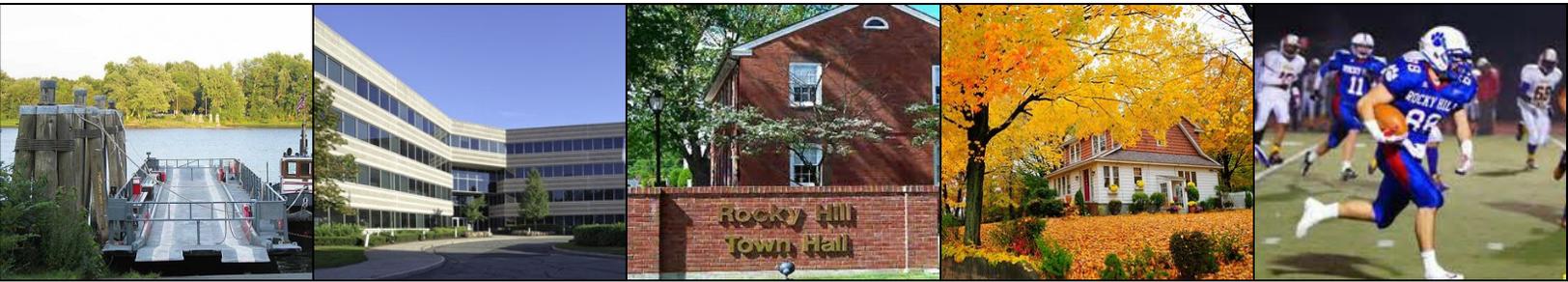


ROCKY HILL

ZONING REGULATIONS



Effective – July 30, 2017
As Amended

AMENDMENTS

Effective 2-20-19: Section 1.F.3 Violations, 2.B definitions, 3.C.1 Accessory Uses, keeping of animals/poultry, 3.C.8 garage sales, 3.C.2 commercial vehicle and accessory apartment, 3.C.4 eliminate accessory apartment, 3.d.2.1 detached Accessory buildings, 3.D.2.4 solar panels, 4.B.1 Active adult Housing in TC-Town Center, 4.B.4 restaurants as accessory uses in Office Pak and Business Park 2 and delete restaurants from Waterfront, 4.C.1 delete timeframe for temporary dumpster/storage containers, 4.C.2 add timeframes for dumpster and storage containers and add distance to property line for swimming pools, 4.C.4 add retail sales as accessory use by Special Permit, 4.D.4 ability to modify setback requirements in Town Center by Special Permit, 4.E.1 two acres in Town Center for a Master Plan, 5.B.4 added screened from, 6.C.4 ability to modify setback requirements in Town Center by Special Permit, 6.L reference to 4.C.1 and 4.C.2, 7.B.1 reference to 7.G.4 Bicycle Design Standards, 7.B.4 parking requirements (uncovered parking, waivers, traffic circulation), 7.D.3.1 perimeter landscaping, 7.E.3 storm water management requirements, 7.F.3 Modifications to lighting plans by Site Plan, 7.H.2 Erosion/sedimentation controls for residential disturbance exceeding 2,500 square feet, 8.B.2 setbacks for handicapped accessible ramps, Appendix – fees

Effective 4-24-19: Amend Section 4.B.6, 8. Licensed medical marijuana producer in accordance with Section 6.0, to include the Business Park – 2, BP-2 Zoning District

Effective 11-1-20: Add to Section 2. B Marina; Add Section 4.A.8 Waterfront Business Park (WBP); Amend Section 4.B.1 to allow Residential use and Active Adult in WBP; Amend Section 4.B.2 to allow retail uses, sale of alcoholic beverages in a restaurant, and wholesale commercial in WBP; Amend Section 4.b.4 to allow restaurants, brew pub, hotels, commercial amusements and public and private recreation in WBP; Amend Section 4.B.5 to allow offices; Amend Section 4.B.7 to allow community buildings/cent in WBP; Amend Section 4.8.8 to allow Farms, etc., raising of livestock and commercial greenhouses; Amend Section 4.8.9 to allow Studios and galleries, marinas, brewery and public or private park in WBP; Amend §.d to add requirements for WBP Zone; Add Section 3 F. Zoning Policy for Reasonable Accommodation- Americans with Disabilities Act (ADA) and Fair Housing Act (FHA); Modify Section 4.A. 1 Town Center (TC) District; Add to Section 4.B.1 Residential units in one or more mixed used buildings, or as part of a mixed use project; Modify Sections 4. E. 1, 2, and 3; Delete 4.E.4, 5, 6, 7, 8, 9, 10, and 11; Modify Sections 6.C.4 and 6 E. 2;

Effective 01-28-22: Modify the language for Accessory Apartments as follows: C.2.a and at least one accessory apartment can be allowed on each residentially zoned property; C. or the accessory dwelling unit may be a detached accessory structure in compliance with Section 3. D.2.1; e. The accessory apartment shall not: be metered separately for utilities, result in more than one additional dwelling unit per lot; 7.B.2.1.2 Residential-Related Uses; b. Multi-family dwellings - not to exceed 1.0 space per studio or one-bedroom unit or 2.0 spaces per two or more-bedroom units; c. Housing for the Elderly - not to exceed 1.0 space per studio or one-bedroom unit or 2.0 spaces per two or more-bedroom units; e. Active-adult housing - not to exceed 1.0 space per one-bedroom unit; 2.0 spaces per two or more-bedroom units;

Effective 04-06-22: Change the title of Section 6.O from Medical Marijuana to Marijuana / Cannabis; Change title of 6.O.1 from Producer to Producer – Medical Marijuana and Adult-Use Cannabis; Change the title of Section 6.O.2 from Dispensary to Dispensary – Medical Marijuana;

Effective 12-09-22: Modify Section 4.B.1 to allow with a Special Permit/Site Plan in an RC- Regional Commercial Zoning District, Office to Multi-family or Mixed-Use Conversion with Affordable component (minimum 10% of units to be designated for affordable housing; Modify Section 5.B Glastonbury Avenue Overlay District to allow for new construction and Section 8.5.C additional Village District considerations;

Effective 04-05-23: Add Section 4.C.2.8 Outdoor dining and beverage service as an accessory use to a licensed restaurant with a Zoning Permit; Add to Section 4. B.4 Hospitality/Recreation-type Uses – subsection 1. Outdoor dining and beverage service as an accessory use to a licensed restaurant with a Zoning Permit in the TC-Town Center, RC-Regional Commercial, C-Commercial, OP-Office Park, BP2-Business Park 2 and WBP-Waterfront Business Park; subsection 2. Zoning permit in TC-Town Center and subsection 3. Zoning Permit in RC-Regional Commercial;

Effective 09-27-2023: Add to Section 2. B Defined Terms: 1. ELECTRIC VEHICLE CHARGING STATION - an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle; RELATED DEFINITIONS: DIRECT CURRENT FAST CHARGING STATION - an electric vehicle charging station that utilizes direct current electricity (40Kw or greater); LEVEL TWO ELECTRIC VEHICLE CHARGING STATION - an electric vehicle charging station that supplies 208 to 240-volt alternating current; PUBLIC ELECTRIC VEHICLE CHARGING STATION - an electric vehicle charging station located at a publicly available parking space;

Modify Section 7.B.2.1 Number of Parking Spaces, to add: The Commission shall require with each new construction of a commercial building or multiunit residential building with thirty (30) or more parking spaces for cars or light duty trucks to include the electric vehicle charging infrastructure capable of supporting level two electric vehicle charging stations or direct current fast charging stations in at least a minimum of 10% of the required parking spaces.

Effective 11-22-2023: Modify the language of Section 9.C.6 3. Minor Changes and Section 9.C.6.4 Major Changes.

