmland useful as wildlife habitat,
 4. streambelts,
 5. prime agricultural land,
 6. areas providing or protecting existing or potential drinking water supplies,
 7. areas adjacent to town streets with features such as large trees and stone walls and which retain the rural character of the Town,
 8. ridge tops and other areas of scenic vistas, which add to the open space quality of the Town, and
 9. areas of significant tree cover, historic sites, archeological sites, water-related resources, or other agricultural or environmentally important lands, soils or geological phenomena.
- D. The Commission shall determine the appropriate open space preservation method for the proposed Conservation Subdivision. The applicant shall propose one of the following preservation methods:

1. held in common by a homeowners' association incorporated as a not-for-profit corporation in the State of Connecticut, subject to legally binding arrangements that preclude any future development that may include restrictive deed covenants, conservation easements, or transfer of development rights to the Town or non-profit conservation organization;
2. held in single, partnership, or corporate ownership by the applicant subject to the transfer of development rights or conservation easements to the Town or non-profit conservation organization to preserve the area from future development;
3. deeded in fee-simple to a non-profit conservation organization; or
4. deeded in fee-simple to the Town.

7.11.2. Density and Area Requirements

- A. Density: The maximum number of lots in a Conservation Subdivision shall be the same as calculated for the subject parcel in accordance with Section 3.5.2.
- B. Height, Yard, and Bulk Requirements: All building lots within a conservation subdivision shall comply with the requirements of Section 3.5.2. No minimum lot size shall apply to a Conservation Design Subdivision.

7.11.3. In addition to other criteria contained elsewhere in these Regulations, applications for a Special Permit and Site Plan approval for Conservation Design Subdivisions shall comply with the following:

- A. the design elements of the proposed development will be compatible with the characteristics of the neighborhood,
- B. the lots to be created will be served by public water supply and sewage disposal, and
- C. a landscaped buffer at least 25 feet in width shall be established along any lot boundary, excluding any portion of the development preserved as open space, adjoining a residential parcel not developed as a conservation subdivision.

7.11.4. Procedures

Before any parcel of land may be developed or subdivided as a Conservation Subdivision, the applicant shall apply for and be issued a Conservation Design Special Permit.

A. Application Requirements

1. A preliminary site development layout showing:
 - a. the layout of lots and locations of structures;
 - b. wetlands, watercourses, steep slopes, and other natural features;
 - c. street layout and access from existing streets; and
 - d. the location of sanitary sewers, water lines, storm and surface drainage, and other utilities.

2. A detailed description and map of the proposed open space, including the location of other nearby or adjacent open space.

B. Pre-application Review

Applicants are encouraged to meet with the Planning and Zoning Commission for a preliminary, non-binding, review of the materials required by Subsection A.

7.12. EARTH REMOVAL AND FILLING

7.12.1. General Provisions

- A. The filling of land or the excavation and removal of soil or other minerals from the land shall require approval of the Commission unless the operation shall be for the express purpose of preparing the land for immediate development in accordance with a plan of subdivision which has been approved by the Commission, or unless in the case of filling or excavation operation, the amount of such fill or excavated material shall be less than 500 cubic yards, or where the deposit shall be one of topsoil for the purpose of improving an agricultural use, except in an FP District.
- B. All filling of land or removal of soil as specified above shall be subject to applicable Site Plan requirements and guides to the Commission found in Section 8.2. The Commission may modify such requirements if it determines that they are not fully applicable; and may hold a public hearing, if in its judgment; the nature of the Site Plan shall be such that the public should have an opportunity to be heard. No Site Plan shall be approved for any filling or excavation unless accompanied by a performance bond as described in Section 8.2.
- C. The Commission may grant approval of a filling or excavation project for a limited time only, and may impose such conditions as it feels are necessary to protect the health, safety, and general welfare of the Town.
- D. If in the Commission's judgment, the applicant cannot meet conditions necessary to protect the Town's health, safety, and general welfare, the Commission shall deny the application. Renewal of a filling or excavation project may be granted for a specifically stated time period. Prior to renewal, the Commission may require an amended Site Plan showing topographical changes to-date, or any other information necessary for further study of the project.
- E. The Commission shall receive a report from the Town Engineer prior to taking any action on an initial, or renewal, application for filling or excavation under these Regulations.
- F. These Regulations shall be deemed not to prohibit the removal of sod, loam, soil, clay, sand, gravel or stone necessary to be excavated from the foundation locations of buildings or other allowable structures for which building permits have been issued, or to be excavated from the locations of proposed streets in accordance with the lines, grades and profiles on plans

approved by the Commission. Nor shall these Regulations be deemed to prohibit the transferal of sod, soil, clay, sand, gravel, or stone from one part of the lot, tract, or parcel of land contiguous to another part of the lot tract, or parcel of land in the same ownership.

7.12.2. Minimum Requirements for Filling

- A. Provision for adequate drainage shall be made in accordance with the adopted Town Specifications for storm drainage control.
- B. Materials used must meet the definition of "Filling." No trash, garbage, building materials, or junk of any nature shall be permitted. (effective 9/29/11)
- C. Trees, stumps, logs, and woody vegetation shall not be nested but shall be distributed throughout the area in layers, alternating with layers of suitable material, in such a manner that all voids shall be filled. Where practical, woody vegetation shall be reduced by chipping or other approved methods.
- D. Dust shall be kept at a minimum at all times by use of calcium chloride or other acceptable means.
- E. The filling of the site shall be carried out in a safe and orderly manner. All fill shall be compacted to provide stability of material and to prevent undesirable settlement. The Town Engineer may require tests or other information to verify the placement and cover of filled materials.
- F. An application fee in accordance with the Fee Schedule adopted by the Town Council shall be required in the case of any new filling operation.
- G. A request for the renewal of any filling permit shall be accompanied by a fee in accordance with the Fee Schedule adopted by the Town Council.

7.12.3. Minimum Requirements for Soil or Other Mineral Removal

- A. Provisions for adequate drainage shall be made in accordance with the adopted Town Specifications for storm drainage control.
- B. The completed operation shall not result in a depression unless the operation covers an area of approximately 30 acres in which case finished low elevations at appropriate parts of the depression shall coincide with undisturbed land elevations, and the floor of the depression shall be graded so that the depression is adequately drained. The finished floor of the depression shall not exceed a slope of one foot of vertical rise to ten feet of horizontal distance.
- C. No excavation shall be made closer than 25 feet to any abutting property line, unless such excavation abuts another approved excavation, in which case the Commission may waive this requirement.
- D. The side slope of any depression shall not exceed a slope of one foot of vertical rise to two feet of horizontal distance.

- E. The completed operation shall not result in, or contain, a basin unless said basin shall be part of an approved engineering project. All basins shall be filled with clean fill material to attain elevations that blend with the undisturbed topography of the land surrounding the site, or otherwise graded to prevent the ponding of water.
- F. At the conclusion of the operation, the excavated area shall be covered with sufficient good quality topsoil to re-establish a surface that will support growth. At least six inches of topsoil shall be restored. The re-established surface shall be seeded with grass.
- G. Dust shall be kept at a minimum at all times by the use of calcium chloride or other acceptable means.
- H. The screening, sifting, washing, crushing or other forms of processing shall not be conducted in any district except a Business Park District and then only with specific approval of the Commission.
- I. An application fee in accordance with the Fee Schedule adopted by the Town Council shall be required in the case of any new soil or other mineral removal operation.
- J. A request for the renewal of any soil or other mineral removal permit shall be accompanied by a fee in accordance with the Fee Schedule adopted by the Town Council.

7.13. MEDICAL MARIJUANA

- A. Licensed medical marijuana producers (Producer) are allowed in Business Park Zoning Districts with a Special Permit/Site Plan under Section 8.3 and meeting the following regulations:
 - 1. The property on which a Producer is located shall not be permitted within 200 feet of any portion of a property on which a duly organized school, municipal park/recreational facility, place of worship is located; or within 200 feet of a boundary of a residential zoning district (as designated on the Official Zoning Map).
 - 2. The property on which a Producer is located shall not be permitted within 1,000 feet of any portion of a property on which another Producer is located.
 - 3. Marijuana and marijuana paraphernalia and products made thereof shall not be clearly visible from the exterior of the production facility.
 - 4. Producers shall comply with Connecticut General Statutes Section 21a-408 et seq. and the Regulations of State Agencies Sections 21a-408-1 to 21a-408-70 inclusive, both of which as may be amended from time to time.
- B. Licensed medical marijuana dispensaries (Dispensary) are allowed in Business Park and Commercial Zoning Districts with a Special Permit/Site Plan under Section 8.3 and meeting the following regulations:

1. The property on which a Dispensary is located shall not be permitted within 1,000 feet of any portion of a property on which a duly organized school, municipal park/recreational facility, place of worship is located; or within 200 feet of a boundary of a residential zoning district (as designated on the Official Zoning Map).
2. Marijuana and marijuana paraphernalia and products made thereof shall not be clearly visible from the exterior of the dispensary facility.
3. Dispensaries shall comply with Connecticut General Statutes Section 21a-408 et seq. and the Regulations of State Agencies Sections 21a-408-1 to 21a-408-70 inclusive, both of which as may be amended from time to time.

7.14. MIXED USE DEVELOPMENT

The Commission may grant a Special Permit and Site Plan approval for a Mixed Use Development in a C-Commercial Zoning District, provided the proposed development meets the applicable definitions and requirements under this Section 7.14, 2.2, 8.2 and 8.3 of these Regulations as may be amended.

7.14 A. Height and Area Requirements:

1. Building Height: If more than one building is proposed within a mixed use development, the buildings should be at varying heights. Building height is not to exceed 45 feet or 4 stories.
2. Building Setbacks: Front yard setback can range between 10 feet and 35 feet. Applicants, in writing, can request a front yard setback less than 10 feet providing the change would not create a sightline hazard or other hazard; and in front of the building vegetative elements are incorporated. Side Yard and Rear Yard Setbacks are to meet those of the underlying district.
3. Minimum Impervious/landscaped area: There is to be a minimum of 30% landscaped area on site distributed throughout the site. Vegetative buffering is to be provided along side and rear property boundaries

7.14 B Parking Requirements/Traffic:

Shared parking is required. The Applicant, in writing, shall present the proposed uses in general within the proposed development, their parking needs, and requirements as well as the overall parking and circulation plan.

7.14 C Multifamily Housing/Affordable Housing:

Multifamily Housing, as defined herein, is allowed in a Mixed Use development, subject to the Affordable Housing Set Aside, as defined herein.

- 7.14 D In addition to other criteria contained elsewhere in these Regulations, applications for a Special Permit and Site Plan approval for a mixed use development shall comply with the following:

Special Permit Requirements in Section 8.3;

Site Plan Requirements in Section 8.2;

Properties are to be served by public water and public sewer;

Public sidewalks are to be provided along the street frontage and throughout the development with areas of refuge such as but not limited to benches, other areas for sitting;

Commercial Vehicles as defined in Section 2.2 are prohibited from overnight parking unless associated with an on-site commercial business and appropriately screened from the public street and on site and nearby residential units;

The design guidelines as developed for the Silas Deane Highway, The Silas Deane A Vision for Reinvestment. Action Items and Design Guidelines are to be considered with respect to project and building design. (See Appendix E; Effective 5-1-15)

SECTION 8 PROCEDURES

8.1. GENERAL PROCEDURES

8.1A PRE-APPLICATION REVIEWS

For particularly large or involved concepts, potential applicants are encouraged to consider a pre-submission concept review at the early stages of project conception in order to facilitate the preparation and processing of a subsequent application.

The Planning Department Staff may also recommend a pre-submission concept review.

1. A prospective applicant may prepare and submit a pre-submission concept for informal presentation to the Commission.
2. Such pre-submission concept submission shall, at a minimum, include the following:
 - a. A plan providing sufficient information for the Commission to visualize how the proposed use or development might be configured and to identify the location of significant natural and proposed features (wetlands, watercourses, steep slopes, flood plain, structures, streets, detention basins) and other relevant information; and
 - b. A written summary of the project the Commission is being asked to address.
3. The Commission will allow an informal presentation by the prospective applicant.
4. The Commission may informally review the pre-submission concept for general conformance with these Regulations and may request additional information where deemed necessary.
5. A pre-submission concept shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any pre-application concept.
6. Such review shall not be binding on the applicant or the Commission.
7. In accordance with PA 03-184 (CGS 7-159b), such review and any results or information obtained from it may not be appealed under any provision of the Connecticut General Statutes. The executed Waiver Form must be submitted to the Planning Department prior to the day of the scheduled meeting.
8. A pre-submission concept shall be placed on file in the Planning and Zoning Office.

8.1.1. Application Submittal Requirements

- A. Applications to the Commission or the Board of Appeals shall be submitted to the Planning and Zoning Department.
- B. Applications shall be submitted on forms obtained from the Planning and Zoning Department for the type of application being submitted.
- C. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any application fee.

- D. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
- E. Applications shall be signed by the applicant and, if applicable, the owner of the property affected.

8.1.2. Date of Receipt

For the purposes of calculating statutory time frames for processing applications, the date of receipt of an application to the Commission or the Board of Appeals shall be:

- A. the day of the next regularly scheduled meeting of the Commission or the Board of Appeals immediately following the day of submission of the application to the Planning and Zoning Department, or
- B. thirty-five (35) days after submission, whichever is sooner.

8.1.3. Incomplete Applications

- A. Each application shall be reviewed by the Planning and Zoning Department to determine whether the application is substantially complete.
- B. An application shall not be considered actually complete until all of the information as required by these Regulations, the Commission, or the Board of Appeals has been received by the Commission or the Board of Appeals at a regularly scheduled meeting.
- C. An incomplete application or an application submitted without the requisite fee shall be denied.

8.1.4. Sequence of Hearings

Where a proposed development or activity requires multiple applications, the Commission may conduct any public hearings simultaneously or in the order they deem appropriate.

8.1.5. Consultations

On any application, the Commission or Board may:

- A. seek the advice and opinion of other officials, boards, or commissions to assist it in evaluating applications,
- B. retain an architect, landscape architect, professional land use planner, or other consultant to review, comment, and guide its deliberations on any application, and
- C. require that the applicant, to the extent authorized by any Town Ordinance:
 - 1. deposit funds with the Commission or Board for the costs of any consulting review fees, or

2. reimburse the Commission or Board for the cost of such consulting review.

8.1.6. Notice by Newspaper

- A. When a public hearing is required by these Regulations or scheduled by the Commission, the Planning and Zoning Department shall cause notice of the hearing to be published in a newspaper having a general circulation in Rocky Hill.
- B. Such notice shall be published at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date of the hearing.

8.1.7. Notice to Abutting Property Owners

Any application for a Special Permit, Site Plan approval, Zoning Regulation amendment, or Zoning Map amendment shall comply with the following.

- A. Applicants or their representatives shall be responsible for notifying owners of property abutting the subject property of any pending application for Special Permit, amendment of the Zoning Map, or for Site Plan Approval, if requiring a Public Hearing. Unless specified otherwise herein, with the submission of any such application to the Commission, or Board the applicant shall provide:
 1. a list of the names and addresses of owners of property within 500 feet of the subject property utilizing the latest records of the Town Tax Assessor to determine the owner of each property,
 2. a map showing the subject property, the surrounding properties and the approximate location of structures within 100 feet of the subject property, and
 3. all affected properties that are subject to the proposed application as described above shall be designated with a tax map and tax lot number as determined by the Tax Assessor's records.
- B. If an application is scheduled for a Public Hearing, the applicant shall notify each property owner as noted in Subsection A. above of the time, place, date, and purpose of the hearing by sending a copy of the legal notice to each abutting property owner not less than ten (10) days prior to the scheduled hearing.
 1. Notification Procedures
 - a. Notices from the applicant to the abutting property owners shall be sent via Certified U.S. Mail. The applicant shall obtain proof of mailing in the form of stamped U.S. Postal Service Certificates of Mailing. Notices sent "Return Receipt Requested" are not advisable.
 - b. Prior to the date of the Commission's Public Hearing regarding the application, the applicant shall submit:
 - i. the Certificates of Mailing,

- ii. a list of the property owners to whom the notices were sent, and
- iii. a copy of the letter and any enclosures sent to the property owners.

8.1.8. Notification of Abutting Municipalities

- A. In accordance with CGS Section 8-7d(f), the Commission or Board of Appeals shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:
 - 1. any portion of the property affected by a decision is within five-hundred (500) feet of the boundary of the adjoining municipality,
 - 2. a significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site,
 - 3. a significant portion of the sewer or water drainage from the project shall flow through and significantly impact the drainage or sewerage system within the adjoining municipality, or
 - 4. water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.
- B. Such notice shall be made by Certified Mail return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Planning and Zoning Department of the application, petition, request, or plan.
- C. No hearing shall be conducted on any application, petition, request, or plan unless the adjoining municipality has received the notice required under this Section.
- D. Such adjoining municipality, through a representative, may appear and be heard at any hearing on any such application, petition, request, or plan.