Effective 04-01-2024: Add to Section 6.0.2 Dispensary-Medical Marijuana "and Adult-Use Cannabis: Retailer"; Add to Section 2. B Defined Terms: a.) CANNABIS - Marijuana as defined in Section 21a-240 Connecticut General Statutes; b.) DISPENSARY-. Means a place of business where cannabis may be dispensed, sold, or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S.; c.) ADULT USE CANNABIS RETAILER - A person, excluding a dispensary facility, that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers, and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs;

Modify the language of Section 3.C. Accessory Uses; 3.C.1. Permitted By Right (No Zoning Permit Required) Add subsection 7. Day Care - Family child care home and group child care home as licensed by the State Office of Early Childhood; b.) Section 3.C.2. Permitted By Zoning Permit (Staff) – delete subsection 3. C. 2. 2 language - Day Care - Group child care home-and renumber section; c.) Section 4.C. Accessory Uses and Structures; 4.C.1. Permitted By Right (No Zoning Permit Required) Add the following subsection: 5. Family child care home and group child care home as licensed by the State Office of Early Childhood, in a multi-family dwelling; Section I .B.2.2 Other Purposes, Section 2. B definitions of Home Occupations, Section 3.A.I R-40 District, Section 3.C.2.3.3. Permitted by Zoning Permit (Staff) Home-Based Business, Section 6.B.1.3 General Standards - Conservation Design Subdivisions and Section 6.B.3.2.i. Open Space Requirements, Section 6.C.2.6 Considerations- Active Adult Housing, Section 6.D. I

Purpose- Cluster Residence, Section 7.C. | 1. Purpose- Signage, Section 7.F.3.1.f. delete, Section 8.A.1.4.a non-conforming uses, Section 8.C. | Purpose - Design Considerations and Section 8.C.4, Section 8.C.4.2.6 Building Design, Section 9.D Special Permit Criteria A.2 Suitable Location for Use.

Effective 7-3-2024: Modify a. Section 4.B.2.4 Commercial-Type Uses to add Licensed Adult Use Cannabis Retail in accordance with Section 6. O in the RC-Regional Commercial Zoning District; and b. Section 4.B.2.4 Commercial Type Uses to delete Licensed Medical Marijuana Dispensary Use from the TC-Town Center, C -Commercial, BP-1, and BP-2 Business Park Zoning Districts.

Effective 7-3-2024: Add to Section 4.B.1. Residential Uses in the OP- Office Park Zoning District: 9. Multi-family housing (minimum lot area of 20 acres and minimum 20% of units to be designated for affordable housing;).

Effective 6-24-2025: Add to section 4.B.2. (10.) Self-contained, climate controlled self-storage facility in accordance with Sec. 6.P.

Add to Section 4.D.4. (Note 6) See Section 6.P.1 as to building height permitted

Add Section 6.P.1. – 6.P.9. Self-contained, climate controlled, self-storage facility.

TABLE OF CONTENTS

| | | |
|------------------|---|-----------|
| SECTION 1 | INTRODUCTION | 1 |
| 1.A | AUTHORITY | 1 |
| 1.B | PURPOSES | 1 |
| 1.C | ZONING DISTRICTS AND MAP | 2 |
| 1.D | INTERPRETATION OF REGULATIONS | 2 |
| 1.E | CONFORMITY REQUIRED | 3 |
| 1.F | ENFORCEMENT | 5 |
| 1.G | ADMINISTRATIVE PROVISIONS | 6 |
| SECTION 2 | DEFINITIONS..... | 7 |
| 2.A | GENERAL PROVISIONS | 7 |
| 2.B | DEFINED TERMS | 8 |
| SECTION 3 | RESIDENTIAL DISTRICTS | 32 |
| 3.A | PURPOSE | 32 |
| 3.B | PRINCIPAL USES | 32 |
| 3.C | ACCESSORY USES | 34 |
| 3.D | ACCESSORY STRUCTURES..... | 39 |
| 3.E | HEIGHT AND AREA REQUIREMENTS | 42 |
| 3.F | ZONING POLICY FOR REASONABLE ACCOMDATION ADA/FHA..... | 43 |
| SECTION 4 | BUSINESS DISTRICTS | 45 |
| 4.A | PURPOSES | 45 |
| 4.B | PRINCIPAL USES | 47 |
| 4.C | ACCESSORY USES AND STRUCTURES | 53 |
| 4.D | HEIGHT AND AREA REQUIREMENTS | 56 |
| 4.E | SPECIAL PROVISIONS WITHIN TOWN CENTER (TC) DISTRICT | 58 |
| SECTION 5 | SPECIAL DISTRICTS..... | 61 |
| 5.A | AGRICULTURAL DISTRICT | 61 |
| 5.B | GLASTONBURY AVENUE OVERLAY DISTRICT..... | 62 |
| 5.C | FLOODPLAIN OVERLAY DISTRICT | 64 |
| 5.D | AQUIFER PROTECTION DISTRICT..... | 65 |
| 5.E | GROUNDWATER PROTECTION DISTRICT | 66 |
| SECTION 6 | USE-RELATED STANDARDS..... | 69 |
| 6.A | REAR LOTS..... | 69 |
| 6.B | CONSERVATION DESIGN SUBDIVISIONS | 70 |
| 6.C | ACTIVE-ADULT HOUSING | 72 |
| 6.D | CLUSTER RESIDENCE | 76 |
| 6.E | HOUSING FOR THE ELDERLY AND ASSISTED LIVING FACILITIES..... | 79 |

| | | |
|------------------|--|------------|
| 6.F | SHOPPING CENTERS..... | 82 |
| 6.G | FAST FOOD RESTAURANTS..... | 83 |
| 6.H | HOTELS AND MOTELS | 83 |
| 6.I | AUTO SALES AND SERVICE STATIONS | 84 |
| 6.J | CAR WASHES | 85 |
| 6.K | SALE OF ALCOHOLIC BEVERAGES..... | 86 |
| 6.L | DISPLAY OR STORAGE OF MATERIALS | 87 |
| 6.M | SATELLITE ANTENNAS | 88 |
| 6.N | STORAGE OF FUEL OILS..... | 90 |
| 6.O | MEDICAL MARIJUANA..... | 91 |
| 6.P | SELF-CONTAINED, CLIMATE CONTROLLED, SELF-STORAGE FACILITY..... | 92 |
| | | |
| SECTION 7 | DEVELOPMENT STANDARDS | 93 |
| 7.A | ENVIRONMENTAL AND PERFORMANCE STANDARDS..... | 93 |
| 7.B | PARKING AND LOADING | 95 |
| 7.C | SIGNAGE..... | 103 |
| 7.D | LANDSCAPING | 111 |
| 7.E | STORMWATER MANAGEMENT | 115 |
| 7.F | OUTDOOR LIGHTING..... | 116 |
| 7.G | PEDESTRIAN AND BICYCLE ACCOMMODATIONS | 119 |
| 7.H | SOIL EROSION AND SEDIMENTATION CONTROL | 120 |
| 7.I | CORNER VISIBILITY | 122 |
| 7.J | ACCESS MANAGEMENT | 123 |
| 7.K | EARTH REMOVAL AND FILLING | 124 |
| | | |
| SECTION 8 | SPECIAL STANDARDS | 128 |
| 8.A | NON-CONFORMING SITUATIONS | 128 |
| 8.B | DIMENSIONAL EXCEPTIONS | 130 |
| 8.C | DESIGN CONSIDERATIONS | 132 |
| | | |
| SECTION 9 | PROCEDURES | 138 |
| 9.A | CERTIFICATE OF ZONING COMPLIANCE (STAFF) | 138 |
| 9.B | PRE-APPLICATION REVIEWS (STAFF / PZC) | 139 |
| 9.C | SITE PLAN APPLICATION (PZC) | 140 |
| 9.D | SPECIAL PERMIT APPLICATION | 147 |
| 9.E | REGULATION AMENDMENT APPLICATION | 156 |
| 9.F | ZONE CHANGE APPLICATION | 160 |
| 9.G | ZONING BOARD OF APPEALS PROCEDURES | 164 |
| 9.H | PROCEDURAL ELEMENTS | 171 |

SECTION 1 INTRODUCTION

1.A AUTHORITY

These Regulations are adopted under the authority of Connecticut General Statutes Chapter 124 (Section 8-1 et seq.), as amended.

1.B PURPOSES

1.B.1 Statutory Purposes

In accordance with CGS Section 8-2, these Regulations are adopted to:

1. protect the public health, safety, convenience and property values;
2. lessen congestion in the streets;
3. secure safety from fire, panic, flood and other dangers;
4. promote health and the general welfare;
5. provide adequate light and air;
6. prevent the overcrowding of land;
7. avoid undue concentration of population; and
8. facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements.

1.B.2 Other Purposes

These Regulations are also adopted to further the following general purposes:

1. to promote the orderly growth and development of the Town in accordance with the adopted Plan of Conservation and Development, and
2. to divide the Town into districts with considerations to the types of uses 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.C ZONING DISTRICTS AND MAP

1.C.1 Zoning Map

1. In order to accomplish the purposes of these Regulations, the Town is divided into districts as shown on the most current Zoning Map adopted by the Commission and filed in the Office of the Town Clerk.
2. The Zoning Map filed in the Office of the Town Clerk and subsequent revisions thereto are hereby declared to be a part of these Regulations.

1.D INTERPRETATION OF REGULATIONS

1.D.1 Prohibited If Not Clearly Permitted

1. Any use of land, buildings, or structures not clearly permitted by these Regulations in the various zoning districts is prohibited.
2. Activities not clearly permitted in these Regulations are prohibited.

1.D.2 Interpretation Of Districts And Boundaries

1. The boundaries of the zoning districts shall be as shown on the most current Zoning Map adopted by the Commission and filed in the Office of the Town Clerk.
2. 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.
3. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
4. In cases of any further uncertainty, the Commission shall determine the location of the boundary.

1.D.3 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.D.4 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.E CONFORMITY REQUIRED

1.E.1 Basic Requirements

1.E.1.1 Use Or Occupancy

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.
2. 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.E.1.2 Area And Dimensional Requirements

1. No lot shall be diminished in area except in conformity with the provisions of these Regulations.
2. 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.
3. No yard, setback, or other minimum requirement shall be reduced except in conformity with the provisions of these Regulations.
4. No height, coverage, or other maximum requirement shall be increased except in conformity with the provisions of these Regulations.

1.E.1.3 Buildings And Structures

1. 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.
2. Should a lot hereafter be formed from a part of a lot already occupied by a building, such separation shall be affected 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.

1.E.1.4 Accessory Uses And Structures

1. All accessory uses shall be located on the same lot with the principal uses to which they are accessory.
2. 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.E.2 Exceptions

1.E.2.1 Pending Applications

1. 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.
2. 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.E.2.2 Uses Not Listed

1. 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.F ENFORCEMENT

1.F.1 Enforcement Authority

1. These Regulations shall be administered and enforced by the Planning and Zoning 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.

1.F.2 Inspections

1. 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.

1.F.3 Violations

1. If the Zoning Enforcement Officer shall find a violation of these Regulations, or any of them, the ZEO 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 any sign erected on, attached to, maintained on, or displayed on any 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. The Zoning Enforcement Officer shall have the authority to cause the removal of any sign erected on, attached to, maintained on, or displayed on any property 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.
4. Any person violating any of the provisions of these Regulations shall be subject to the fines, injunctive procedures and any other penalties prescribed by the Town Code (added 2-20-2019) and Chapter 124 of the Connecticut General Statutes, as amended, including, when warranted, a separate violation for each day that a violation exists.

1.G ADMINISTRATIVE PROVISIONS

1.G.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.G.2 Validity And Severability

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 hereof.

1.G.3 Effective Date

The effective date of these Regulations shall be July 30, 2017.

SECTION 2 DEFINITIONS

2.A GENERAL PROVISIONS

2.A.1 Applicability

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.A.2 General Terminology

Certain words contained herein shall be interpreted as follows:

1. The word "shall" is mandatory and not discretionary.
2. The word "may" is permissive.
3. When not inconsistent with the context:
 - a. words in the present tense include the future and vice-versa,
 - b. words in the singular include the plural and vice-versa, and
 - c. words in the masculine include the feminine and neuter and vice-versa.
4. The word "lot" includes the word "parcel" and the word "plot".
5. The words "occupied" or "used" include the words "designed, arranged or intended to be occupied or used."
6. The words "zone", "zoning district", and "district" have the same meaning.
7. The word "person" also includes a partnership, association, trust, corporation or other legal entity.
8. The word "building" includes "structure, or part thereof".
9. 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."
10. The word "Regulations" and the phrase "these Regulations" shall refer to the entire Zoning Regulations.
11. The word "Statutes" and the acronym CGS shall refer to the Connecticut General Statutes.

2.A.3 Clarification

Should clarification be needed for words or terms used in these Regulations, the Commission shall have the authority to make that clarification and, in so doing, may refer to one or more of the following sources:

1. the Building Code,
2. the Connecticut General Statutes,
3. the Illustrated Book of Development Definitions, as may be amended,
4. Black's Law Dictionary, and/or
5. a comprehensive general dictionary.

2.B 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 - See *“Principal versus Accessory.”*

ACCESSORY APARTMENT - See *“Apartment, Accessory.”*

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.

ADVANCED MANUFACTURING - See *“Manufacturing, Advanced”*

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 median income, as determined by the United States Department of Housing and Urban Development.

ADULT USE CANNABIS RETAILER - A person, excluding a dispensary facility that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers, and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs.

Agriculture-Related Terms

AGRICULTURE – As defined in Section 1-1 of the Connecticut General Statutes, cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including (*also see “Farm”*):

- the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife;
- the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations;
- the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes;
- handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale.

ANIMAL UNIT - For the purposes of these Regulations, an “animal unit” shall be defined as follows:

- one horse, cow, or similar large animal whose mature weight exceeds 500 pounds,
- two sheep, goats or similar medium size animals whose mature weight is between 30 and 500 pounds, or
- ten hens (no roosters), rabbits or similar small animals whose mature weight is less than 30 pounds.
- Offspring shall not apply to the calculation of animal units until after weaning.

(continued on next page)

Agriculture-Related Terms (continued)

FARM- The use of a parcel of land, 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. The term “farm” includes:

- farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoophouses and other temporary structures or other structures used primarily for the raising of agricultural or horticultural commodities, and
- as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities to the extent permitted by these Regulations.

Riding academies, stables, dog kennels, the breeding, raising or habitation of fur-bearing animals, commercial poultry farms shall not be included. Stands for the sale of products or the commercial processing of the products of the farm, shall not be included except to the extent permitted by these Regulations.

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.

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

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

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

ALCOHOLIC BEVERAGE OR LIQUOR - As defined in the Connecticut General Statutes.

ALTERATION - As applied to a building or structure, means:

- any change or rearrangement of the supporting members of a building such as bearing walls, columns, beams or girders,
- any work requiring a Building Permit under the State Building Code,
- a change in the exit facilities,
- an enlargement, whether by extending on a side or by increasing in height, or
- the moving from one location or position to another.