8.1.9. Notification of Water Companies

- A. In accordance with CGS Section 8-3i, an applicant shall provide written notice to a water company when an application, petition, request or plan is filed with the Commission or Board of Appeals concerning any project on any site which is within:
 - 1. an aquifer protection area, provided such area has been delineated in accordance with CGS Section 22a-354c, or
 - 2. the watershed of a water company, provided such water company has filed a map with the Commission or the Board of Appeals or on the Rocky Hill land records showing the boundaries of the watershed.
- B. Such notice shall be made by Certified Mail return receipt requested and shall be mailed within seven (7) days of the date of the day of the submission to the Planning and Zoning Department of the application, petition, request, or plan.

- C. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning and Zoning Department or the application shall be considered incomplete:
 - 1. a copy of the complete package of information sent to a water company,
 - 2. proof of mailing, and
 - 3. the return receipt.
- D. Such water company may, through a representative, appear and be heard at any hearing on any such application, petition, request, or plan.

8.1.10. Referrals to Regional Planning Agencies

The Commission shall give written notice to the regional planning agency(ies) when any portion of the land affected by a Zoning Regulation or boundary change affecting the use of a district is located within five-hundred (500) feet of the boundary of another municipality and:

- A. such notice shall be made by Certified Mail, return receipt requested,
- B. such notice shall be made not later than thirty-five (35) days before the public hearing,
- C. the regional planning agency(ies) may submit its advisory findings and recommendations to the Commission at or before the hearing,
- D. the Commission shall read any comments submitted by the agency(ies) into the record of any public hearing or public meeting held on the application, and
- E. no response from the agency(ies) shall be considered a favorable response.

8.1.11. Referrals to the Connecticut River Assembly

In the event of an application requiring referral in accordance with Section 5.4, the Commission shall refer the application to the Connecticut River Assembly for information, review, comments, and recommendations. If a hearing is required or scheduled on the application, such referral shall not be made later than 35 days before the hearing.

- A. The Commission shall read any comments submitted by the Assembly into the record of any public hearing or public meeting held on the application.
- B. A two-thirds (2/3) vote of all of the members of the Commission shall be required to approve an application which has received a negative comment from the Assembly.

8.1.12. Beneficiaries of a Trust

Any person who makes an application to the Commission or Board of Appeals pertaining to real property, the record title to which is held by a trustee of any trust, shall file with said application a sworn statement disclosing the name(s) of the equitable owner(s) of such real property or the beneficiary(ies) of the trust.

8.1.13. Bonding Requirements

Where a bond is required by any section of these Regulations, the Zoning Enforcement Officer shall require evidence of compliance with the following standards before accepting any bond.

- A. The required bond amount will be established by the Commission based on a listing provided by the applicant of the type and estimated quantities of materials needed to complete the approved improvements, exclusive of buildings. The amount of the bond shall be sufficient to cover the cost of any proposed or required site improvements, including but not necessarily limited to:
 1. street grading, roadway paving, and street plantings;
 2. installation of curbs, gutters, storm drainage facilities, landscaping, sidewalks, monuments, bridges, and culverts;
 3. erosion and sedimentation control measures; and
 4. all other such improvements that the Commission deems necessary to promote public health and safety and to safeguard the Town in regard to the future maintenance of said improvements.
- B. The Commission may require a separate bond for all erosion and sedimentation controls required as part of the Site Plan approval.
- C. All bonds must be posted within ninety (90)-days after the signing of the approved Site Plan by the Commission. Site Plan approval(s), Special Permits(s), and any Certificate of Zoning Compliance (s) issued shall be null and void if the required bonds are not posted as required. The Commission may grant an extension of the established time limit for good cause if in its opinion, unusual circumstances prevent filing of the bond within the prescribed time limit.
- D. Acceptable Forms of Bonds: Bonds shall be in one or more of the following forms:
 1. cash deposited with the Town;
 2. certified check payable to the Town, when the amount of the check is fully insured by the FDIC;
 3. a bank deposit assigned solely and irrevocably to the Town, when the amount of the deposit is fully insured by the FDIC; and/or
 4. an irrevocable letter of credit naming the Town as sole beneficiary provided that:
 - a. such letter of credit shall be issued by a branch of a bank in Connecticut or by a branch of a bank in the United States provided that:
 - i. such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, "NAIC") as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes, or
 - ii. the long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better

- by Standard & Poor's rating service or Baa or better by Moody's rating service;
- b. the terms and conditions of such letter of credit shall be acceptable in form and substance to the Town; and
 - c. when through the passage of time, such letter of credit shall have less than thirty (30)-days remaining until its expiration or lapse date, and such expiration date has not been extended, the Town may draw the full amount under said letter of credit and the proceeds may be retained by the Town as the bond.
- E. A bond required in the amount of \$5,000 or less shall be posted in cash or certified check only. For all other bonds, the Commission may require that up to 40% of the total or \$5,000, whichever is greater, be in cash or certified check. The remainder shall be provided in accordance with Subsection D, above.
- F. Upon completion of the proposed and required improvements, the applicant may be required to submit to the Commission:
- 1. an as-built, A-2 survey of the improvements;
 - 2. certification of accurate monument location by a land surveyor registered in the State of Connecticut;
 - 3. easements (if required) is a form satisfactory to the Commission; and
 - 4. proof of fulfillment of any other requirements or conditions.
- G. At the written request of the applicant, the Commission may release at least fifty percent (50%) of any bond upon submittal and verification of documentation required by Subsection F above, demonstrating satisfactory completion of at least fifty percent (50%) of the proposed or required improvements.
- H. At the written request of the applicant, the Commission may release all or the balance of any bond provided that:
- 1. the Town Engineer and/or Zoning Enforcement Officer has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied, and
 - 2. the applicant's engineer or surveyor has certified to the Commission, through submission of a set of detailed "record" plans on mylar, that all improvements and other work are in accordance with approved site plans.
- I. To promote public health and safety and to safeguard the Town in regard to the future maintenance of said improvement, the Commission may retain a maintenance bond, in cash or certified check, in the amount of ten percent (10%) of the total required bond for a period of one (1) year following completion of all proposed and required improvements.
- J. If all work associated with a Site Plan Application approved by the Commission is not completed within the prescribed amount of time shall, the Site Plan approval shall expire and become null and void. Any bond shall be

defaulted and the Town shall use the proceeds to ensure public health and safety and to safeguard the Town in regard to the future maintenance of said improvement.

8.2. SITE PLAN APPLICATION

8.2.1. Purpose: To provide a detailed review of all proposed development for which Site Plan Approval shall be specified, including those proposals, which shall be required to obtain Special Permit approval. The primary goals shall be to ensure compatible development with adjacent areas, protect the rights of property owners, encourage sound planning principles, and promote the health, safety, and general welfare of the community.

8.2.2. Application Requirements

A. A Site Plan Application shall be submitted:

1. for any activity designated in the Regulations as requiring Site Plan Approval,
2. in the Agricultural, R-20, or R-40 Residence Districts, for any construction, development, expansion, or major alteration of a multi-family use, non-residential use or non-agricultural use, or,
3. in the Regional Commercial, Commercial, Office Park, Business Park, or Waterfront Districts, for any construction, development, expansion, or major alteration of any use including any alteration in site improvements such as parking, pedestrian or vehicle circulation, public utilities or reduction of landscaping, or
4. if a previously approved and recorded Site Plan does not exist.

B. A Site Plan Application shall be accompanied by three (3) full-size (24" by 36") and twelve (12) reduced-size (11" by 17") copies of detailed plans, signed and sealed by an appropriate professional, for review by the Commission and its designees that comply with Appendix A to these Regulations.

C. In accordance with Appendix A to these Regulations, the Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

D. If a Site Plan Application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Open Space and Conservation Commission not later than the day such application is filed with the Commission.

8.2.3. Proceedings

A. The date of receipt for the Site Plan Application shall be determined in accordance with Section 8.1.2.

B. An incomplete Site Plan Application shall be denied in accordance with Section 8.1.3.

- C. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission may:
 - 1. hold a public hearing on the application, and
 - 2. require that the applicant give notice to abutting property owners in accordance with the requirements of Section 8.1.7.
- D. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.1.8.
- E. Notification to water companies may be required in accordance with the requirements of Section 8.1.9.
- F. Whenever a Site Plan Application is required in conjunction with another application requiring a public hearing (such as a Special Permit Application or a Zone Change Application):
 - 1. the time period for acting on the Site Plan Application shall coincide with the time period for acting on the related application, and
 - 2. a decision on the application shall be rendered within sixty-five (65) days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.
- G. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan Application, regardless of whether a public hearing is held, except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.
- H. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Open Space and Conservation Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
- I. Approval of a site plan shall be presumed unless a decision to deny or modify it is rendered within the applicable time period specified above.
- J. The applicant may withdraw such application at any time prior to action by the Commission.

8.2.4. Decision Considerations

- A. On a Site Plan Application involving an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the Commission shall:

1. wait to render its decision until the Open Space and Conservation Commission, acting as the Inland Wetlands Agency for the Town, has submitted a report with its final decision, and
 2. give due consideration to any report of the Open Space and Conservation Commission when making its decision.
- B. On a Site Plan Application involving notice to adjoining municipalities under Section 8.1.8 or notice to water companies under Section 8.1.9, the Commission shall give due consideration to any report or testimony received.
- C. Before the Commission approves a Site Plan Application, it shall determine that the application is in conformance with the applicable provisions of these Regulations.
- D. Application for Site Plan Approval shall be considered and evaluated by the Commission under the following criteria.
1. Appropriateness of location or use relative to:
 - a. the size and intensity of the proposed development and its effect on the conformity to the Plan of Conservation and Development and Zoning Regulations, and any other applicable regulations or ordinances,
 - b. the existence of other land uses in the area and the effect thereon from the proposed development, including the effectiveness of the landscaping and buffer plan in conformance with Section 6.13,
 - c. the capability of adjacent and feeder streets to accommodate the projected traffic volumes,
 - d. the obstruction of light or air; the emission of noise, smoke, odor, gas, vibration, or waste material and the quality and quantities of said pollutants produced by the proposed development as more particularly described in Section 6.1,
 - e. the overall effect on property values in the area,
 - f. the physical characteristics of the land including soil conditions,
 - g. the location on the site, the nature and heights of proposed buildings, walls, fences and other structures and planned activities and the nature and extent of landscaping on the site shall be such that the buildings, structures or use of the premises shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof,
 - h. there shall be no adverse effect upon adjoining areas resulting from the use of exposed artificial lights, colored lights of any nature, flashing lights, loudspeakers or other noisemaking devices,
 - i. parking area or areas, where required, shall be of adequate size for the particular use and, where applicable, shall be suitably screened from adjoining residential uses, and the exit and entrance drives to and from public streets are laid out so as to prevent traffic hazards and nuisances,
 - j. parking areas shall be provided with lighting, appropriately located and scaled to avoid glare off-site and harmonize with surroundings,

- k. parking areas shall be provided with signage for traffic control and flow,
 - l. parking area and landscape plans shall be designed by a landscape architect or other qualified professional with knowledge of parking lot layout, drainage, landscaping and related issues,
 - m. all sanitary and storm sewers have been designed in accordance with standard accepted engineering practice, approved by the Town Engineer, and there shall be adequate capacity in the sewer lines and other facilities to accept the discharge from the proposed use,
 - n. outdoor storage areas, including trash receptacles, shall be screened from view by decorative fencing and/or densely planted landscaping or landscaped berms and shall not infringe upon any required parking or loading areas.
 - o. the location of any points of ingress and egress, and arrangement of off-street parking facilities, in conformance with Section 6.3.
 - p. accessibility for emergency vehicles and equipment,
 - q. the extent and demand for police and fire protection,
 - r. the availability and adequacy of public utilities such as, electricity, telephone, gas, water, sanitary sewers, and cable television,
 - s. provisions for solid waste pick-up, and
 - t. other criteria in the interest of the public, safety, health, and welfare, as prescribed by these Regulations.
2. Unusual Features: Special consideration shall be provided for archaeological and fossil finds or features, unusual topographic or physical features, or any other unusual features associated with the site. When such features shall be in evidence prior to the application to the Commission or shall be discovered during the application review, detailed measures shall be provided to identify, protect, preserve, or properly remove the finds to an appropriate location. Should any of the above features be uncovered during construction, appropriate measures shall be instituted to protect, preserve, or remove the items. All such measures shall be reviewed and approved by the Commission. In reviewing such measures, the Commission may request the advice of experts in the field.
3. Design, Architecture and Aesthetics: In evaluating the architectural design of a Site Plan, the Commission shall consider:
- a. the basic design of the proposed use, buildings or development; the relationship between the buildings and the land;
 - b. the relationship between buildings;
 - c. the overall physical appearance of the proposed use and its compatibility with the surrounding area; and
 - d. the design, architecture, and aesthetics of any proposed development relative to:
 - i. excessive uniformity, dissimilarity, inappropriateness or poor quality of the exterior appearance of the development which may adversely affect the desirability for subsequent development in the area, and by so doing, may impair the benefits of present or future occupancy of existing property in the area;
 - ii. the stability and value of both improved and unimproved real property in the area;

- iii. the most appropriate development and use of the surrounding area;
 - iv. potential degeneration of property with attendant deterioration of conditions in the area affecting the health, safety and general welfare of the community; and
 - v. reduction of a proper ratio between the taxable values of real property in the area and the cost of municipal services provided therein.
4. Traffic:
- a. Ease of entrance to, and exit from the development, with a minimum of disturbance to outside traffic flow shall be considered of prime importance.
 - b. Unless waived by the Commission at the recommendation of the Police Chief, Fire Chief or Fire Marshal, entrances and exits shall be located either at an existing intersection or at a minimum of 50 feet from an intersection.
 - c. No exit or entrance shall exceed a grade of neither three (3) percent within 25 feet of any street line nor eight (8) percent at any other point.
 - d. Consideration shall be given to the inclusion of arterial thru-streets with proper provisions made to minimize the effects of traffic through residential areas. In all cases, a traffic study shall be prepared by a licensed Professional Engineer addressing the impact of the development upon the street system in the area.
 - e. The interior traffic circulation pattern shall be safe and aesthetically in harmony with the stated objectives of the district. Design items to consider in laying out the interior system shall include:
 - i. working with, not against the topography,
 - ii. utilizing curves to break up the monotony of straight drives, and
 - iii. separating pedestrian and vehicular traffic where possible.

E. Changes in an Approved Plan:

- 1. Minor changes in an approved and signed Site Plan may be approved by the Town Planner or other Commission designee, when in the discretion of the Town Planner or other designee, such changes do not significantly affect the overall layout, design, density, impact, or nature of the approved Site Plan.
- 2. Minor changes shall include, but are not limited to:
 - a. minor grading changes due to field conditions, that do not significantly impact drainage patterns;
 - b. minor changes in pavement or pavement marking,
 - c. (re)location of underground utilities;
 - d. location and screening of utility equipment;
 - e. location of directional or informational signage;
 - f. substitution of plant species due to availability or disease; and
 - g. any other minor technical change that does not materially detract from the original development concept.
- 3. The Town Planner or other designee shall report the approval of minor changes to an approved Site Plan to the Commission at their next

- regularly scheduled meeting and the modified plans shall be signed and filed in accordance with Section 8.2.6.
4. Whenever a change to an approved Site Plan is determined to be a major change by the Town Planner or other designee, a formal amendment shall be submitted by the applicant to the Commission for its consideration for subsequent approval and signing.
 5. Major changes shall include, but are not limited to:
 - a. change in use;
 - b. substantial reduction of the landscaping or open space area;
 - c. expansion, demolition or reconstruction of any structure or building;
 - d. additional signage other than directional or informational signs;
 - e. significant changes in grading so as to affect the drainage system; and
 - f. any other change that may be construed to detract materially from the original development concept.
 - F. The Commission may request reports on the application from various Town Departments such as Police Chief, Fire Marshal, Sanitarian, Engineer, Building Official, Parks and Recreation, Highway Superintendent, Tax Assessor, Town Manager, Open Space and Conservation Commission, and any other agency deemed appropriate by the Commission.
 - G. In approving a Site Plan Application, the Commission may impose conditions deemed necessary to protect the public health, safety, welfare, convenience, and property values.
 - H. The Commission may require that a bond be posted before any permits are issued for the activities shown on the approved plan, in an amount and form acceptable to the Commission, to ensure that the plan is implemented.

8.2.5. Action Documentation

- A. The Commission shall, whenever it grants or denies a Site Plan Application, state upon its record the reason(s) for its decision.
- B. The Commission shall send, by Certified Mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
- C. The Commission shall cause notice of the approval or denial of site plans to be published in a newspaper having a general circulation in Rocky Hill within fifteen (15) days after such decision is rendered.
- D. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.
- E. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period expires.

8.2.6. Following Approval

- A. Following approval of a Site Plan Application, two (2) fixed-line mylar copies of the approved plan(s) shall be submitted to the Planning and Zoning Department:
 - 1. bearing the raised seal of the appropriate professionals which prepared the drawing(s),
 - 2. bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity, and
 - 3. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.
- B. Following signature by the Chairman and prior to any Building Permits being issued for the activities shown on the approved plan, one (1) fixed-line mylar copy of the approved plan shall be filed in the Office of the Town Clerk within 90 days after being signed and one (1) copy of plans shall remain with the Zoning Enforcement Officer. The approved and signed Site Plan shall establish the criteria for issuance of a Certificate of Zoning Compliance, as described in Section 8.6.1.