ANIMAL UNIT - See “Agriculture-Related Terms”.

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.

APARTMENT, ACCESSORY_ - 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.

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

ASSEMBLY – The act of connecting together the parts or pieces of something (such as a machine), the act of assembling something.

ASSEMBLY, LIGHT – The assembly of small parts or pieces.

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.

BASEMENT – See “*Story-Related Terms*”.

BREWERY – A facility for the production of beer, meaning any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, and hops in drinking water, ale, or other malt liquors.

BREW PUB – A brewery as defined in these Regulations which also serves food in a restaurant .

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 versus Unbuildable Land

BUILDABLE LAND – For the purposes of determining overall density and/or number of units in a residential development where so indicated in these Regulations, that area of a parcel of land which is not designated as 100-year floodplain, inland wetland, or watercourse, or with pre-development slopes in excess of 20%.

UNBUILDABLE LAND - For the purposes of determining overall density and/or number of units in a residential development where so indicated in these Regulations, that area of a parcel of land designated as 100-year floodplain, inland wetland, or watercourse, or with pre-development slopes in excess of 20%.

Building versus Structure

BUILDING - An independent structure having a roof supported by columns or walls resting on its own foundation and used or intended for the shelter, housing, or enclosure of any person, animal, process, equipment, goods, tangible personal property or other materials and including shed, garage, greenhouse, and other accessory buildings. A detached building is one separated on all sides from other buildings.

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 and walls more than six feet in height, other than retaining walls.

Buildings



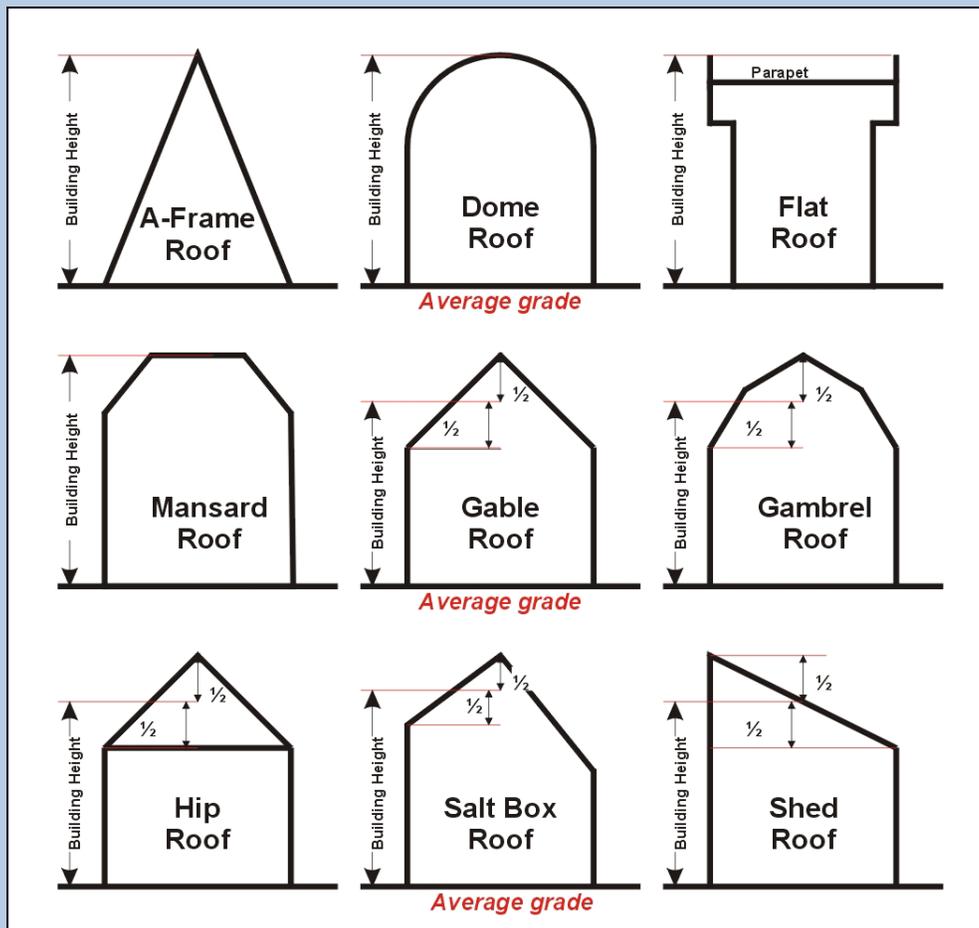
Structures



Building Height

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);
- the deck-line for mansard roofs; and
- the average height between the eaves and ridgelines for gable, gambrel, hipped, salt-box or shed roofs.



BUILDING LINE - A line parallel to the street line at a distance equal to the required front yard setback or other line as established by the Commission.

BUILDING, PRINCIPAL – See “Principal versus Accessory.”

CANNABIS - Marijuana as defined in Section 21 a-240 Connecticut General Statutes

CAR - See “Vehicle-Related Terms”.

CARWASH - Any facility, or part of a facility, including structures and accessory uses operated wholly or partly to wash and clean cars.

CARWASH, AUTOMATIC - Any carwash facility using conveyORIZED automatically operated mechanical equipment.

CARWASH, SEMI-AUTOMATIC - Any carwash facility in which the car is driven to a stationary position and automatically operated mechanical carwash equipment moves around the car.

CAR WASH, SELF-SERVE - Any carwash 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 - See *"Story-Related Terms"*.

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.

COFFEE SHOPS, SODA, AND ICE CREAM SHOPS - Any establishment whose principal business is the sale of foods, frozen desserts, 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 - See *"Vehicle-Related Terms"*.

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.)

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

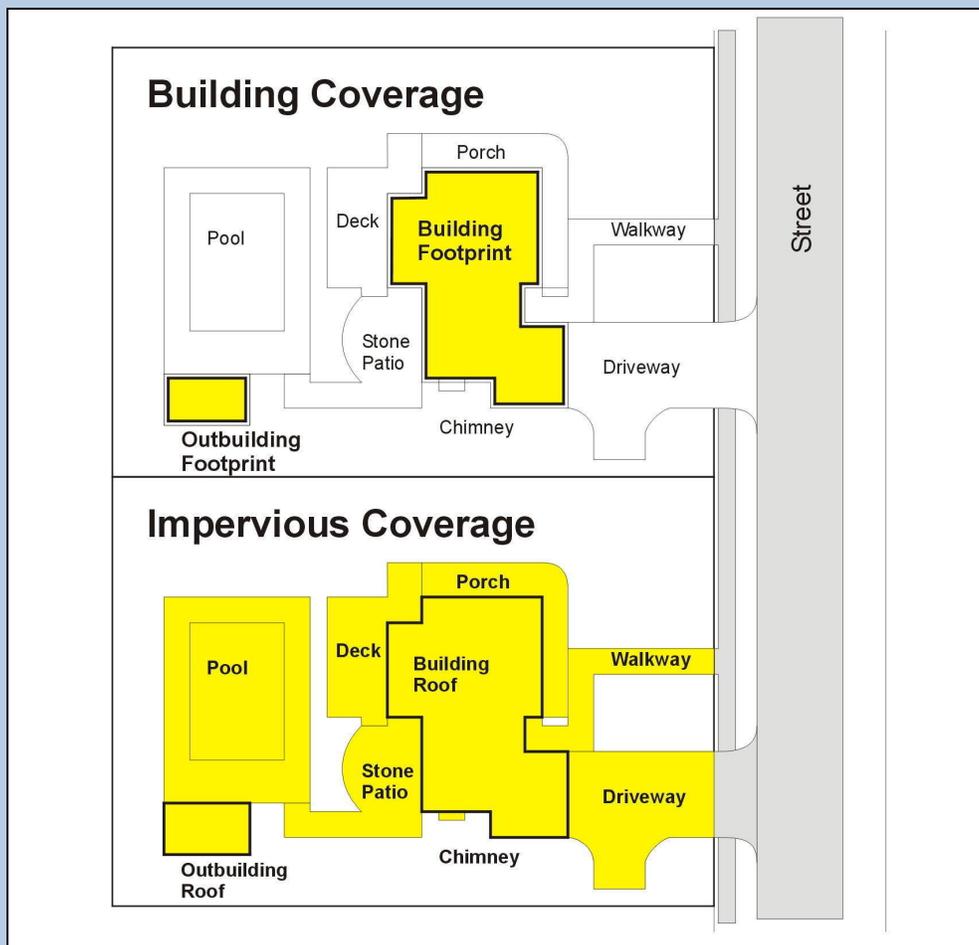
CONSERVATION SUBDIVISION - A subdivision of land resulting in parcel layout and open space set aside that meet special permit requirements for such development.