8.2.7. Expiration and Completion

- A. Any Site Plan Application approved by the Commission under any provision of these Regulations or by reason of failure of the Commission to act, but for which no plan was filed in the Office of the Town Clerk in accordance with Section 8.2.6.B., shall be declared null and void.
- B. Any Site Plan Application approved by the Commission under any provision of these Regulations or by reason of failure of the Commission to act, but under which no work is commenced within twelve (12) months from the date of approval, shall be declared null and void unless the Commission shall provide for a longer time period not to exceed twenty-four (24) months from the date of approval. Commencement of work shall mean the laying of footings for a foundation or slab.
- C. All work in connection with a site plan shall be completed within five (5) years after the approval of the plan and failure to complete all work within such five-year period shall result in automatic expiration of the approval of such site plan unless the Commission shall have granted an extension of the time to complete work in connection with such site plan.
- D. The Commission may grant one or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten years from the date such site plan is approved.
- E. Any Site Plan approved by the Commission prior to the effective date of this revised Section shall be exempt from its provisions, notwithstanding any other applicable requirements, provided however, construction shall have started on said approved Site Plan within one year from the date the Commission approved and signed said Site Plan.

- F. The Commission may condition the approval of such extension on a determination of the adequacy of the bond or other surety.

8.3. SPECIAL PERMIT APPLICATION

- 8.3.1. **Applicability:** In all cases requiring approval by Special Permit, no Building Permit shall be issued by the Building Official except after public notice and hearing in accordance with the General Statutes and upon the authorization of the Commission.
- 8.3.2. **Special Permit Objectives:** In evaluating a Special Permit application, the Commission shall take into consideration the health, safety, and welfare of the public, in general, and the immediate neighborhood in particular, and shall prescribe reasonable conditions and safeguards to insure the accomplishment of the following objectives.
 - A. **Harmony with Development:** That the proposed use shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and shall not tend to depreciate the value of property in the neighborhood and shall not be detrimental to the orderly development of adjacent properties in accordance with the zoning classifications of such properties.
 - B. **Site Plan Objectives:** That the Site Plan Application submitted as part of a Special Permit Application shall accomplish the Site Plan objectives described in Section 8.2.4.D, particularly in that it shall not create traffic or fire hazards and shall not block or hamper the traffic circulation pattern.
 - C. **Conformance to Requirements:** Unless otherwise specified, a Special Permit use shall conform to all requirements of the district in which it is located.
 - D. **Multiple Uses:** Where two (2) or more Special Permit uses shall apply to the same premises, the minimum requirements shall be the minimum requirements for each use as specified in these Regulations, or in case of two (2) or more Special Permit uses in the same building, whichever requirements shall be more restrictive.
- 8.3.3. **Application Requirements**
 - A. A Special Permit Application shall be submitted for any activity designated in the Regulations as requiring a Special Permit.
 - B. Each application for a Special Permit shall, unless expressly waived by the Commission or in writing by the Town Planner, be accompanied by a Site Plan Application.
- 8.3.4. **Procedure:** Application for Special Permit shall be made in writing to the Commission at least 21 days prior to a regular meeting and shall be accompanied by the following required items:

- A. Fifteen (15) copies of the Special Permit Application shall be made in the form prescribed by the Commission, and shall include the following information:
 - 1. a detailed statement describing the existing and proposed use or uses,
 - 2. a detailed statement describing how the Special Permit criteria in Section 8.3.7 are addressed, and
 - 3. any approval from any local, regional, state, or federal agency or department having jurisdiction over any aspect of the application,
 - 4. a list of all property owners required to be notified, together with addresses, and
 - 5. all applications shall be accompanied by a fee, as provided in the fee schedule of the Town, to cover the cost of administration.
- B. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
- C. If a Special Permit Application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Open Space and Conservation Commission not later than the day such application is filed with the Commission.

8.3.5. Proceedings

- A. The date of receipt of the Special Permit Application shall be determined in accordance with Section 8.1.2.
- B. An incomplete Special Permit Application shall be denied in accordance with Section 8.1.3.
- C. The Commission shall hold a public hearing on the Special Permit Application and:
 - 1. publish a legal notice in accordance with the requirements of Section 8.1.6, and
 - 2. require that the applicant give notice to abutting property owners in accordance with the requirements of Section 8.1.7.
- D. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Planning and Zoning Department or the application shall be considered incomplete:
 - 1. a copy of the complete package of information sent to abutters,
 - 2. a list of the abutters to whom the notices were sent,
 - 3. proof of mailing, and
 - 4. the return receipts.
- E. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.1.8
- F. Notification to water companies may be required in accordance with the requirements of Section 8.1.9.

- G. The Commission shall process the Special Permit Application within the period of time permitted under CGS Section 8-7d:
 - 1. The public hearing shall commence within sixty-five (65) days after receipt of the application.
 - 2. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - 3. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - 4. The applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
- H. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Open Space and Conservation Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
- I. The applicant may, at any time prior to action by the Commission, withdraw such application.
- J. Amendments or Modifications
 - 1. Applications for amendment of a Special Permit that increase the existing ground coverage by less than ten percent (10%), that are necessitated by site conditions or are deemed to be in the public interest shall be made in the same manner as the original application; except that amendments which shall be found to be of a minor nature or which shall not materially alter the Special Permit as determined by the Commission, may be authorized with Commission approval only, without another public hearing.
 - 2. Applications for Special Permit amendments that enlarge the existing ground coverage by 10% or more, or require a change of use, may be authorized with Commission approval, only after another public hearing.

8.3.6. Decision Considerations

- A. On a Special Permit Application involving an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the Commission shall:
 - 1. wait to render its decision until the Open Space and Conservation Commission has submitted a report with its final decision, and
 - 2. give due consideration to any report of the Open Space and Conservation Commission when making its decision.
- B. On a Special Permit Application involving notice to adjoining municipalities under Section 8.1.8 or notice to water companies under Section 8.1.9, the Commission shall give due consideration to any report or testimony received.

- C. Before the Commission approves a Special Permit Application, it shall determine that the application:
 - 1. is in conformance with the applicable provisions of these Regulations,
 - 2. has, in the sole discretion of the Commission, satisfied the Special Permit criteria in Section 8.3.7, and
 - 3. is in harmony with the purposes and intent of these Regulations and the currently adopted Plan of Conservation and Development.
- D. Before granting a Special Permit, the Commission shall determine that any accompanying Site Plan Application is in conformance with the applicable provisions of these Regulations.
- E. In granting a Special Permit, the Commission may:
 - 1. stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or better overall neighborhood compatibility.
 - 2. impose additional requirements, conditions or safeguards as a prerequisite to the issuance of the Certificate of Zoning Compliance by the Zoning Enforcement Officer, if it shall be found necessary in order that the spirit of these Regulations may be observed, public safety and welfare secured or substantial justice done.
 - 3. set time limits on the Permit and/or require periodic renewal of the Permit without a public hearing. In the event an appeal is taken from the Commission approval of a Special Permit, then the time period shall commence on the date of final disposition of such litigation. An expired Special Permit shall be considered null and void
- F. Where the Commission finds or has reason to believe that circumstances or conditions upon which a Special Permit is warranted may change over time, the Commission may limit the time during which the Special Permit shall remain valid and may cause the review and substantiation of the justifying circumstances or conditions at periodic intervals or when occupancy or tenancy of the premises changes.
- G. Whenever the Commission acts upon a Special Permit, it shall state upon its records the reason for its decision.

8.3.7. Special Permit Criteria

In considering any application for a Special Permit, the Commission shall evaluate the merit of the application with respect to the following factors:

- A. Suitable Location for Use
- B. The location and size of the site, the nature and intensity of the operations involved in or conducted in connection with the use, and the location of the site with respect to streets giving access to it are such that the use shall be

in harmony with the appropriate and orderly development in the district in which it is located and shall promote the welfare of the Town.

C. Appropriate Improvements

1. The design elements of the proposed development will be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and probable future character of the neighborhood in which the use is located.
2. The location, nature, and height of buildings, walls and fences, planned activities and the nature and extent of landscaping on the site will be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
3. The proposed use or activity shall have no adverse effect upon the neighboring area resulting from the use of signs, exposed artificial lights, colored lights of any nature, flashing lights, loudspeakers or other noisemaking devices.
4. In cases where it is proposed to convert a structure designed and built originally for other uses, the structure is adaptable to the proposed use from the point of view of public health and safety.

D. Suitable Transportation Conditions

1. The design, location, and specific details of the proposed use or activity shall not adversely affect safety in the streets nor increase traffic congestion in the area nor interfere with the pattern of vehicular circulation in such a manner as to create or augment unsafe traffic conditions.
2. Parking area or areas will be of adequate size for the particular use and shall be suitably screened from adjoining residential uses and entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
3. Streets and other rights-of-way will be of such size, condition and capacity (in terms of width, grade, alignment and visibility) to adequately accommodate the traffic to be generated by the particular proposed use.

E. Adequate Public Utilities and Services

1. The provisions for water supply, sewage disposal, and storm water drainage conform to accepted engineering practices, comply with all standards of the appropriate regulatory authority, and shall not unduly burden the capacity of such facilities.
2. The proposed use or activity shall provide easy accessibility for fire apparatus and police protection and is laid out and equipped to further the provision of emergency services.

F. Environmental Protection & Conservation

- G. Appropriate consideration shall be given to the protection, preservation, and/or enhancement of natural, scenic, historic, and unique resources including, where appropriate, the use of conservation restrictions to protect

and permanently preserve natural, scenic, historic, or unique features that enhance the character and environment of the area.

- H. Long Term Viability
- I. Adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).
- J. Plan of Conservation and Development
- K. The proposed use or activity does not conflict with the purposes of the Regulations and shall facilitate achievement of the goals, objectives, policies, and recommendations of the Plan of Conservation & Development, as amended.

8.3.8. Action Documentation

- A. The Commission shall, whenever it grants or denies a Special Permit, state upon its record the reason(s) for its decision.
- B. The Commission shall send, by Certified Mail, a copy of any decision on a Special Permit Application to the applicant within fifteen days after such decision is rendered.
- C. The decision shall:
 - 1. state the name of the owner of record,
 - 2. contain a description of the premises to which it relates,
 - 3. identify the Section of the Regulations under which the Special Permit was granted or denied, and
 - 4. specify the nature of the Special Permit.
- D. The Commission shall cause notice of the approval or denial of the Special Permit Application to be published in a newspaper having a general circulation in Rocky Hill within fifteen days after such decision is rendered.
- E. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.
- F. Upon a denial of a Special Permit application by the Commission, the Commission shall not be required to hear the same application, or substantially the same application for a period of 12 months after a decision by the Commission or by a Court on an earlier such application.

8.3.9. Following Approval

- A. A Special Permit granted by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.

- B. Any approved Special Permit shall become null and void if the Special Permit is not recorded on the land records within 12 months of the date of approval by the Commission; provided, however, that an extension of not more than six (6) additional months may be granted by the Commission on written application prior to the expiration date setting forth the justification for such extension.
- C. A Special Permit shall only authorize the particular use or uses specified in the Commission's approval.
- D. Failure to adhere strictly to the documents, plans, terms, conditions, and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations.
- E. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit except that amendments which shall be found to be of a minor nature or which do not materially alter the Special Permit, as determined by the Commission, may be authorized with Commission approval only, without another public hearing.
- F. Notwithstanding any other provision of these Regulations, when an amendment to these Regulations or boundaries of zoning districts is adopted, a Special Permit that has been approved according to the Regulations in effect at the time of filing shall not be required to conform to such amendment provided:
 - 1. construction of any of the proposed improvements, including but not limited to roads, sewer lines, landscaping, recreational facilities, etc. shall have commenced within 12 months from the effective date of the Special Permit and Site Plan approvals; and
 - 2. construction of the improvements shall have been diligently pursued and prosecuted in substantial completion within the original time constraints set forth at the time of approval or within three years following the effective date of such amendment in these Regulations or boundaries of zoning districts.
- G. Conditions and Safeguards: Any condition or safeguards attached to the granting of a Special Permit shall remain with the property as long as the Special Permit use shall be in operation. These condition and safeguards shall continue in force regardless of any change in ownership of the property.
- H. Revocation: Any authorized Special Permit shall be subject to revocation by the Commission if any condition or safeguard imposed by the Commission upon buildings, structures, land or uses for said permit shall not be strictly adhered to by the applicant, user and/or owner. Notification thereof shall be filed in the Office of the Town Clerk.

8.3.10. Expiration and Completion

- A. Any Special Permit Application approved by the Commission under any provision of these Regulations or by reason of failure of the Commission to

act, which required a concurrent Site Plan Application, but for which no plan was filed in the Office of the Town Clerk in accordance with Section 8.2.6.B., shall be declared null and void.

- B. Any Special Permit Application approved by the Commission under any provision of these Regulations or by reason of failure of the Commission to act, which required a concurrent Site Plan Application, but under which no work is commenced in accordance with Section 8.2.7.B, shall be declared null and void unless the Commission shall provide for a longer time period not to exceed twenty-four (24) months from the date of approval.
- C. All work in connection with a Site Plan Application approved concurrent with a Special Permit Application shall be completed within five (5) years after the approval of the Special Permit. Failure to complete all work within such five-year period shall result in automatic expiration of the approval of such Special Permit unless the Commission shall have granted an extension of the time to complete work in connection with the concurrent Site Plan Application.
- D. Any Special Permit Application approved by the Commission under any provision of these Regulations or by reason of failure of the Commission to act, which did not require a concurrent Site Plan Application, but under which no Certificate of Zoning Compliance and Certificate of Occupancy (when required), were issued within twelve (12) months from the date of approval, shall be declared null and void unless the Commission shall provide for a longer time period not to exceed twenty-four (24) months from the date of approval.

8.4. REGULATION AMENDMENT APPLICATION

8.4.1. Application Requirements

- A. A Regulation Amendment Application shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.
- B. Any such application shall be accompanied by fifteen (15) copies of the precise wording of the existing and proposed text and any other supporting information.
- C. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
- D. A Regulation Amendment Application shall only be submitted by:
 - 1. an owner of real property in Rocky Hill,
 - 2. residents or persons having an interest in land in Town, or
 - 3. by the Commission on its own initiative.
- E. The Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of twelve months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change

of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

8.4.2. Proceedings

- A. The date of receipt for the Regulation Amendment Application shall be determined in accordance with Section 8.1.2.
- B. An incomplete Regulation Amendment Application shall be denied in accordance with Section 8.1.3.
- C. The Commission shall hold a public hearing on the Regulation Amendment Application and:
 - 1. shall cause a legal notice to be published in accordance with the requirements of Section 8.1.6.
 - 2. may publish the full text of such proposed regulation in full in such notice.
- D. Exemptions: For any proposed amendment to these Regulations initiated by the Commission:
 - 1. any fees shall be waived,
 - 2. the notice requirements of Section 8.1.6 shall be sufficient, and
 - 3. the provisions of Section 8.4.2.J with respect to the time of the decision regarding a proposed amendment to these Regulations shall not apply to any proposed amendment initiated by the Commission.
- E. The Commission may refer any application to amend these to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.
- F. Notification to regional planning agencies may be required in accordance with the requirements of Section 8.1.10
- G. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.1.8.
- H. Notification to water companies may be required in accordance with the requirements of Section 8.1.9.
- I. A copy of the proposed regulation shall be filed by the applicant in the Office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
- J. The Commission shall process the Regulation Amendment Application within the period of time permitted under CGS Section 8-7d:
 - 1. the public hearing shall commence within sixty-five (65) days after receipt of the application,

2. the public hearing shall be completed within thirty-five (35) days after such hearing commences,
3. all decisions shall be rendered within sixty-five (65) days after completion of such hearing,
4. the applicant may consent to one (1) or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days, and
5. these provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.

K. The applicant may, at any time prior to action by the Commission, withdraw such application.

8.4.3. Decision Considerations

- A. The Commission shall act upon the changes requested in such Regulation Amendment Application.
- B. Any report from an adjacent municipality or a regional planning agency shall be made a part of the record of such hearing.
- C. On a Regulation Amendment Application involving notice to adjoining municipalities under Section 8.1.8, notice to water companies under Section 8.1.9, or notice to a regional planning agency under Section 8.1.10, the Commission shall give due consideration to any report or testimony received.
- D. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
- E. Before approving any Regulation Amendment Application, the Commission shall determine that the proposed regulation change will aid in:
 1. protecting the public health, safety, welfare, or property values, and
 2. attaining the purposes of these Regulations.
- F. Such Regulation(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty percent (20%) or more of the area of the lots affected by such proposed change or of the lots within five-hundred (500) feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds (2/3) of all the members of the Commission.