COOP- A small accessory building where, typically, female chickens or other fowl are kept safe and secure. There are nest boxes found inside the hen houses for egg-laying and perches on which birds can sleep (effective 2-20-19)

Coverage-Related Terms

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.



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.

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

Day Care-Related Terms

DAY CARE – A program of supplementary care for children or adults for a portion of the 24 hours in one or more days in the week where care is given on a regularly recurring basis.

FAMILY CHILD CARE HOME – As provided in CGS Section 19a-77, 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.

GROUP CHILD CARE HOME - As provided in CGS Section 19a-77, a private family home which offers or provides a program of supplementary care:

- to not less than seven nor more than 12 children on a regular basis, or
- that meets the definition of a family child care home except that it operates in a facility other than a private family home.

CHILD CARE CENTER – As provided in CGS Section 19a-77, a facility which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis.

FAMILY ADULT CARE HOME – A private family home, caring for not more than six adults, including the provider's own direct relatives, where the adults 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.

GROUP ADULT CARE HOME - A private family home which offers or provides a program of supplementary care:

- to not less than seven nor more than 12 adults on a regular basis, or
- that meets the definition of a family adult care home except that it operates in a facility other than a private family home.

ADULT CARE CENTER – A facility which offers or provides a program of supplementary care to more than twelve related or unrelated adults outside their own homes on a regular basis.

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.

DISPENSARY- Means a place of business where cannabis may be dispensed, sold, or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S.

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-THROUGH ESTABLISHMENT - 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-THROUGH 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 In accordance with the Fair Housing Act, dwelling units for elderly occupancy including cooperative and/or congregate units.

ELECTRIC VEHICLE CHARGING STATION - an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle;

* **DIRECT CURRENT FAST CHARGING STATION** - an electric vehicle charging station that utilizes direct current electricity (40Kw or greater);

* **LEVEL TWO ELECTRIC VEHICLE CHARGING STATION** - an electric vehicle charging station that supplies 208 to 240-volt alternating current;

* **PUBLIC ELECTRIC VEHICLE CHARGING STATION** - an electric vehicle charging station located at a publicly available parking space;

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.

ENCLOSURE/RUN (POULTRY) – A fences/secured area for poultry to feed and roam (effective 2-20-19)

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

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 prior to the excavation.

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 ADULT CARE HOME - See *“Day Care Related Terms”*.

FAMILY CHILD CARE HOME - See *"Day Care Related Terms"*.

FARM- See *"Agriculture-Related Terms"*.

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."

FLOODPLAIN, 100-YEAR – The area subject to a one percent or greater chance of flooding in any given year as delineated by the Federal Emergency Management Agency on the Flood Insurance Rate Map(s) for Rocky Hill, as may be amended.

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 shafts, 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 the 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 - See *"Lot measurement terms"*

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 - See *"Agriculture-Related Terms"*.

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 ADULT CARE HOME - See *"Day Care Related Terms"*.

GROUP CHILD CARE HOME - See *"Day Care Related Terms"*.

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.

Section 2.B

DEFINITIONS

GROSS VEHICLE WEIGHT RATING - Gross vehicle weight rating (GVWR) is a vehicle specification based on chassis, body, engine, occupants, and cargo potential (excluding any trailers). GVWR is defined by the manufacturer of the vehicle.

HOME OCCUPATION - A business which:

- is conducted entirely within a dwelling,
- is inherent of a low intensity nature and intensity,
- is clearly incidental and secondary to the use of the building for residence purposes, and
- does not create the appearance of a business in a residentially zoned area

The following uses are, by their inherent nature and intensity, not permitted home occupation 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.

HOTEL - A facility offering transient lodging accommodations to the general public with rooms accessed from internal corridors and typically 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.

LANDSCAPED AREA - Natural or landscaped areas not occupied by structures or impervious surface.

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.

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.

LIVESTOCK - See "*Agriculture-Related Terms*".

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-Related Terms

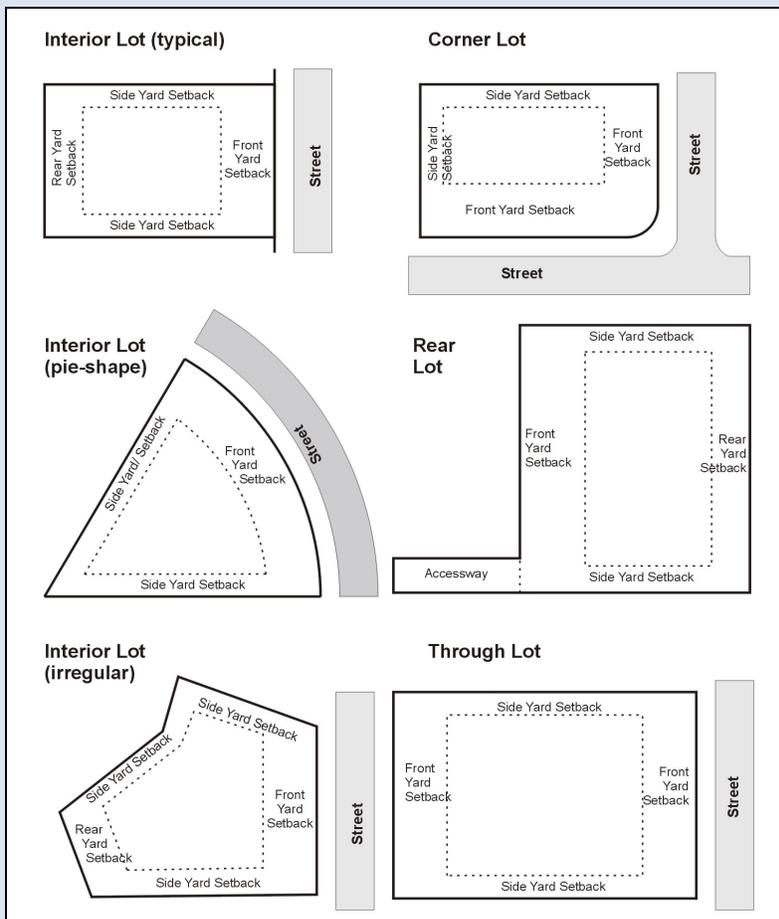
LOT - A parcel or plot of land having definite boundaries in a deed or subdivision plan recorded in the Land Records, not divided by streets or property boundaries, which may be occupied by one or more principal buildings and accessory buildings, and having its principal frontage in fee simple on a public 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 LINE - The boundary of a lot.

- A boundary along a street shall be a front lot line;
- A boundary touching a front lot line shall be a side lot line;
- For any other boundary lines:
 - The boundary farthest from the street shall be a rear lot line; and
 - any other lot line shall be a side lot line.