8.4.4. Action Documentation

- A. Whenever the Commission acts upon a Regulation Amendment Application, it shall state upon the record the reasons for its decision.

- B. In making its decision, the Commission shall state on the record its findings on consistency of the proposed establishment, change, or repeal of such Regulations with the Plan of Conservation and Development, as amended.
- C. As part of approving a Regulation Amendment Application, the Commission shall establish an effective date for the Regulation change provided that a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Rocky Hill before such effective date.
- D. The Commission shall send, by Certified Mail, a copy of any decision on a Regulation Amendment Application to the applicant within fifteen (15) days after such decision is rendered.
- E. The Commission shall cause notice of the approval or denial of the Regulation Amendment Application to be published in a newspaper having a general circulation in Rocky Hill within fifteen days after such decision is rendered.
- F. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

8.4.5. Following Approval

- A. A regulation amendment approved by the Commission shall be filed in the Office of the Town Clerk before the effective date.
- B. The Commission shall not be required to hear a Regulation Amendment Application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action.

8.5. **ZONE CHANGE APPLICATION**

8.5.1. Amendments to Regulations: All proceedings to amend these Regulations, including any change in punctuation or wording, shall be instituted by written applications, in 15 copies, to the Commission setting forth the specific provisions to be amended and the proposed language thereof. Applications shall be signed by the party proposing the amendment or by the agent for such party. Reasons for the proposed amendment shall also be stated in the application.

8.5.2. Application Requirements

- A. A Zone Change Application shall be submitted in writing on forms provided by the Commission for any proposal to alter the zoning designation of any parcel of land or part thereof.
- B. A Zone Change Application shall be:
 1. signed by the affected property owner(s),

2. initiated by petition, or
 3. commenced by the Commission on its own initiative.
- C. In addition to the notice requirements of Section 8.1, the property owner is to be notified by Certified Mail prior to any hearing on a zone change that would be before the Commission.
- D. The application shall include:
1. a metes and bounds description of the land to be included in the amendment,
 2. written reason(s) for the proposed amendment,
 3. fifteen (15) copies of a map, accurately drawn to a maximum scale of 50 feet or a minimum of two-hundred (200) feet to the inch, showing north arrow, name of the petitioner and all existing lots, dimensions, property lines, streets, the location size and use of existing structures within the area of proposed change, existing and proposed zoning for the area included in and within five-hundred (500) feet of the subject property, and any other information considered pertinent by the applicant.
 4. a list of all property owners required to be notified in Section 8.1.7 plus the names, addresses, tax map and lot numbers of all owners of property subject to the proposed amendment.
 5. a fee, as specified in Appendix C to these Regulations to cover the cost of administration.

8.5.3. Proceedings

- A. The date of receipt of the Zone Change Application shall be determined in accordance with Section 8.1.2.
- B. The Commission shall hold a public hearing on the Zone Change Application and:
1. shall cause a legal notice to be published in accordance with the requirements of Section 8.1.6.
 2. require that the applicant give notice to abutting property owners in accordance with the requirements of Section 8.1.7.
- C. Additional Notice for Map Amendments: For proposed Zoning Map Amendments, the applicant shall give notice to all owners of property subject to the proposed amendment and owners of property abutting the subject property as prescribed by Section 8.1.7.
- D. Exemptions: For any proposed amendment to the Zoning Map initiated by the Commission:
1. the provisions of Sections 8.5.2.D (metes and bounds description, map scale, owners of the subject properties and abutting owners, etc.), 9.3 (fees), and 8.1.7 (mailing of notices) shall be waived,
 2. the notice requirements of Section 8.1.6 shall be sufficient, and

3. the provisions of Section 8.5.3.L with respect to the time of the decision regarding a proposed amendment to the Zoning Map shall not apply to any proposed amendment initiated by the Commission.
- E. The Commission may refer any application to amend the Zoning Map to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.
 - F. Any proposed change of zone or regulation affecting any properties within 500 feet of the Town line shall be referred to the Regional Planning Agency in accordance with the General Statutes.
 - G. Notification to regional planning agencies may be required in accordance with the requirements of Section 8.1.10
 - H. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.1.8.
 - I. Notification to water companies may be required in accordance with the requirements of Section 8.1.9.
 - J. A copy of the proposed zone change shall be filed by the applicant in the Office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
 - K. An incomplete Zone Change Application shall be denied in accordance with Section 8.1.3.
 - L. The Commission shall process the Zone Change Application within the period of time permitted under CGS Section 8-7d:
 1. the public hearing shall commence within sixty-five (65) days after receipt of the application,
 2. the public hearing shall be completed within thirty-five (35) days after such hearing commences,
 3. all decisions shall be rendered within sixty-five (65) days after completion of such hearing,
 4. the applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days, and
 5. these provisions shall not apply to any action initiated by the Commission regarding a Zone Change Application.
 - M. The applicant may at any time prior to action by the Commission, withdraw such application.

8.5.4. Decision Considerations

- A. The Commission shall act upon the Zone Change Application.

- B. On a Zone Change Application involving notice to adjoining municipalities under Section 8.1.8, notice to water companies under Section 8.1.9, or notice to a regional planning agency under Section 8.1.10, the Commission shall give due consideration to any report or testimony received.
- C. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
- D. Before approving any Zone Change Application, the Commission shall determine that the proposed zone change:
 - 1. is in accordance with the Plan of Conservation & Development,
 - 2. is suitable for the intended location,
 - 3. will aid in protecting the public health, safety, welfare, or property values, and
 - 4. will aid in attaining the purposes of these Regulations.
- E. Such Zone Change shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty percent (20%) or more of the area of the lots affected by such proposed change or of the lots within five-hundred (500) feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds (2/3) of all the members of the Commission.

8.5.5. Action Documentation

- A. Whenever the Commission acts upon a Zone Change Application, it shall state upon the record:
 - 1. the reason for its decision, and
 - 2. its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.
- B. As part of approving a Zone Change Application, the Commission shall establish an effective date for the zone change provided a notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in Rocky Hill before such effective date.
- C. The Commission shall send, by Certified Mail, a copy of any decision on a Zone Change Application to the applicant within fifteen (15) days after such decision is rendered.
- D. The Commission shall cause notice of the approval or denial of the Zone Change Application to be published in a newspaper having a general circulation in Rocky Hill within fifteen (15) days after such decision is rendered.
- E. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such

application may provide for the publication of such notice within ten days thereafter.

8.5.6. Following Approval

- A. A Zone Change Application approved by the Commission shall be filed in the Office of the Town Clerk before the effective date.
- B. The Commission shall not be required to hear a Zone Change Application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

8.6. **STAFF PROCEDURES**

8.6.1. Certificate of Zoning Compliance

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any new building or premises, excluding single-family dwellings, until a Certificate of Zoning Compliance shall have been issued therefor by the Zoning Enforcement Officer (ZEO) or his/her designated agent stating that the proposed use of the building or land conforms to the requirements of these Regulations.
- B. A Certificate of Zoning Compliance shall be issued upon the basis of Site Plans that have been approved by the Commission, and upon the basis that the use, arrangement, or construction of the development is not at variance with the approved Site Plans. Such Certificate may be issued for completion of a portion of an approved Site Plan, with further Certificates to be issued as compliance shall be achieved.
- C. The ZEO or his/her designated agent shall have the prerogative of issuing a conditional Certificate of Zoning Compliance. Prior to granting a conditional Certificate, the Commission shall give consideration to the time of year (seasonal) restrictions, retention of the performance or subdivision bond, freedom from hazardous and unsafe conditions related to the development, performance of the developer, and any other matters in association with protecting the general health, safety and welfare of the public.
- D. Prior to issuing a conditional Certificate of Zoning Compliance, a cash bond shall be submitted by the developer to the Town in an amount to be determined by the Commission in accordance with Section 8.1.12. Failure by the developer to complete all site improvements shown on the approved Site Plan within a prescribed time set by the Commission shall constitute a forfeiture of the cash bond to the Town and the Town shall cause to be completed the remaining site improvements and the money within the cash bond shall be used to defray the cost.
- E. No Certificate of Zoning Compliance shall be issued for development as noted above which requires the construction of a new roadway or utilities, as

shown by any Subdivision or Site Plan approved by the Commission until the Zoning Enforcement Officer or his/her designated agent has determined that all utilities, drainage and street improvements required to be installed to serve the lot have been satisfactorily installed in accordance with the approved Subdivision or Site Plan, except for the following:

1. final surface treatment (wearing surface) of the roadway and sidewalks,
2. standard street signs,
3. curbs and guard rails (as required),
4. topsoil, seeding, trees and other required planting, and
5. such other minor installations as will not interfere with proper access and drainage and are best deferred to final completion of all required construction.

8.6.2. Enforcement

A. Enforcement Authority

1. These Regulations shall be administered and enforced by the Commission.
2. The Zoning Enforcement Officer (hereinafter referred to as the ZEO) in the Town shall be appointed by the Commission. The ZEO shall have all the powers, duties, and responsibilities assigned to the position by these Regulations.
3. The Commission may designate one or more Assistant Zoning Enforcement Officers to aid in the enforcement of these Regulations.
4. The Commission or an Enforcement Officer may file information with the prosecuting authority upon violation of any of these Regulations.

B. Inspections

- C. The Zoning Enforcement Officer and members of the Commission shall have authority to cause an inspection to be made of any premises and the building and structures thereon and the use of any land and any kind of work upon any building or structure being erected or altered, whether or not such work is being done under authority of a Certificate of Zoning Compliance.

D. Violations

1. If the Zoning Enforcement Officer shall find a violation of these Regulations, or any of them, he shall serve upon the owner, lessee, tenant, architect, engineer, builder, contractor, manager, or any agent a violation notice and an order to discontinue such work and violation and to correct or abate the condition complained of within ten (10) days from service of such notice and order.
2. The Zoning Enforcement Officer shall have the authority to remove or to cause the removal of any sign erected on, attached to, maintained on, or displayed on any property or public right-of-way in any zone where no permit has been issued in accordance with these Regulations or where such sign is in violation of any provision of said Section.
3. Any person violating any of the provisions of these Regulations shall be subject to the fines, injunctive procedures and any other penalties

prescribed by Chapter 124 of the Connecticut General Statutes, as amended, including, when warranted, a separate violation for each day that a violation exists.

8.7. ZONING BOARD OF APPEALS PROCEDURES

8.7.1. General Provisions

A. Appointment

- B. There shall be a Board of Appeals appointed pursuant to the provisions of any special or public act adopted by the General Assembly and any Charter provisions adopted by the Town of Rocky Hill.

C. Powers and Duties

The Board shall have the following powers and duties:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer.
2. To determine and vary the application of the Zoning Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship and only when such determination or variance shall:
 - a. be in harmony with the general purpose and intent of these Regulations,
 - b. give due consideration for conserving the public health, safety, convenience, welfare and property values, and
 - c. result in substantial justice being done and the public safety and welfare secured.
3. To hear and decide all matters referred to it and upon which it shall be required to pass under any provision of these Regulations.

D. Meetings

1. All hearings of said Board shall be held at the call of the Chairman or Secretary at such times as the Board may determine and shall be open to the public.
2. The Board, in considering and determining matters brought to it, after public hearing duly held on such matter, may hold executive sessions.
3. The Chairman or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.
4. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, shall indicate such fact, and shall keep records of its examinations and other official acts.
5. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the Board shall immediately be filed in the Planning and Zoning Department and shall be a public record.

6. If a regular member of the Board of Appeals is absent, he may designate an alternate from the panel of alternates to act in his place but if he fails to make such designation or if he is disqualified, the chairman of the Board shall designate an alternate from such panel.
7. In choosing an alternate, the Chairman shall choose alternates in rotation so that they shall act as nearly equal a number of times as possible and, if any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

E. Conflict of Interest

A member of the Board shall disqualify himself to act in a given case by reason of his relationship to any party involved or of financial interest in the matter before the Board.

8.7.2. Jurisdiction

No order, requirement, or decision made by the Commission or by any administrative officer charged with the enforcement of any of these Regulations and made under the powers of the State of Connecticut by Chapter 126 of the General Statutes of Connecticut shall be subject to a review by the Board of Appeals.

8.7.3. Appeals of Orders

A. Authority

In accordance with CGS Section 8-7, an appeal may be taken to the Board of Appeals by any person aggrieved where it is alleged that there is an error in any order, requirement, or decision made by the Zoning Enforcement Officer.

B. Application Requirements

1. Any such appeal shall be taken by filing with the Commission or the Zoning Enforcement Officer and with the Board a notice of appeal specifying the grounds thereof.
2. An appeal shall be taken within thirty (30)-days of the issuance of an order by the Zoning Enforcement Officer.
3. The Zoning Enforcement Officer shall forthwith transmit to said Board all the papers constituting the record upon which the action appealed from was taken.
4. An application or appeal to the ZBA shall be accompanied by a fee as provided in Appendix C to these Regulations.
5. The Board of Appeals may require the filing of a survey meeting the Class A-2 accuracy standards of the Code of Practice for Standards of Accuracy of Surveys and Maps, by the Connecticut Association of Land Surveyors, Inc., when warranted by the proximity of the proposed change of use or construction or alteration of a structure to any property line.

C. Effect of Appeal

1. An appeal of an order, requirement, or decision made by the Zoning Enforcement Officer that prohibits further construction or expansion of a use in violation of the Zoning Regulations shall not be cause for such construction or expansion to continue except to such extent that the Board may allow.
2. An appeal from any other order, requirement or decision made by the Zoning Enforcement Officer shall stop all enforcement and proceedings with regard to such order, requirement or decision unless the Commission or the Zoning Enforcement Officer certifies to the Board of Appeals after the appeal has been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.
3. If the Commission or the Zoning Enforcement Officer certifies to the Board of Appeals that a stay would cause imminent peril to life or property, enforcement and proceedings shall only be stayed by a restraining order granted by a court of record, on notice to the Commission or the Zoning Enforcement Officer and on due cause shown.

D. Proceedings

1. The date of receipt of the Appeal of Order shall be determined in accordance with Section 8.1.2.
2. The Board shall hold a public hearing on the Appeal of Order and:
 - a. publish a legal notice in accordance with the requirements of Section 8.1.6, not less than ten (10) days before the subject hearing, the applicant shall cause a sign, provided by the Town, to be placed in the front yard of the subject property so as to be easily readable from the street line in the judgment of the ZEO,
 - b. not less than ten (10) days before the subject hearing, the applicant shall cause a sign, provided by the Town, to be placed in the front yard of the subject property so as to be easily readable from the street line in the judgment of the ZEO, and
 - c. not more than twenty (20) days nor less than seven (7) days before the date of an appellant's hearing, the appellant or his/her legal representative, shall mail notification of his/her Appeal of Order , including a short description of the Appeal of Order and the scheduled date, time and place of the hearing, to the owners of each parcel or property within 200 feet of the appellant's property, as determined from the latest real estate list of the Town in the Tax Assessor's Office. At the hearing, the applicant, or his/her legal representative, shall submit evidence of the required mailing in the form of U.S. Postal Service Certificates of Mailing, a list showing the names and address of the owners of all such properties, and a copy of the notification (including attachments) which were mailed.
3. At such hearing, any party may appear in person or may be represented by agent or by attorney.
4. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.1.8.
5. Notification to water companies may be required in accordance with the requirements of Section 8.1.9.

6. An incomplete Appeal of Order shall be denied in accordance with Section 8.1.3.
7. The Board shall process the Appeal of Order within the period of time permitted under CGS Section 8-7d:
 - a. The public hearing shall commence within sixty-five (65) days after receipt of the appeal.
 - b. The public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - c. All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - d. The applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
8. If a request for postponement of a hearing shall be made after publication of a public notice in a newspaper, it shall be treated as a new application including all costs.
9. The applicant may, at any time prior to action by the Board, withdraw such application.

E. Decision Considerations

1. The Board shall have all the powers of the Zoning Enforcement Officer from whom the appeal has been taken but only in accordance with the provisions of this Section.
2. The application of a regulation affirming a statute shall not be subject to an appeal of order.
3. The Board shall make such order, requirement or decision as in its opinion should be made in the premises.
4. The Board may reverse, affirm wholly or partly, or may modify any order, requirement, or decision from which an appeal has been taken.
5. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, or decision of the official charged with the enforcement of the Regulations.
6. Whenever the Board sustains or reverses wholly or partly any order, requirement or decision appealed from, it shall state upon its records the reason for its decision and the Regulation which is varied in its application or to which an exception is granted.

F. Action Documentation

1. The Board shall, whenever it grants or denies an Appeal of Order, state upon its record the reason(s) for its decision.
2. Notice of the decision of the Board shall be sent by Certified Mail to any person who appeals to the Board within fifteen (15) days after such decision has been rendered.
3. Notice of the decision of the board shall be published in a newspaper having a substantial circulation in Rocky Hill within fifteen (15) days after such decision has been rendered.
4. In any case in which such notice is not published within such fifteen (15) day period, the person who took such appeal may provide for the publication of such notice within ten (10) days thereafter.

8.7.4. Variances

A. Authority

In accordance with CGS Section 8-6, the Board of Appeals shall have the power and duty to determine and vary the application of the Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship.

B. Application Requirements

1. A Variance Application shall be accompanied by eight (8) copies of sufficiently detailed plans for review by the Board and its designees.
2. The Board of Appeals shall require the filing of a survey meeting the Class A-2 accuracy standards of the Code of Practice for Standards of Accuracy of Surveys and Maps, by the Connecticut Association of Land Surveyors, Inc., when the variance is dimensional in nature or such survey is integral to the understanding of the application.

a. Plot Plan Requirements

All plans must include the following information where applicable:

1. Name and address of property owners.
2. Address of property in question.
3. Signature and seal of an engineer, landscape architect, or land surveyor who is registered in the State of Connecticut.
4. Survey information of the land in question including distances, angles, and bearings.
5. North point arrow.
6. Zone classification, lot size, lot frontage, front yard, side yard, rear yard, building height, parking spaces, floor area, lot coverage and open space percentage.
7. Distance of structure(s) existing or proposed, to property lines.
8. Location of tree lines or other densely settled vegetation.
9. The amount of the variance requested and the amount required in the Zoning Regulations.
10. Curb cuts, drive-ways, and parking layout for non-residential parcels.
11. Height, size and location of sign if applicable.
12. Existing contours, not more than five foot intervals, if applicable.
13. Building lines for all property lines.
14. Scale: Not less than 1" 40'.
15. Abutters list (on plan).
16. Index map showing 200 ft. radius and abutting properties.

(Adopted 3-17-10, Effective 3-24-10)

3. An application or appeal to the ZBA shall be accompanied by a fee as provided in Appendix C to these Regulations.
4. The Board shall not be required to hear any application for the same variance or substantially the same variance for a period of six (6) months after a decision by the Board or by a court on an earlier such application.
5. If a Variance Application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Open Space and Conservation Commission not later than the day such application is filed with the Board.

C. Nature of Variance

1. Any variance granted by a Board of Appeals shall run with the land and shall not be personal in nature to the person who applies for and receives the variance.
2. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.

D. Proceedings

1. The date of receipt for the Variance Application shall be determined in accordance with Section 8.1.2.
2. The Board shall hold a public hearing on the Variance Application and:
 - a. publish a legal notice in accordance with the requirements of Section 8.1.6,
 - b. not less than ten (10) days before the subject hearing, the applicant shall cause a sign, provided by the Town, to be placed in the front yard of the subject property so as to be easily readable from the street line in the judgment of the ZEO,
 - c. not more than twenty (20) days nor less than seven (7) days before the date of an appellant's hearing, the applicant or his/her legal representative, shall mail notification of his/her Variance Application, including a short description of the Variance Application and the scheduled date, time and place of the hearing, to the owners of each parcel or property within 200 feet of the appellant's property, as determined from the latest real estate list of the Town in the Tax Assessor's Office, and
 - d. at the hearing, the applicant, or his/her legal representative, shall submit evidence of the required mailing in the form of U.S. Postal Service Certificates of Mailing, a list showing the names and address of the owners of all such properties, and a copy of the notification (including attachments) which were mailed.
3. At such hearing, any party may appear in person or may be represented by agent or by attorney.
4. Notification to adjoining municipalities may be required in accordance with the requirements of Section 8.1.8.

5. Notification to water companies may be required in accordance with the requirements of Section 8.1.9.
6. An incomplete Variance Application shall be denied in accordance with Section 8.1.3.

7. The Board shall process the Variance Application within the period of time permitted under CGS Section 8-7d:
 - a. the public hearing shall commence within sixty-five (65) days after receipt of the application.
 - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - d. the applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
8. If a request for postponement of a hearing shall be made after publication of a public notice in a newspaper, it shall be treated as a new application including all costs.
9. The applicant may, at any time prior to action by the Board, withdraw such application.

E. Decision Considerations

1. Whenever a Variance Application is joined with an Appeal of Order Application, the Board shall first decide the issues presented by such Appeal of Order.
2. The application of a regulation affirming a statute shall not be subject to variance.
3. The Board shall find that a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship:
 - a. solely with respect to the parcel of land that is the subject of the application,
 - b. owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, and
 - c. shall not be based upon the non-conforming use of neighboring lands, structures, or buildings.
4. The Board shall only grant the minimum variance necessary to alleviate the exceptional difficulty or unusual hardship:
 - a. in harmony with the general purpose and intent of these Regulations.
 - b. with due consideration for conserving the public health, safety, convenience, welfare and property values, and
 - c. so that substantial justice shall be done and the public safety and welfare secured.
5. Whenever the Board of Appeals grants or denies any variance in the Zoning Regulations applicable to any property it shall state upon its records:
 - a. the reason for its decision,
 - b. the Regulation which is varied in its application, and

- c. when a variance is granted, a specific description of the exceptional difficulty or unusual hardship on which its decision is based.
6. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.

F. Additional Considerations for Use Variances

1. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.
2. No use variance for a business use or an industrial use shall be granted in a residential district.
3. No use variance shall be granted for an industrial use in a commercial district.
4. No use variance shall be granted for a commercial use in an industrial district.
5. A use variance shall only be granted where, without the use variance, the private property would be rendered valueless.

G. Action Documentation

1. The Commission shall, whenever it grants or denies a Variance Application, state upon its record the reason(s) for its decision.
2. Notice of the decision of the Board shall be sent by Certified Mail to any applicant to the Board within fifteen (15) days after such decision has been rendered. Such notice shall:
 - a. state the name of the owner of record,
 - b. contain a description of the premises to which it relates,
 - c. state the nature of the hardship claimed, and
 - d. specify the nature of such variance including the Regulation which is varied in its application.
3. Notice of the decision of the Board shall be published in a newspaper having a substantial circulation in Rocky Hill within fifteen (15) days after such decision has been rendered.
4. In any case in which such notice is not published within such fifteen (15) day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

H. Following Approval

1. A variance granted by the Board shall only become effective upon the filing of a copy, certified by the Board, in the Office of the Town Clerk, in accordance with the provisions of CGS Section 8-3d.
2. Unless the Board shall otherwise specifically so provide, any variance in the application of these Regulations or any permit granted by it shall terminate and be inactive and void if, within a period of six (6) months from the date that such variance shall have been granted if:
 - a. such variance has not resulted in the actual and physical use of the subject premises for a specific purpose as authorized by the variance granted,

- b. such variance has not resulted in the start of construction or demolition pursuant to a duly issued building or demolition permit, as authorized by the variance granted, or
 - c. an extension of not more than six (6) additional months has not been granted by the Board on written application prior to the expiration date, setting forth the justification for such extension.
3. A Variance shall only authorize the particular activity specified in the Commission's approval.

8.7.5. Location of Uses

- A. The ZBA shall, after a hearing as provided in CGS Section 14-55, decide upon all requests for approval of a location for dealing in or repairing motor vehicles and may issue a Certificate of Approval of Location for any such use as provided in CGS Section 14-54.
- B. Approval of a Certificate of Approval of Location by the ZBA does not preclude any requirement for or approval of Site Plans or Special Permits by the Planning and Zoning Commission.

8.7.6. Conditions and Safeguards

- A. In all cases where the ZBA shall authorize the issuance of a Certificate of Zoning Compliance, under any of the above powers, it shall be the duty of said ZBA to attach such conditions and safeguards as may be required to protect the public health, safety and general welfare, and to ensure continual compliance to these Regulations.

Appendix A SITE PLAN REVIEW PROCEDURES

These appendices are not part of the regulations

A.1. APPLICATION REQUIREMENTS

Prior to the Commission's review of the Site Plan, an application shall be submitted on a form and in accordance with procedures established by the Commission. The application shall include the following information and the Commission shall consider and evaluate them in terms of the criteria set forth in Section 8.2.

A.1.1. Site Plan Requirements

- B. name of developer;
- C. name of the property owner;
- D. name of development;
- E. signature and seal of an engineer, architect, landscape architect, or land surveyor, whichever is applicable, who is a registered in the State of Connecticut;
- F. survey information of the land in question including distances, angles, and bearings;
 - 1. scale: not less than 1" 40';
 - 2. north Point;
 - 3. existing Contours: not more than five foot intervals using National Geodetic Vertical Datum (N.G.S. Datum of 1979);
 - 4. district classification;
- G. name, address and property lines of adjacent property owners and zone classification within 500 feet of the subject property;
- H. small key or location map;
- I. location of any existing buildings and status;
- J. abutting street pavement, and name, street right of way lines, curb line, and sidewalks;
- K. limits of any easements, or right of way and their purpose;
- L. location, design and size of any drywell;
- M. type of water supply and sewage disposal system to be employed; if municipal systems are not provided, show method for future tie in;
- N. all utilities to be underground and their location shown;

- O. location, elevation and size of all existing and proposed septic systems, sanitary sewer lines, storm drainage lines, water mains, wells, gas lines, electric lines, telephone lines, cable television lines and appurtenances;
- P. location of proposed buildings with dimensions, floor area, number of stories, and number of dwelling units by room count;
- Q. distance from all sides of the proposed buildings to the property lines;
- R. building use;
- S. location of loading and unloading areas;
- T. location of outside storage area and type screening to be used;
- U. proposed street lines and names;
- V. location of nearest fire hydrant as well as proposed hydrants; All fire hydrants to be MDC approved and maintained;
- W. location of fire lanes on 8 ½ " X11" sheets;
- X. location of existing trees; if densely treed, use limits of the tree line;
- Y. location and area of open space by type; lawn area, buffer area, recreation area (indicate whether passive or active);
- Z. required buffer with fencing and/or landscaping;
- AA. outside lighting: type and location;
- BB. location and top protection of any retaining wall; Wall to be designed by professional engineer;
- CC. location of refuse area and screening material to be used on all four sides;
- DD. proposed contours at no more than two foot intervals (N.G.S. Datum of 1979);
- EE. a sediment and erosion control plan conforming to the 2002 Connecticut Erosion and Sediment Control Guidelines published by the Connecticut Department of Environmental Protection or any revisions thereto;
- FF. sedimentation and erosion control to be used;
- GG. proposed sidewalks;
- HH. elevation drawing of all sides of the buildings;
- II. curb cut width and radii, either new or existing;
- JJ. a parking and access plan demonstrating conformance with Section 6.3;

- KK. location and size of parking bays, including parking for the physically handicapped, parking barriers, bumper guards, and wheel stops;
- LL. location, size and grade of driveways;
- MM. location, size and grade of ramps;
- NN. existing and projected traffic volumes;
- OO. proposed schedule of construction including staging or phasing of development;
- PP. bulk requirements including lot size, lot frontage, lot coverage, front yard, side yards, and rear yard;
- QQ. percent land coverage by use (residential and nonresidential), parking useable open space, landscaping, and other (specify);
- RR. maintenance schedule for landscaped and open space area to insure survival for no less than one growth season;
- SS. proposed landscaping with specific location, size, and common name of plantings;
- TT. location, size, height, color, lighting, and design of any advertising sign;
- UU. merestones at all street line P.C. and P.T. Iron Pins and other property line angle points;
- VV. engineering data including, drainage system (computations as required), streets, driveways, and parking area construction specifications and sidewalk specifications;
- WW. estimate of site improvements such as, but not limited to, landscaping, drainage system, monumentation, sidewalks, streets and fencing or buffers, for bond purposes;
- XX. proposed numbering system to be used;
- YY. parking lot and driveway directional arrows;
- ZZ. traffic and regulatory control signs, type and location;
- AAA. architectural design and appearances;
- BBB. relationship between and massing of building or structures; and
- CCC. type and colors of building materials, exterior facade and facing, fenestration and fire retardant characteristics.

A.1.2. Architectural Review Information

During the Site Plan Review period, the following items shall be provided in the submission to the Commission.

- A. The scale and mass of buildings and other structures, including, among other elements, the exterior building material, color, roofline, and building elevations shall be of such character as to harmonize and be compatible with other buildings in the District and adjacent areas, and to preserve and improve the appearance and beauty of the community.
- B. Each District shall have a consistent design theme with diversity achieved through building siting and unit design.
- C. Building materials in each section of the development shall be consistent so as to maintain a unifying visual effect. Roof materials, window sizes, and general styles should be compatible within the entire District.
- D. General building plans and elevations shall be required with each application.
- E. All roof-mounted structures and equipment shall be integrated into the architectural design of the buildings so as to be concealed and inconspicuous.

A.1.3. Soil Erosion and Sediment Control Plan

- A. Where required in accordance with Section 6.12, a Soil Erosion and Sedimentation Control Plan shall be submitted with the Site Plan, containing the following information:
 - 1. a Site Plan map clearly showing:
 - a. the Site Plan requirements of Section 8.2, as applicable,
 - b. all areas to be cleared and graded,
 - c. proposed area alterations, and
 - d. the location and design of all soil erosion and sedimentation control facilities, structures and measures;
 - 2. a narrative, printed on a Site Plan map, describing the following (If there is not adequate room on the Site Plan map, then it shall be submitted as a separate document):
 - a. project name,
 - b. schedule of major activities on the land including a stage construction schedule,
 - c. application of conservation practices,
 - d. design criteria and implementation sequence for proposed soil erosion and sediment control measures,
 - e. construction details and maintenance program for any soil erosion and sediment control facilities implemented,
 - f. assignment of responsibility for implementing the Control Plan including
 - g. the responsibility for the installation and maintenance of control measures,

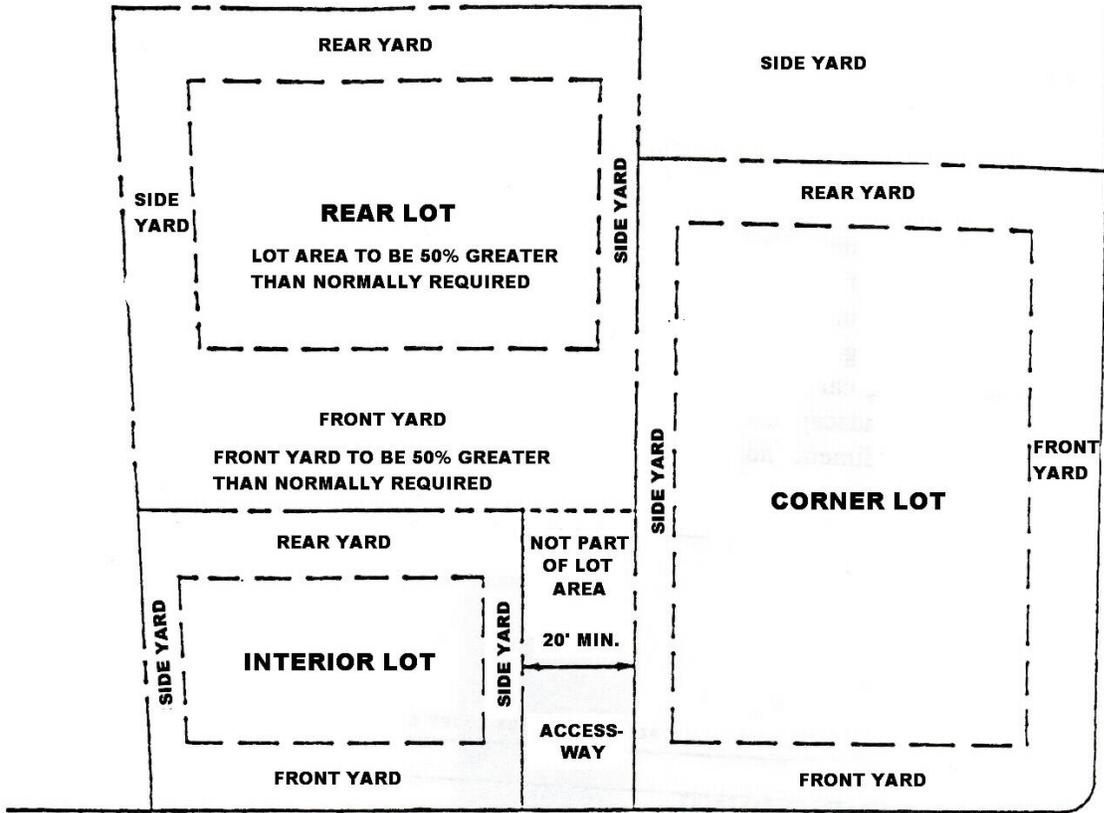
- h. notification of those involved in construction concerning the requirements of the plan, and
 - i. notification of the Commission of any changes in the plan or any instance where the plan has resulted in erosion or sedimentation problems.
3. Any additional information that the Commission deems necessary.

A.2. OTHER REQUIREMENTS AND CONDITIONS

- A.2.1. At the time of Site Plan submission, the applicant shall be fully prepared to discuss any items set forth in Section 8.2.
- A.2.2. The Commission may require the applicant to provide additional detailed information with respect to any item enumerated in Section 8.2.
- A.2.3. The Commission may approve a Site Plan subject to conditions necessary to protect the public health, safety, convenience, and property values.