Should a question arise as to the type of lot line (such as on an irregularly shaped lot), the Planning and Zoning Commission shall determine the type of lot line.



Lot Measurement Terms

LOT AREA - The entire horizontal area within the lot lines except that the area of the accessway on a rear lot shall not be included in determining compliance with the minimum lot area requirement.

LOT, FRONTAGE - The linear distance measured along the front lot line on a single street, which frontage shall be in a fee simple ownership and located on a public street.

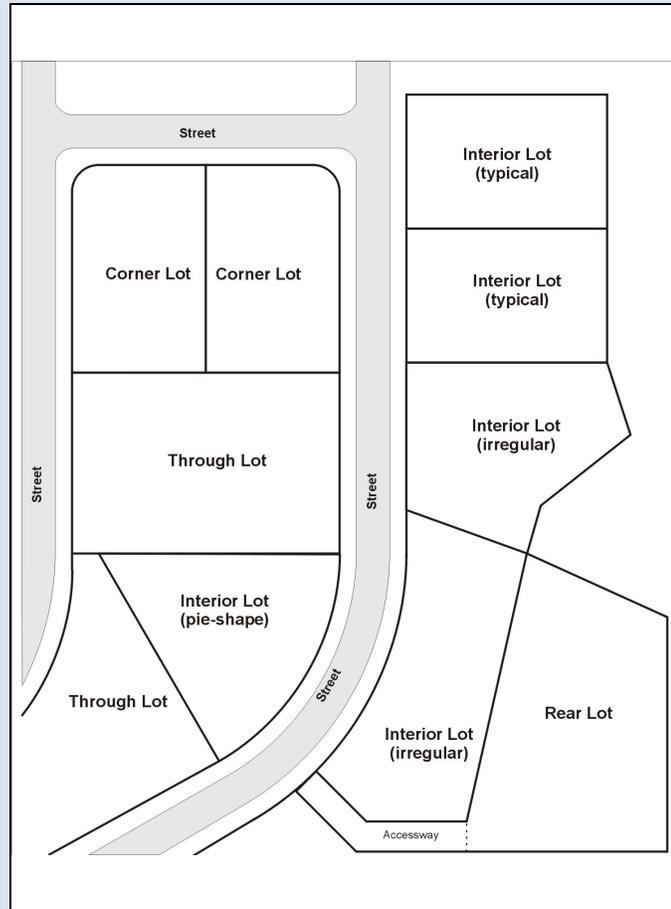
Lot Types

LOT, CORNER - A lot at the intersection of two streets or 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, INTERIOR - A lot other than a corner lot having frontage on a public street.

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.

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.



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

MANUFACTURING, ADVANCED - Manufacturing activities that depend on the use and coordination of information, automation, computation, software, sensing, and networking; and/or make use of cutting edge materials and emerging capabilities enabled by the physical and biological sciences (such as nanotechnology, chemistry, and biology).

MARINA - Dock(s) or basin providing secure moorings for boats and offering supplies, repairs and other boat related services as accessory uses thereto (eff. 11-1-2020)

MIXED USE BUILDING - Multiple uses in a single structure which shall be a combination of a residential use and one or more non-residential uses permitted by zoning in that particular zone(Effective 11-1-2020)

MIXED USE DEVELOPMENT - the practice of allowing more than one type of non-residential use along with a residential use or uses in a building or set of buildings; an appropriate combination of multiple uses, including both non-residential and residential uses, inside a single structure or set of structures thereby creating a neighborhood or sense of place complete with a connectivity between structures, through use walkways, parking and other amenities. In a mixed use development, the non-residential uses must be allowed in the underlying zoning district. (effective 11-1-2020)

MOBILE HOME - See *"Trailer, Mobile Home"*

MOTEL - A facility offering transient lodging accommodations to the general public with rooms accessed from the exterior and which may include restaurants, meeting rooms and recreational facilities.

MULTI-FAMILY – Three or more attached residential dwelling units (effective 2-20-19)

NIGHT-TIME 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-Conforming Terms

NON-CONFORMING – A situation where a use, structure or lot does not conform with the regulations for the zone in which it is situated.

"GRANDFATHERED" – A situation where a use, structure or lot was legally in existence at the time of the adoption of these Regulations or any pertinent amendments hereto and became non-conforming as a result of such adoption.

NON-CONFORMING BUILDING - A building that conforms to these Regulations as to its use, but does not conform with respect to size, area, height, setback, or other detail, for the zone in which it is situated, which non-conformity was lawful at the time these Regulations or amendments thereto became effective.

NON-CONFORMING LOT - 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 for the zoning district in which it is located.

NON-CONFORMING STRUCTURE - A structure that conforms to these Regulations as to its use, but does not conform with respect to size, area, height, setback, or other detail, for the zone in which it is situated, which non-conformity was lawful at the time these Regulations or amendments thereto became effective.

NON-CONFORMING USE - 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. Any use which is permitted by Special Permit in a district under the provisions of these Regulations shall not be deemed a non-conforming use in such district.

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

NURSERY, PLANT - See *"Agriculture-Related Terms"*.

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 establishment where a service is rendered to a person. Such services include, but are not limited to hair salon / barber, nail salon, day spa, tanning salon, repair of shoes, jewelry or clocks / watches, tailor / seamstress, photography studio, and similar uses.

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

Principal versus Accessory

PRINCIPAL – That which is most important, predominant, or evident. The main or primary condition.

PRINCIPAL USE - The primary or predominant use or activity of any lot, building, structure, or property.

PRINCIPAL BUILDING – The principal building on a property or a building in which is conducted the main or principal use of the lot on which said building is situated.

PRINCIPAL STRUCTURE – The principal structure on a property or a structure in which is conducted the main or principal use of the lot on which said structure is situated.

ACCESSORY - That which is subordinate and customarily incidental to the principal condition.

ACCESSORY USE - A use or activity on a property which is accessory to the principal structure, building, or use of land, and located on the same property as that of the principal structure, building, or use or on a contiguous lot under the same ownership with the principal use.

ACCESSORY BUILDING – A building which is accessory to the principal building and/or use on the piece or parcel of land or on a contiguous parcel of land under the same ownership. Accessory buildings or structures connected by roofs or breezeways shall be considered part of the principal building.

ACCESSORY STRUCTURE –A structure, the size and use of which is accessory to the principal structure and/or use on the piece or parcel of land or on a contiguous parcel of land under the same ownership. Any structure used or designed to be used as a dwelling shall not be considered an accessory structure.

CUSTOMARY – Something commonly practiced, used, or observed such that it is considered conventional and typical rather than unusual.

INCIDENTAL - Something likely to ensue as a minor consequence of another activity or something that happens as a minor part or result of something else.

SUBORDINATE – Something inferior, smaller, fewer, and of less importance or impact or something placed in or occupying a lower position.

POULTRY – Domestic fowl such as chickens and ducks (effective 2-20-19)

Section 2.B

DEFINITIONS

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.

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 day care 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 – See *“Vehicle-Related Terms”*

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 desserts 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 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 7.H.

SETBACK –See “Yards versus Setbacks”

SF – Square feet.

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-Related Terms

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.

The following shall not be considered signs:

- Signs placed or erected by governmental agencies or non-profit civic associations for a public purpose in the public interest,
- 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.

Sign Types

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

BILLBOARD SIGN - 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.

BUSINESS SIGN - 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.

CANOPY SIGN – Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area and extends no higher than the parapet walls or eaves (effective 2-20-19)

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

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

ELECTRONIC MESSAGE/CHANGEABLE COPY – A sign that is capable of displaying words, symbol, figures or images that can be electronically changed by remote or automatic means (effective 2-20-19)

FREESTANDING SIGN - 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.

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

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

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

MONUMENT SIGN – A two-sided sign attached to a permanent foundation or decorative base and not attached or dependent on support from any building, pole posts or similar uprights (eff. 2-20-19)

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

NOVELTY SIGN - Any banner, pennant, valance, feather flag / banner (added 2-20-19) or other advertising display usually constructed of cloth, fabric, cardboard or like material and intended to be displayed for a short period of time.

PROJECTING SIGN - A sign supported by a building and projecting more than 18 inches from the building.

PUBLIC INFORMATION SIGN - 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.

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

TEMPORARY SIGN - 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.

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

WAYFINDING SIGN – A sign used to assist people in navigating to a particular location in a community (effective 2-20-19)

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 7.H.

SOLAR FARM- A solar energy collection system that can be used to serve all or part of the electric load at one or more properties and for one or more consumers (effective 2-20-19)

STABLE - See "Agriculture-Related Terms".

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.

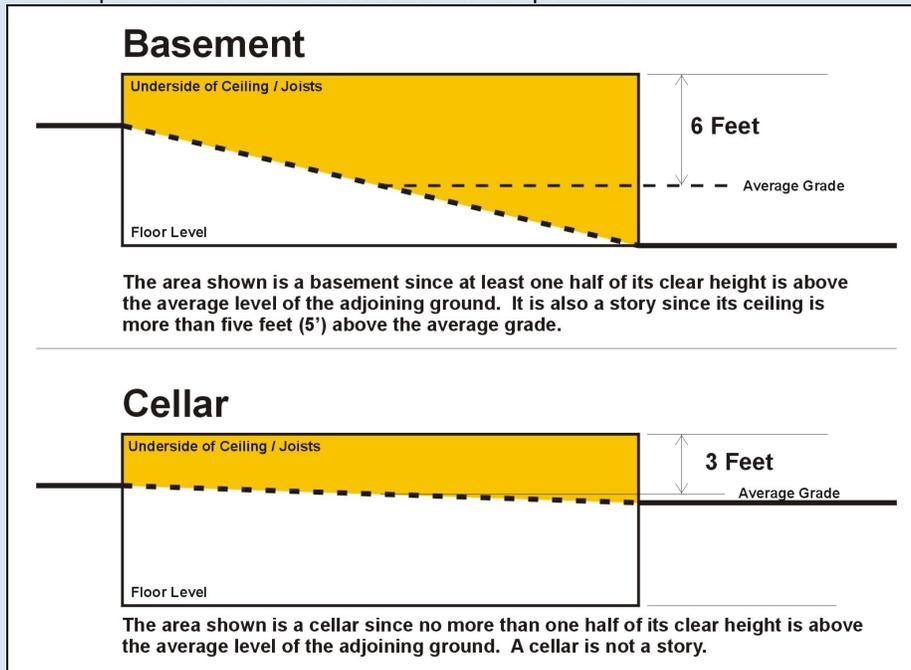
Story-Related Terms

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.

BASEMENT - A portion of a building partly under-ground and having at least one-half of its clear height above the average level of the adjoining ground. 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,
- a floor area in excess of 50 percent of the floor area directly above it is 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.
- it is subdivided or used for dwelling purposes or business purposes.

CELLAR - A room or 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.



Section 2.B

DEFINITIONS

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 – See *“Building versus Structure”*

STRUCTURE, ACCESSORY - See *“Principal versus Accessory”*

STRUCTURE, PRINCIPAL - See *“Principal versus Accessory”*

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.

TENANCY – the temporary possession or occupancy of something, such as a house, that belongs to another (effective 2-20-19)

TERRACE (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 - See *“Vehicle-Related Terms”*

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.

UNBUILDABLE LAND – See *“Buildable Land versus Unbuildable Land”*.

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, PRINCIPAL – See “*Principal versus Accessory.*”

Vehicle-Related Terms

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.

AUTOMOBILE TRAILER - 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.

RECREATIONAL VEHICLE –A portable vehicle built on a chassis and may be designed to be used as a temporary dwelling for travel and/or for recreational purposes. Recreational vehicles shall include campers, travel trailers, boats, boat trailers and motor homes, personal snow and water crafts, but shall not include mobile homes. A boat on a boat trailer is classified as one recreational vehicle (effective 2-20-19)

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 activities 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.

WATERCOURSE - As defined in CGS Section 22a-38.

“Watercourses” means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon this state or any portion thereof,

WETLAND - As defined in CGS Section 22a-38.

“Wetlands” means land, including submerged land, ... which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain ...

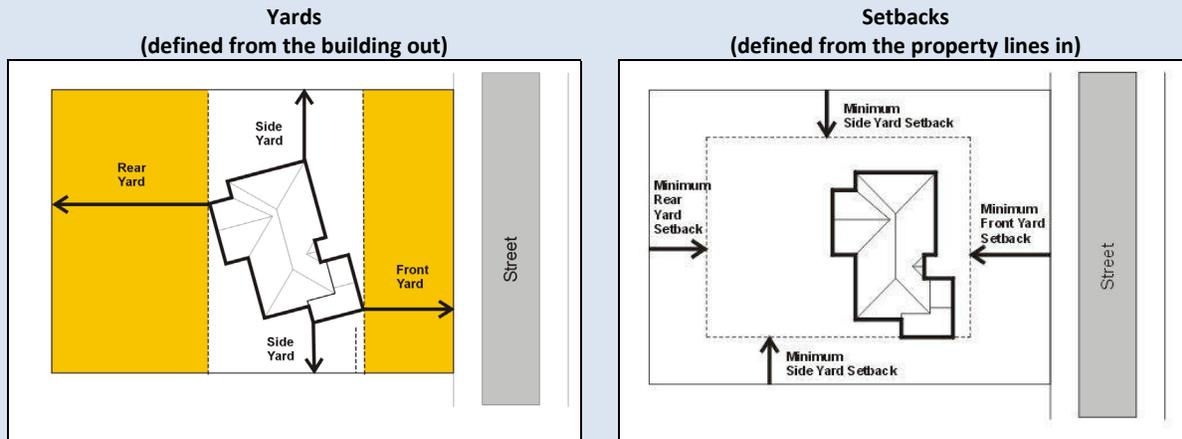
Yards Versus Setbacks

YARD - The area between the principal structure and a lot line.

FRONT YARD - The area extending across the full width of the lot and lying between the principal structure and a front lot line.

REAR YARD - The area extending across the full width of the lot and lying between the principal structure and a rear lot line.

SIDE YARD - The area between the principal structure and a side lot line.



(continued on next page)

(continued from previous page)

Yards Versus Setbacks

SETBACK –The minimum required distance from any lot line to a building, structure or use, measured in a straight line from, and perpendicular to, such lot line. See “Lot Line” for the determination of lot line location.

FRONT YARD SETBACK - The minimum required distance for a building or structure to be set back from a front lot line.

REAR YARD SETBACK - The minimum required distance for a building or structure to be set back from a rear lot line.

SIDE YARD SETBACK - The minimum required distance for a building or structure to be set back from a side lot line.