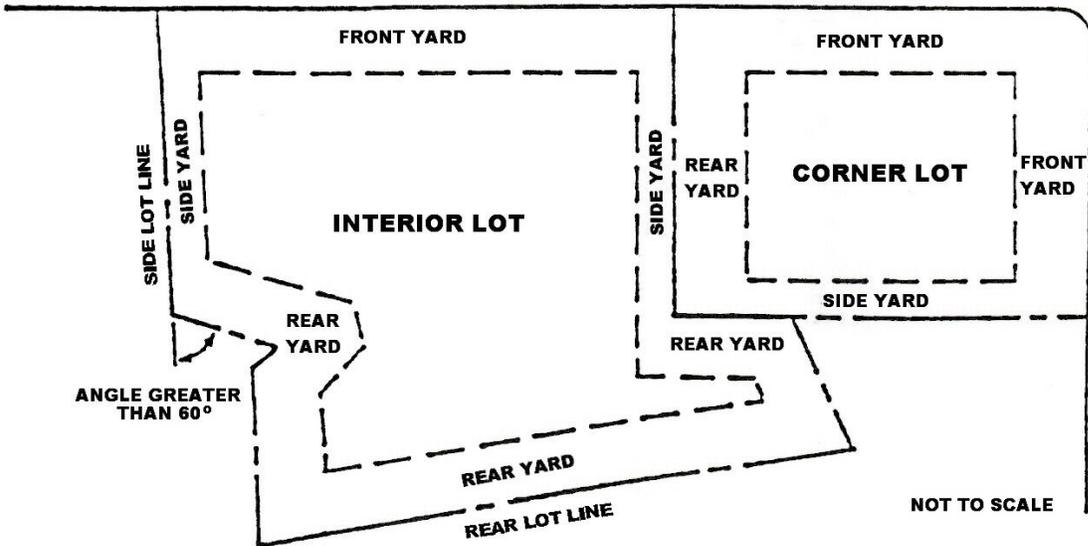
Appendix B Illustrations

B.1. TYPICAL LOTS



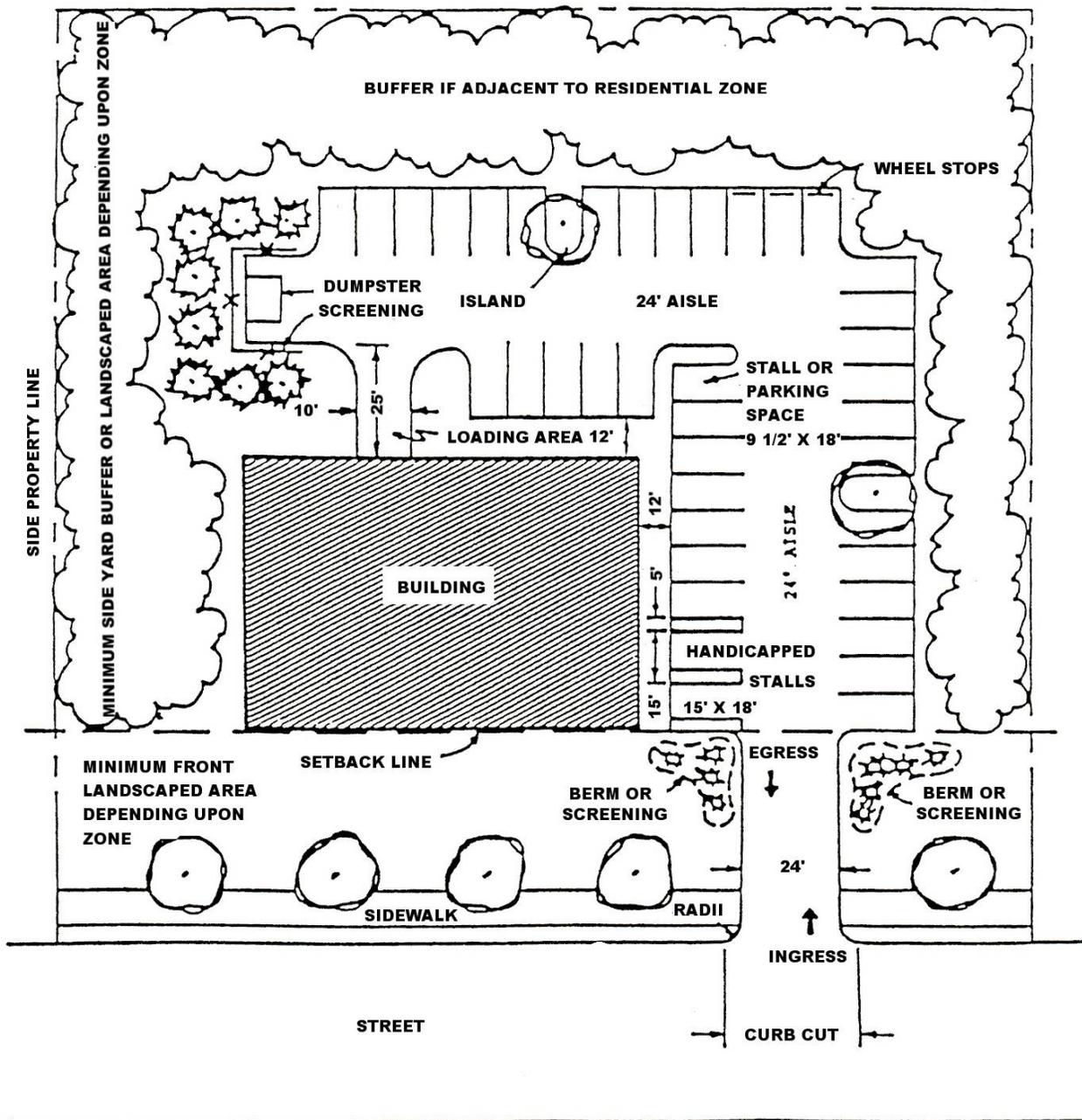
STREET R.O.W.

FRONT LOT LINE OR RIGHT-OF-WAY LINE

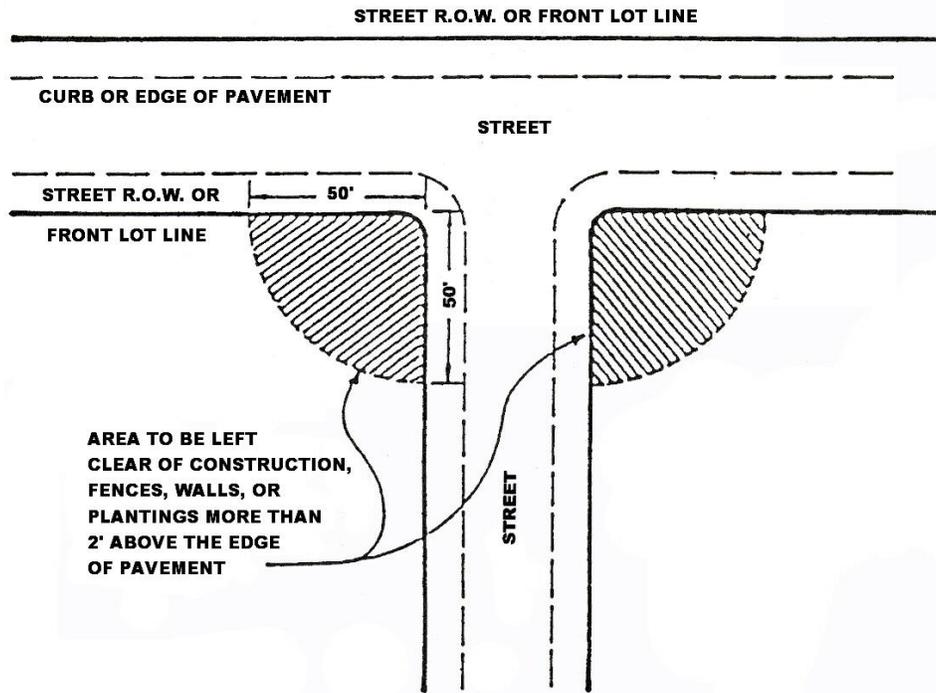


STREET R.O.W.

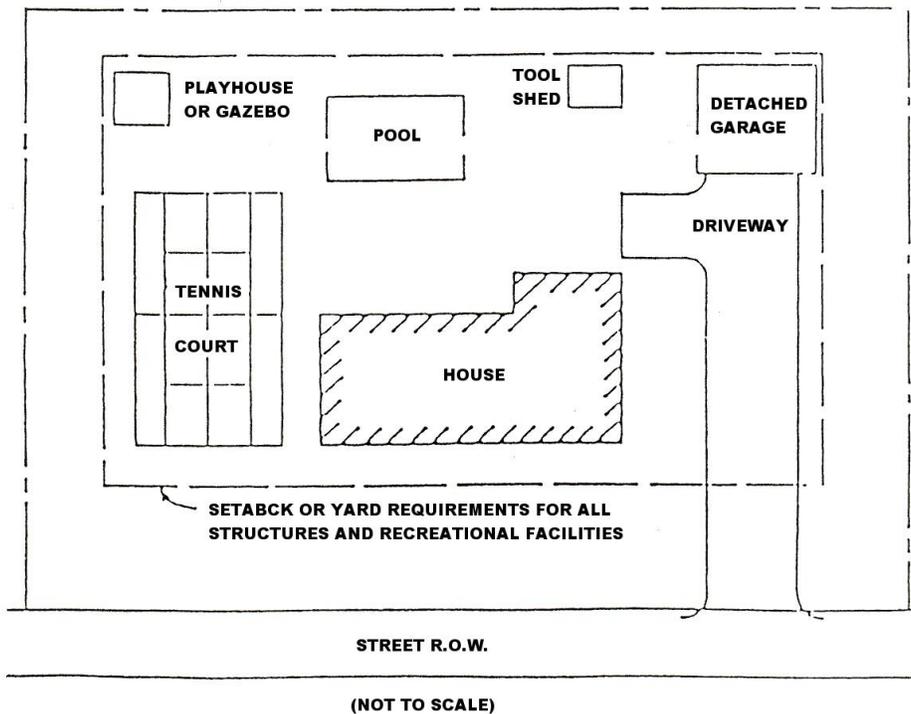
B.2. TYPICAL ARRANGEMENT FOR 90° PARKING AND LOADING AREAS



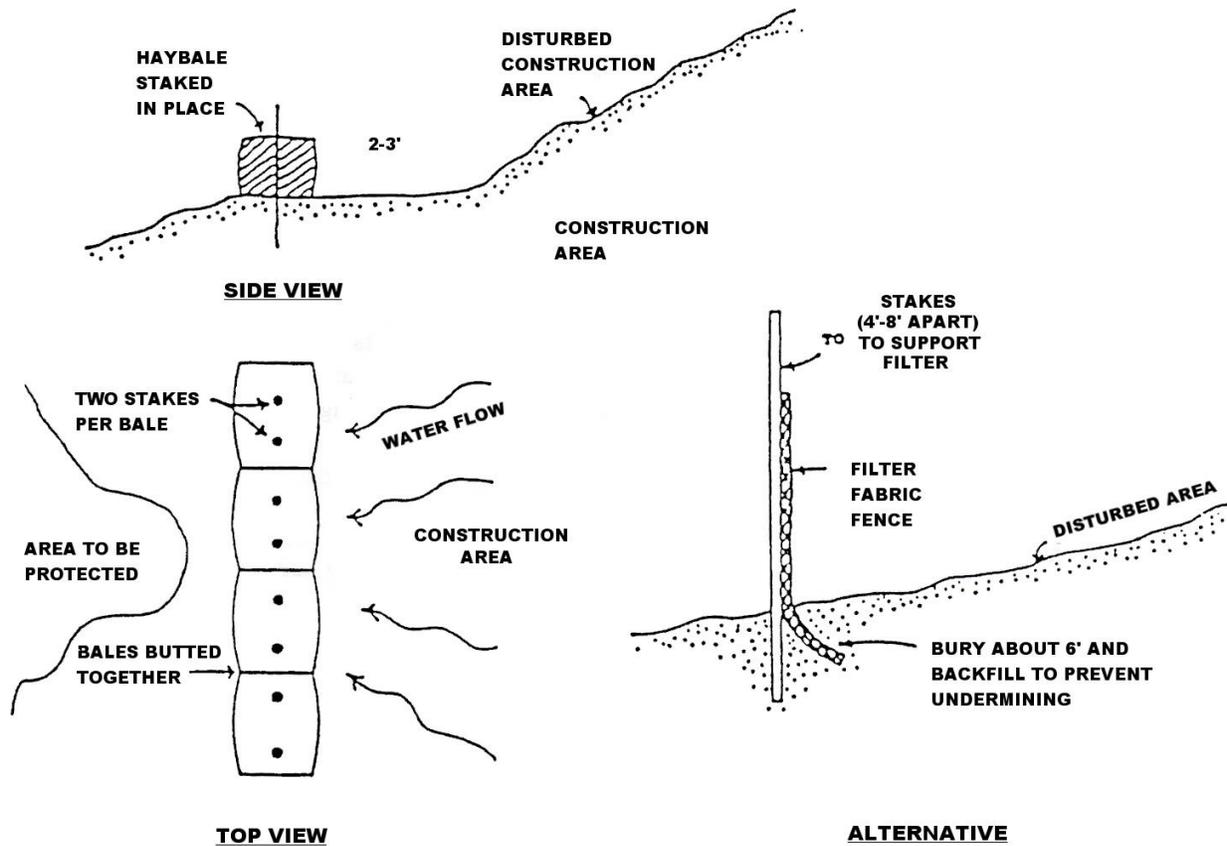
B.3. CORNER LOT VISION



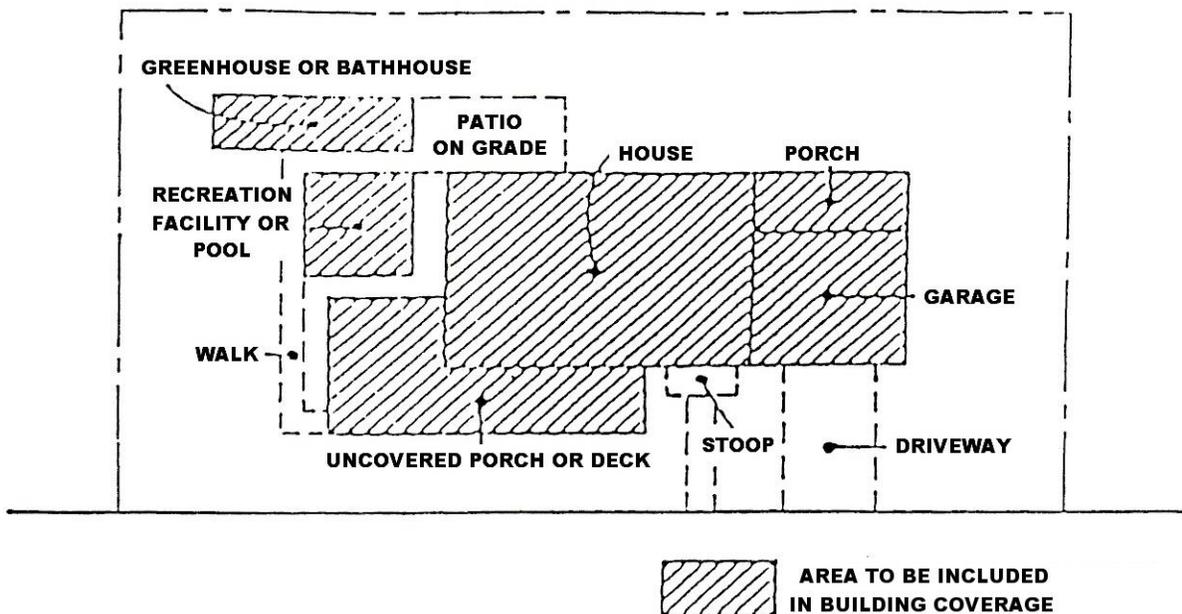
B.4. LOCATION OF PRINCIPAL AND ACCESSORY STRUCTURES



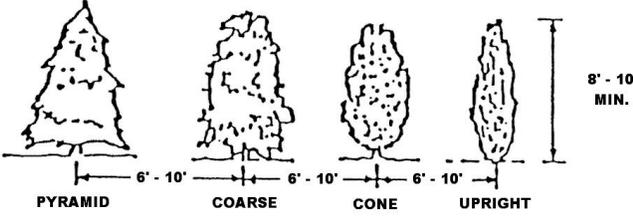
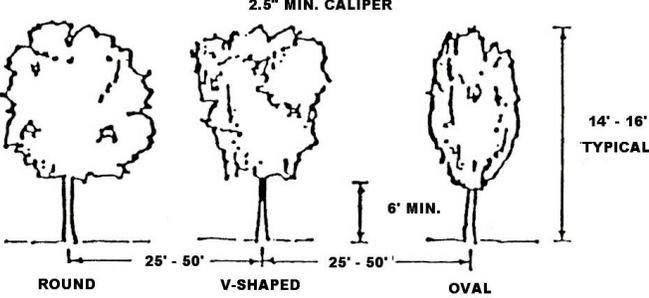
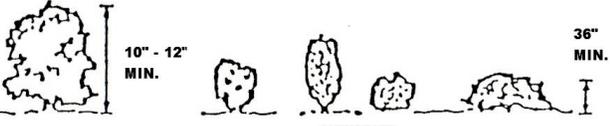
B.5. SEDIMENT AND EROSION CONTROLS



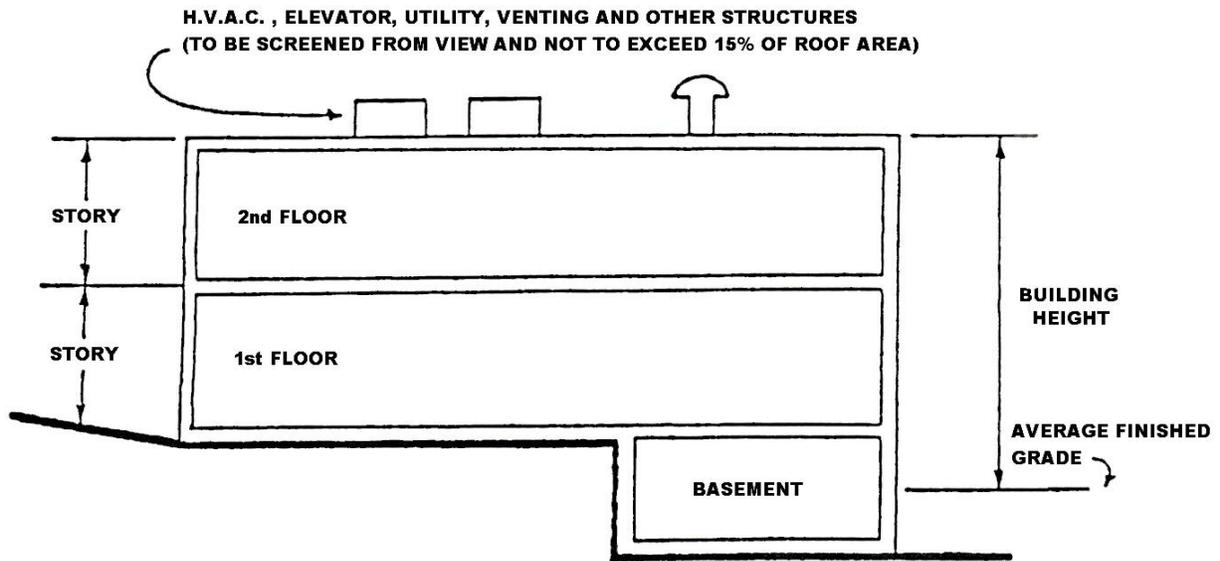
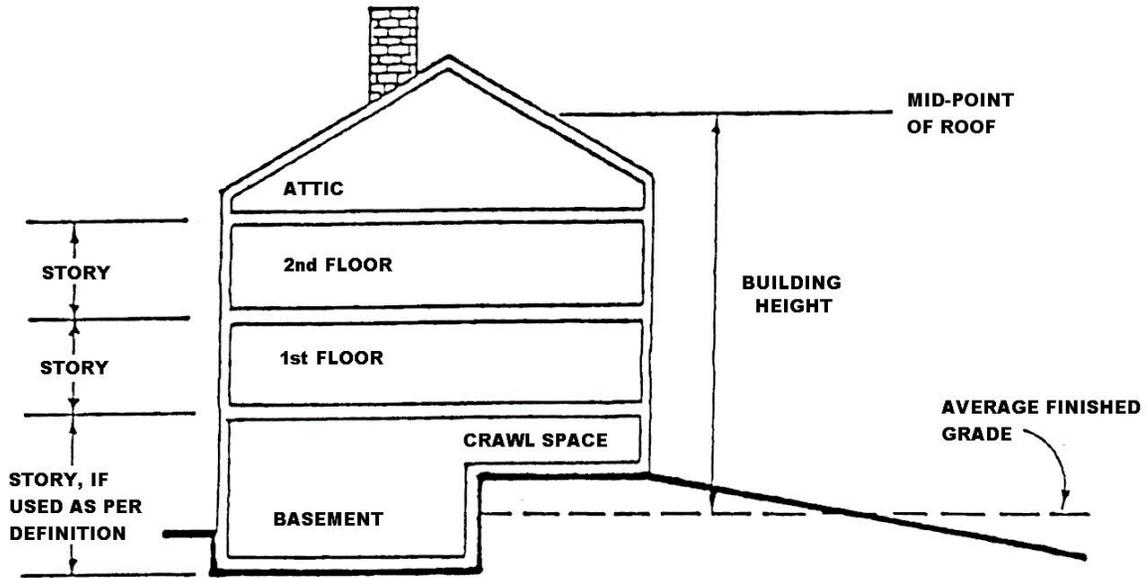
B.6. BUILDING COVERAGE

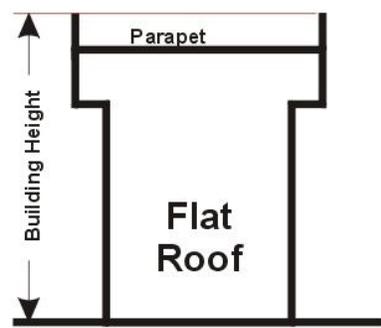
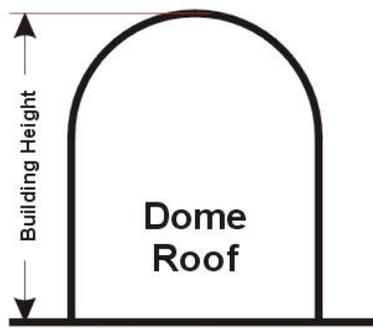
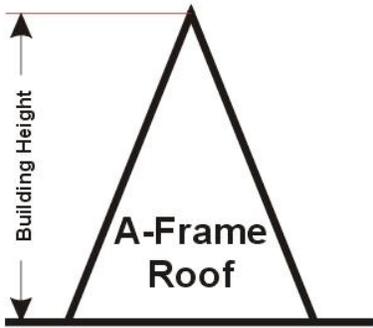


B.7. LANDSCAPING DESIGN ILLUSTRATIONS

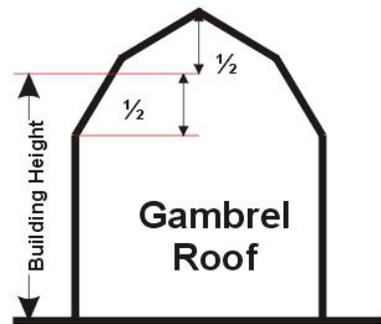
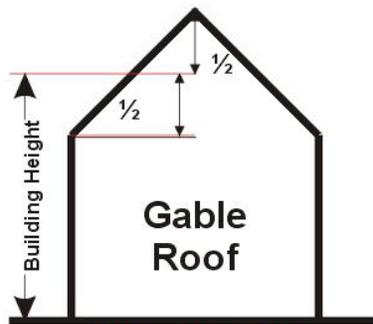
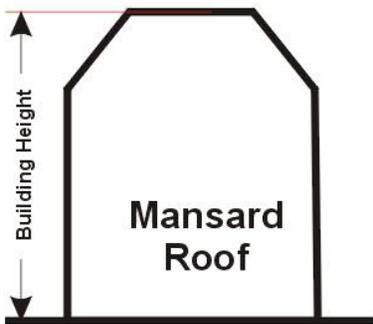
LOCATION	SPECIES/VARIETY	FORM TEXTURE
BUFFER STRIP	<u>TALL EVERGREENS</u> Spruce Hemlock White Pine Arborvitae And Other (planted 6' - 10' o.c.)	 <p>8' - 10' MIN.</p> <p>PYRAMID COARSE CONE UPRIGHT</p>
PARKING AREA	<u>TALL SHADE</u> Beech Oak Maple Sycamore Sweet Gum London Plane Ginko Other (planted 25' - 50' o.c.)	 <p>2.5" MIN. CALIPER</p> <p>14' - 16' TYPICAL</p> <p>6" MIN.</p> <p>25' - 50' 25' - 50'</p> <p>ROUND V-SHAPED OVAL</p>
FRONT LANDSCAPE AREA	<u>MIXED</u> Tall Shade and Flowering Deciduous Maple Dogwood Crab Cherry Sycamore Oak Other Flowering and Spreading and Upright Evergreens Azalea Rhododendron Pieris Laurel Yews Holly Juniper Other	 <p>10" - 12" MIN.</p> <p>36" MIN.</p> <p>FLOWERING DECIDUOUS SMALL FLOWERING UPRIGHT EVERGREEN AND SHRUBS SPREADING EVERGREEN</p>

B.8. MEASUREMENTS OF BUILDING HEIGHTS, STORIES, AND BASEMENTS

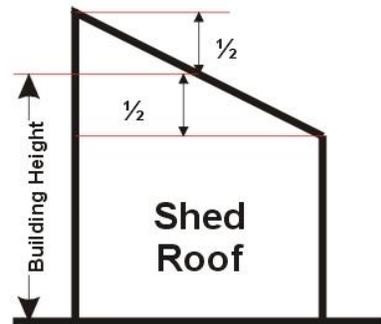
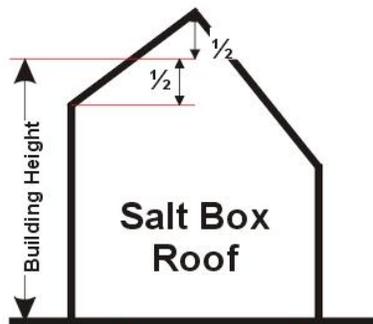
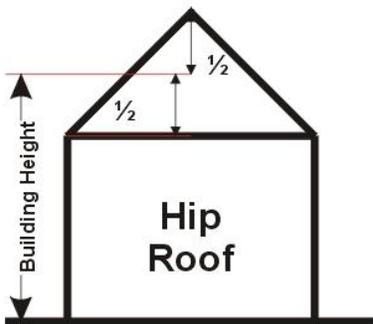




Average grade

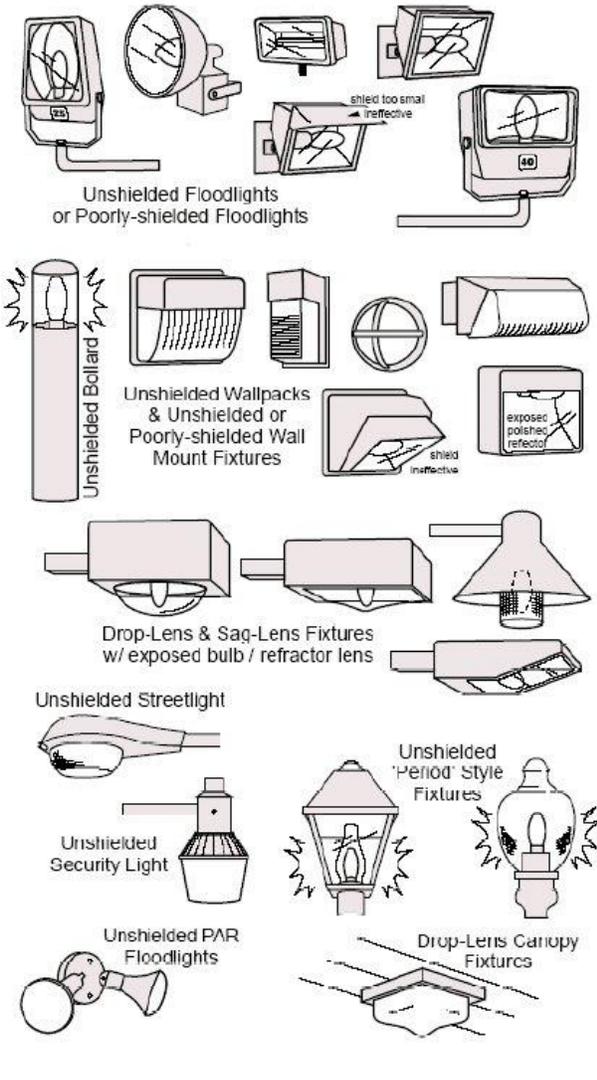
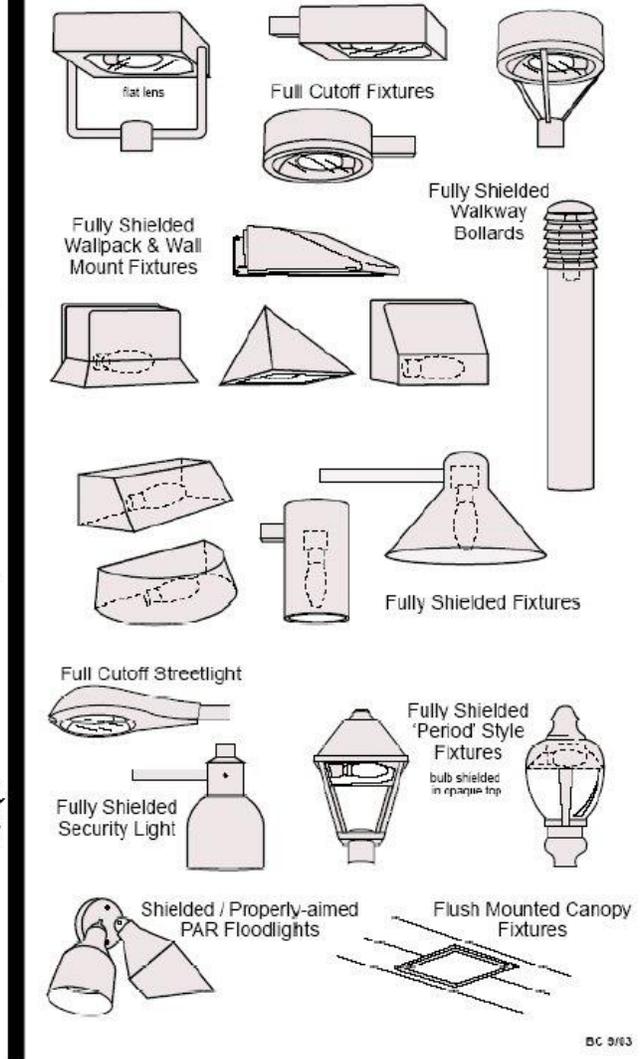


Average grade



Average grade

B.9. ACCEPTABLE LIGHTING FIXTURES

Unacceptable / Prohibited	Acceptable
<p data-bbox="289 369 683 394">Fixtures that produce glare and light trespass</p>  <p data-bbox="240 600 500 646">Unshielded Floodlights or Poorly-shielded Floodlights</p> <p data-bbox="266 680 289 915" style="writing-mode: vertical-rl; transform: rotate(180deg);">Unshielded Bollard</p> <p data-bbox="315 800 500 884">Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures</p> <p data-bbox="289 1037 565 1083">Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens</p> <p data-bbox="224 1104 418 1129">Unshielded Streetlight</p> <p data-bbox="240 1251 370 1297">Unshielded Security Light</p> <p data-bbox="298 1339 435 1381">Unshielded PAR Floodlights</p> <p data-bbox="591 1157 695 1220">Unshielded 'Period' Style Fixtures</p> <p data-bbox="607 1346 776 1388">Drop-Lens Canopy Fixtures</p>	<p data-bbox="834 369 1409 415">Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night</p>  <p data-bbox="899 516 997 537">flat lens</p> <p data-bbox="1052 516 1224 537">Full Cutoff Fixtures</p> <p data-bbox="1214 617 1344 680">Fully Shielded Walkway Bollards</p> <p data-bbox="850 653 997 716">Fully Shielded Wallpack & Wall Mount Fixtures</p> <p data-bbox="1175 1020 1370 1041">Fully Shielded Fixtures</p> <p data-bbox="850 1100 1029 1121">Full Cutoff Streetlight</p> <p data-bbox="834 1230 964 1272">Fully Shielded Security Light</p> <p data-bbox="1192 1136 1321 1220">Fully Shielded 'Period' Style Fixtures bulb shielded in opaque top</p> <p data-bbox="932 1335 1143 1377">Shielded / Properly-aimed PAR Floodlights</p> <p data-bbox="1214 1335 1419 1377">Flush Mounted Canopy Fixtures</p> <p data-bbox="1370 1472 1419 1493">BC 9/03</p>

Appendix C FEES

In accordance with the CGS Section 8-1c and the Town of Rocky Hill municipal ordinance [number], the following fees shall apply to the processing of applications filed pursuant to the Rocky Hill Zoning and Subdivision regulations. These fees are not considered part of these Regulations.

C.1. PLANNING AND ZONING COMMISSION

C.1.1. Public Hearing	\$250.00
C.1.2. Subdivision Application	\$150.00 plus \$50.00 per lot
C.1.3. Site Plan	\$250.00
C.1.4. Site Plan Amendment (within 5 years of approval)	\$100.00
C.1.5. Special Permit	\$250.00
C.1.6. Zoning Amendment	\$250.00

C.2. ZONING BOARD OF APPEALS

C.2.1. Appeals and applications	\$90.00
C.2.2. Certificate of Location	\$200.00

C.3. ENGINEERING REVIEW

C.3.1. Where determined necessary by the Commission, applicants will be responsible for the costs of any engineering reviews. No permit shall be valid until all such payments are remitted to the Town of Rocky Hill.

C.4. DEPARTMENT OF ENVIRONMENT PROTECTION

C.4.1. DEP surcharge on all applications	\$30.00.
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Appendix D LANDSCAPING

D.1. PROHIBITED EXOTIC OR INVASIVE PLANT SPECIES

CONNECTICUT INVASIVE PLANT LIST
(Produced by the Connecticut Invasive Plants Council)
Connecticut Public Act No. 03-136

INVASIVE AQUATIC & WETLAND PLANTS			
Species	Common Name	Invasive	Potentially Invasive
<i>Butomus umbellatus</i> L.	Flowering rush		X
<i>Cabomba caroliniana</i> A. Gray	Fanwort	X	
<i>Callitriche stagnalis</i> Scop.	Pond water-starwort		X
<i>Egeria densa</i> Planchon	Brazilian water-weed		X
† <i>Eichhornia crassipes</i> (Mart.) Solms	Common water-hyacinth		X
<i>Hydrilla verticillata</i> (L.f.) Royle	Hydrilla	X	
<i>Iris pseudacorus</i> L.	Yellow Iris	X	
<i>Lythrum salicaria</i> L.	Purple loosestrife	X	
<i>Marsilea quadrifolia</i> L.	European waterclover		X
<i>Myosotis scorpioides</i> L.	Forget-me-not	X	
<i>Myriophyllum aquaticum</i> (Vell.) Verdc.	Parrotfeather		X
<i>Myriophyllum heterophyllum</i> Michx.	Variable-leaf watermilfoil	X	
<i>Myriophyllum spicatum</i> L.	Eurasian watermilfoil	X	
<i>Najas minor</i> All.	Brittle water-nymph		X
<i>Nelumbo lutea</i> (Willd.) Pers.	American water lotus		X
† <i>Nymphoides peltata</i> (Gmel.) Kuntze	Yellow floating heart		X
† <i>Pistia stratiotes</i> L.	Water lettuce		X
<i>Potamogeton crispus</i> L.	Crispy-leaved pondweed	X	
<i>Rorippa microphylla</i> (Boenn. exReichenb.) Hyl. eXA. & D. Löve	Onerow yellowcress		X
<i>Rorippa nasturtium-aquaticum</i> (L.) Hayek	Watercress		X
† <i>Salvinia molesta</i> Mitchell complex	Giant salvinia		X
<i>Trapa natans</i> L.	Water chestnut	X	

INVASIVE SHRUBS			
Species	Common Name	Invasive	Potentially Invasive
<i>Amorpha fruticosa</i> L.	False indigo		X
* <i>Berberis thunbergii</i> DC.	Japanese barberry	X	
<i>Berberis vulgaris</i> L.	Common barberry	X	
<i>Elaeagnus angustifolia</i> L.	Russian olive		X
<i>Elaeagnus umbellata</i> Thunb.	Autumn olive	X	
* <i>Euonymus alatus</i> (Thunb.) Sieb.	Winged euonymus	X	
<i>Frangula alnus</i> Mill.	Glossy buckthorn	X	
<i>Ligustrum obtusifolium</i> Sieb. & Zucc.	Border privet		X
<i>Ligustrum ovalifolium</i> Hassk.	California privet		X
<i>Ligustrum vulgare</i> L.	European privet		X
<i>Lonicera xbella</i> Zabel	Bell's honeysuckle	X	
<i>Lonicera maackii</i> (Rupr.) Maxim.	Amur honeysuckle	X	
<i>Lonicera morrowii</i> A. Gray	Morrow's honeysuckle	X	
<i>Lonicera tatarica</i> L.	Tatarian honeysuckle		X
† <i>Lonicera xylosteum</i> L.	Dwarf honeysuckle		X
<i>Rhamnus cathartica</i> L.	Common buckthorn	X	
<i>Rosa multiflora</i> Thunb.	Multiflora rose	X	
* <i>Rosa rugosa</i> Thunb.	Rugosa rose		X
<i>Rubus phoenicolasius</i> Maxim.	Wineberry		X

INVASIVE TREES

Species	Common Name	Invasive	Potentially Invasive
<i>Acer ginnala</i> L.	Amur maple		X
* <i>Acer platanoides</i> L.	Norway maple	X	
<i>Acer pseudoplatanus</i> L.	Sycamore maple		X
<i>Ailanthus altissima</i> (Mill.) Swingle	Tree of heaven	X	
<i>Paulownia tomentosa</i> (Thunb.) Steudel	Princess tree		X
<i>Populus alba</i> L.	White poplar		X
* <i>Robinia pseudo-acacia</i> L.	Black locust	X	

INVASIVE HERBACEOUS PLANTS

Species	Common Name	Invasive	Potentially Invasive
<i>Aegopodium podagraria</i> L.	Goutweed	X	
<i>Alliaria petiolata</i> (Bieb.) Cavara & Grande	Garlic mustard	X	
<i>Cardamine impatiens</i> L.	Narrowleaf bittercress	X	
<i>Centaurea biebersteinii</i> DC.	Spotted knapweed	X	
<i>Cirsium arvense</i> (L.) Scop.	Canada thistle		X
<i>Cynanchum louiseae</i> Kartsch & Gandhi	Black swallow-wort	X	
<i>Cynanchum rossicum</i> (Kleoe.) Borhidi	Pale swallow-wort	X	
<i>Datura stramonium</i> L.	Jimsonweed		X
<i>Elsholtzia ciliata</i> (Thunb.) Hylander	Crested late-summer mint		X
<i>Euphorbia cyparissias</i> L.+	Cypress spurge		X
<i>Euphorbia esula</i> L.	Leafy spurge	X	
<i>Froelichia gracilis</i> (Hook.) Moq.	Slender snake cotton		X
<i>Glechoma hederacea</i> L.	Ground ivy		X
<i>Heracleum mantegazzianum</i> Sommier & Lavier	Giant hogweed		X
<i>Hesperis matronalis</i> L.	Dame's rocket	X	
<i>Humulus japonicus</i> Sieb. & Zucc.	Japanese hops		X
† <i>Impatiens glandulifera</i> Royle	Ornamental jewelweed		X
<i>Kochia scoparia</i> (L.) Schradler	Common kochia		X
<i>Lepidium latifolium</i> L.	Perennial pepperweed	X	
<i>Lychnis flos-cuculi</i> L.	Ragged robin		X
* <i>Lysimachia nummularia</i> L.	Moneywort		X
* <i>Lysimachia vulgaris</i> L.	Garden loosestrife		X
<i>Onopordum acanthium</i> L.	Scotch thistle		X
<i>Ornithogalum umbellatum</i> L.	Star-of-Bethlehem		X
<i>Polygonum caespitosum</i> Blume	Bristled knotweed		X
<i>Polygonum cuspidatum</i> Sieb. & Zucc.	Japanese knotweed	X	
<i>Polygonum perfoliatum</i> L.	Mile-a-minute vine	X	
<i>Polygonum sachalinense</i> F. Schmidt ex Maxim.	Giant knotweed		X
<i>Ranunculus ficaria</i> L.	Fig buttercup	X	
<i>Rumex acetosella</i> L.	Sheep sorrel		X
† <i>Senecio jacobaea</i> L.	Tansy ragwort		X
<i>Silphium perfoliatum</i> L.	Cup plant		X
<i>Solanum dulcamara</i> L.	Bittersweet nightshade		X
<i>Tussilago farfara</i> L.	Coltsfoot	X	
<i>Valeriana officinalis</i> L.	Garden heliotrope		X

INVASIVE WOODY VINES

Species	Common Name	Invasive	Potentially Invasive
* <i>Ampelopsis brevipedunculata</i> (Maxim.) Trautv.	Porcelainberry		X
<i>Celastrus orbiculatus</i> Thunb.	Oriental bittersweet	X	
* <i>Lonicera japonica</i> Thunb.	Japanese honeysuckle	X	
<i>Pueraria montana</i> (Lour.) Merr.	Kudzu		X

INVASIVE GRASSES AND GRASS-LIKE PLANTS			
Species	Common Name	Invasive	Potentially Invasive
<i>Arthraxon hispidus</i> (Thunb.) Makino	Hairy jointgrass		X
<i>Bromus tectorum</i> L.	Drooping brome-grass		X
† <i>Carex kobomugi</i> Owhi	Japanese sedge		X
<i>Glyceria maxima</i> (Hartman) Holmburg	Reed mannagrass		X
<i>Microstegium vimineum</i> (Trin.) A. Camus	Japanese stilt grass	X	
* <i>Miscanthus sinensis</i> Anderss.	Eulalia		X
<i>Phalaris arundinacea</i> L.	Reed canary grass	X	
<i>Phragmites australis</i> (Cav.) Trin.	Common reed	X	
<i>Poa compressa</i> L.	Canada bluegrass		X

* An asterisk (*) denotes that the species, although shown by scientific evaluation to be invasive, has cultivars that have not been evaluated for invasive characteristics. Further research may determine whether or not individual cultivars are potentially invasive. Cultivars are commercially available selections of a plant species that have been bred or selected for predictable, desirable attributes of horticultural value such as form (dwarf or weeping forms), foliage (variegated or colorful leaves), or flowering attributes (enhanced flower color or size).

† A dagger (†) indicates species that are not currently known to be naturalized in Connecticut but would likely become invasive here if they are found to persist in the state without cultivation

D.2. PREFERRED CONNECTICUT NATIVE SPECIES CONDUCTIVE TO WILDLIFE

The following tree, shrub, and vine species are non-invasive species native to Connecticut and are suggested in the interest of the continued diversity of native plant and animal species.

(As identified in the University of Connecticut Plant Database of Trees Shrubs and Vines)

Species	Common Name	Value
<i>Acer negundo</i>	Boxelder	W
<i>Acer saccharinum</i>	Silver Maple	W
<i>Acer saccharum</i>	Sugar Maple	W
<i>Amelanchier arborea</i>	Downy Serviceberry	W
<i>Amelanchier canadensis</i>	Shadblow Serviceberry	W
<i>Amelanchier stolonifera</i>	Running Serviceberry	W
<i>Arctostaphylos uva-ursi</i>	Bearberry	W
<i>Aronia arbutifolia</i>	Red Chokeberry	W
<i>Aronia melanocarpa</i>	Black Chokeberry	W
<i>Betula alleghaniensis</i>	Yellow Birch	BL, W
<i>Betula lenta</i>	Sweet Birch	BL, W
<i>Betula nigra</i>	River Birch	BL, W
<i>Betula papyrifera</i>	Paper Birch	BL, W
<i>Betula populifolia</i>	Gray Birch	BL, W
<i>Carpinus caroliniana</i>	American Hornbeam	W
<i>Carya cordiformis</i>	Bitternut Hickory	W
<i>Carya glabra</i>	Pignut Hickory	W
<i>Carya ovata</i>	Shagbark Hickory	W
<i>Carya tomentosa</i>	Mockernut Hickory	W
<i>Castanea dentata</i>	American Chestnut	W
<i>Celastrus scandens</i>	American Bittersweet	W
<i>Celtis occidentalis</i>	Common Hackberry	B, BL, W
<i>Cephalanthus occidentalis</i>	Button Bush	B,W
<i>Clematis virginiana</i>	Virginsbower	B
<i>Clethra alnifolia</i>	Summersweet	B

Species	Common Name	Value
<i>Cornus alternifolia</i>	Pagoda Dogwood	W
<i>Cornus amomum</i>	Silky Dogwood	W
<i>Cornus canadensis</i>	Bunchberry	W
<i>Cornus florida</i>	Flowering Dogwood	BL, W
<i>Cornus racemosa</i>	Gray Dogwood	W
<i>Cornus sericea</i>	Redosier Dogwood	W
<i>Corylus americana</i>	American Filbert	W
<i>Crataegus crusgalli</i>	Cockspur Hawthorn	B, BL, W
<i>Crataegus mollis</i>	Downy Hawthorn	B, BL, W
<i>Diospyros virginiana</i>	Common Persimmon	W
<i>Dirca palustris</i>	Leatherwood	W
<i>Epigaea repens</i>	Trailing Arbutus	W
<i>Fagus grandifolia</i>	American Beech	W
<i>Fraxinus pennsylvanica</i>	Green Ash	BL
<i>Gaultheria procumbens</i>	Creeping Wintergreen	W
<i>Ilex glabra</i>	Inkberry	W
<i>Ilex opaca</i>	American Holly	W
<i>Ilex verticillata</i>	Common Winterberry	W
<i>Juglans cinerea</i>	Butternut	W
<i>Juglans nigra</i>	Black Walnut	W
<i>Juniperus communis</i>	Common Juniper	W
<i>Juniperus horizontalis</i>	Creeping Juniper	W
<i>Juniperus virginiana</i>	Eastern Red Cedar	BL, W
<i>Kalmia latifolia</i>	Mountain-laurel	B
<i>Lindera benzoin</i>	Spice Bush	BL, W
<i>Liriodendron tulipifera</i>	Tulip Tree	BL
<i>Lonicera sempervirens</i>	Trumpet Honeysuckle	B, W
<i>Myrica pensylvanica</i>	Northern Bayberry	W
<i>Nyssa sylvatica</i>	Black Tupelo	W
<i>Ostrya virginiana</i>	American Hophornbeam	W
<i>Parthenocissus quinquefolia</i>	Virginia Creeper	W
<i>Physocarpus opulifolius</i>	Common Ninebark	W
<i>Populus deltoides</i>	Eastern Cottonwood	B, BL
<i>Populus tremuloides</i>	Quaking Aspen	BL
<i>Potentilla fruticosa</i>	Bush Cinquefoil	B
<i>Prunus americana</i>	American Plum	B, BL, W
<i>Prunus maritima</i>	Beach Plum	W
<i>Prunus pensylvanica</i>	Pin Cherry	W
<i>Prunus serotina</i>	Black Cherry	W
<i>Prunus virginiana</i>	Schubert Chokecherry Common	B, BL, W
<i>Quercus alba</i>	White Oak	BL, W
<i>Quercus bicolor</i>	Swamp White Oak	BL, W
<i>Quercus coccinea</i>	Scarlet Oak	BL, W
<i>Quercus illicifolia</i>	Bear Oak	BL, W
<i>Quercus macrocarpa</i>	Bur Oak	BL, W
<i>Quercus muehlenbergii</i>	Chinkapin Oak	BL, W
<i>Quercus palustris</i>	Pin Oak	BL, W
<i>Quercus prinus</i>	Chestnut Oak	BL, W
<i>Quercus rubra</i>	Red Oak	BL, W
<i>Quercus velutina</i>	Black Oak	BL, W
<i>Rhus aromatica</i>	Fragrant Sumac	BL, W

Species	Common Name	Value
<i>Rhus copallina</i>	Flameleaf Sumac	BL, W
<i>Rhus glabra</i>	Smooth Sumac	BL, W
<i>Rhus typhina</i>	Staghorn Sumac	BL, W
<i>Rosa virginiana</i>	Virginia Rose	W
<i>Salix discolor</i>	True Pussy Willow	BL
<i>Sambucus canadensis</i>	American Elder	W
<i>Sassafras albidum</i>	Common Sassafras	BL, W
<i>Shepherdia canadensis</i>	Russet Buffaloberry	W
<i>Sorbus americana</i>	American Mountain Ash	W
<i>Staphylea trifolia</i>	American Bladdernut	W
<i>Symphoricarpos albus</i>	Common Snowberry	B, W
<i>Taxus canadensis</i>	Canadian Yew	W
<i>Tilia americana</i>	American Linden	B, W
<i>Ulmus americana</i>	American Elm	B, BL, W
<i>Vaccinium angustifolium</i>	Lowbush Blueberry	B, W
<i>Vaccinium corymbosum</i>	Highbush Blueberry	B, W
<i>Vaccinium macrocarpon</i>	American Cranberry	B, W
<i>Viburnum acerifolium</i>	Mapleleaf Viburnum	B, W
<i>Viburnum alnifolium</i>	Hobble Bush	B, W
<i>Viburnum cassinoides</i>	Witherod Viburnum	B, W
<i>Viburnum dentatum</i>	Arrowwood Viburnum	B, W
<i>Viburnum lentago</i>	Nannyberry Viburnum	B, W
<i>Viburnum prunifolium</i>	Blackhaw Viburnum	B, W
<i>Viburnum trilobum</i>	American Cranberry Bush Viburnum	B, W
<i>Zanthoxylum americanum</i>	Prickly-ash	BL

A (B) denotes species that attract butterflies

A (BL) denotes species that attract butterfly larvae

A (W) denotes species that are of general value to wildlife for food and shelter.

APPENDIX E:

The Silas Deane A Vision for Reinvestment Action Item and Design Guidelines, Wethersfield and Rocky Hill, Connecticut, prepared by Fuss & O'Neill in association with Ferrero Hixon Assoc., dated April 2006.

TECHNICAL ASSISTANCE IN THE COMPREHENSIVE REVISION OF THESE
REGULATIONS PROVIDED BY:



Planimetrics

31 Ensign Drive, Avon, CT 06001

860-677-5267