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.A PURPOSE

3.A.1 R-40 District

This district is composed of certain lands and structures in the Town primarily for lower-density residential development. 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.A.2 R-20 District

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.B PRINCIPAL USES

LEGEND

| | |
|----------|---|
| NPR = | Allowed / No Zoning Permit Required |
| ZP = | Zoning Permit Required (Staff) |
| SPA = | Site Plan Approval Required (Commission) |
| SP/SPA = | Special Permit / Site Plan Approval Required (Commission) |

3.B.1 Residential Uses

| | R-20 | R-40 |
|---|--------|--------|
| 1. Single-family dwellings. | ZP | ZP |
| 2. Rear lot in accordance with Section 6.A. | ZP | ZP |
| 3. Multi-family housing developments in existence as of February 1, 2006. | ZP | ZP |
| 4. Conservation design subdivisions in accordance with Section 6.B. | | SP/SPA |
| 5. Active-adult housing in accordance with Section 6.C. | SP/SPA | SP/SPA |
| 6. Cluster residence housing in accordance with Section 6.C. | SP/SPA | SP/SPA |
| 7. Housing for the elderly in accordance with Section 6.E. | SP/SPA | SP/SPA |
| 8. Assisted living facilities in accordance with Section 6.E. | SP/SPA | SP/SPA |

3.B.2 Business-Type Uses

| | R-20 | R-40 |
|---------------|------|------|
| 1. (reserved) | | |

3.B.3 Institutional-Type Uses

| | R-20 | R-40 |
|--|--------|--------|
| 1. Public schools and public buildings. | SPA | SPA |
| 2. Churches, synagogues and places of worship. | SP/SPA | SP/SPA |
| 3. Community and municipal buildings for non-profit organizations. | SP/SPA | SP/SPA |

3.B.4 Agricultural-Type Uses

| | R-20 | R-40 |
|--|--------|--------|
| 1. Farms, orchards and raising of crops, including a plant nursery in accordance with best management practices as promulgated by the Connecticut Department of Agriculture. | NPR | NPR |
| 2. Raising of livestock on a farm in accordance with best management practices as promulgated by the Connecticut Department of Agriculture. | NPR | NPR |
| 3. Commercial greenhouses as part of an existing plant nursery operation. | SP/SPA | SP/SPA |

3.B.5 Other Uses

| | R-20 | R-40 |
|---|--------|--------|
| 1. Cemeteries | SPA | SPA |
| 2. Public utility facilities. | SP/SPA | SP/SPA |
| 3. Public and private recreational facilities. | SP/SPA | SP/SPA |
| 4. Any other use similar to a use permitted by Special Permit in a residential district, as determined by the Commission. | SP/SPA | SP/SPA |

3.C ACCESSORY USES

3.C.1 Permitted By Right (No Zoning Permit Required)

1. **Customary Accessory Uses** - Accessory uses customarily incidental to a permitted principal use.
2. **Keeping Of Customary Pets** - The keeping of dogs, cats, and other pets which are normally kept as companions and normally housed together with human occupants.
3. **Keeping of Other Animals:** All animals shall be kept in a manner that conforms to best management practices and all applicable regulations of the CT Public Health Code, the CT Department of Energy and the Environment, CT Department of Agriculture, United States Department of Agriculture and the Connecticut General Statutes. In no way shall the keeping of animals in a residential zone be allowed for commercial purposes. It is the intent of this regulation to protect the health safety and welfare of residents and the community by keeping order and protecting the quality of life within the surrounding neighborhood.

a. Horses and related animals. 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 owners and/or occupants of the property, not for commercial purposes and subject to the following land area and setback requirements;

1. 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.
2. 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.
3. 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.

b. Poultry: In all residential Districts, the keeping of chickens and ducks shall be permitted on lots used for not more than two families and only for the use of the owners and/or occupants of the property, not for commercial purposes and subject to the following requirements:

I. Quantity based on open area of lot from rear face of house to rear lot line:

| LAND AREA TO REAR OF HOUSE | MAXIMUM # |
|----------------------------|------------|
| 0.26 to 0.5 acre | Maximum 10 |
| 0.51 to 1.0 acre | Maximum 20 |
| 1.0 acre to 4.99 acres | Maximum 40 |

II. Enclosure (coop/run)

a. Enclosure shall be considered an accessory structure the size of which when combined with all accessory structures on site shall not exceed the gross floor area of the principal structure on the same parcel.

b. Coop and Enclosure shall be located at least fifteen (15) feet away from a side and/or rear lot line and located behind the rear face of the house. This requirement applies to permanent and moveable coops/enclosures.

c. Zoning Permit required for a coop not exceeding 200 square feet. Coops over 200 square feet require a Building Permit.

III. All feed to be kept inside the residence or other enclosed structure on site

V. All manure piles to be kept at least 75 feet away from open bodies of water

VI. Prohibitions:

a. No roosters are allowed

b. No audible predator alarms allowed

c. The keeping of poultry on properties occupied by Multi-family dwellings, three or more units is prohibited.

VII. All animals shall be kept in a manner that conforms to best management practices and all applicable regulations of the CT Public Health Code, the CT Department of Energy and the Environment, CT Department of Agriculture, United States Department of Agriculture and the Connecticut General Statutes, as may be amended (applicable to all codes, regulations referred to herein)

This shall not be construed as allowing the establishment of any commercial enterprise (effective 2-20-19)

4. **Parking** - Parking for a single-family residential dwelling subject to Section 7.B.

5. **RV Parking** - Parking for up to two recreational vehicles (including boats) on a property provided such vehicle(s) shall:

a. Be parked or stored at all times:

- in a fully enclosed structure,
- on the driveway, or
- in a side or rear yard at least ten (10) feet from the side and rear property lines;

b. not be used for living, recreation or business purposes while parked or stored on a residential lot; and

c. be directly owned or leased by the owner or tenant of the premises on which they are stored.

6. **Commercial Vehicle Parking** - Parking of commercial vehicles as provided below:

a. No commercial vehicle shall exceed a gross vehicle weight rating (GVWR) of 11,000 pounds.

b. Any commercial vehicle over 5,000 pounds GVWR parked overnight must be parked:

- in a fully enclosed structure, or
- in a location screened to at least six feet in height from the closest property line by a stockade fence or by a row of non-deciduous shrubs.

c. Any vehicle stored outside must be kept on a prepared surface suitable for parking (such as pavement).

d. Exceptions to these restrictions may be allowed by Special Permit in accordance with Section 9.D where the vehicle is not parked in the front yard and adequate screening is provided.

e. The provisions of this Section do not apply to vehicles, trailers, or construction equipment used on farm as defined in the Zoning Regulations.

7. **Day Care** - Family child care home and group child care home as licensed by the State Office of Early Childhood.

8. **Garage, Tag, Yard Sales:** (effective 2-20-19)

a. Sales limited to four (4) occurrences per calendar year per address;

b. Each occurrence shall not exceed three (3) days in duration;

c. Hours of operation not to go beyond 8:00 a.m. to 7:00 p.m.;

- d. Merchandise for sale is not to be placed within a Town or State right of way;
- e. All signs advertising the garage, tag, yard sale are to be removed within 24 hours of event conclusion;
- f. The Town of Rocky Hill reserves the right to cease operation of any garage, tag, yard sale that presents a public safety problem;

3.C.2 Permitted By Zoning Permit (Staff)

- 1. **Signs** - Signs subject to Section 7.C.
- 2. **Home-Based Business** - Home occupations subject to the following:
 - a. The accessory use shall not be noticeable from the exterior of the building or change the exterior appearance from residential to commercial and shall not have any outside storage unless screened.
 - b. 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.
 - c. The accessory use shall not create any electrical, radio, television, or similar interferences.
 - d. No use shall include the delivery or sale of tangible goods, other than documents or works of art, in excess of what is typically associated with a residence.
 - e. Not more than one (1) non-resident person shall be employed on the premises.
 - f. There shall be no display of products or signs in, on, or about the premises except signs as permitted by Section 7.C.
 - g. There shall be no parking areas for any employee 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.
 - h. A single commercial vehicle, which must comply with Section 3.C.1.6, is permitted. (effective 2-20-19)
- 3. **Accessory Apartment** - An accessory apartment provided that:
 - a. The property owner shall reside on the premises and at least one accessory apartment can be allowed on each residentially zoned property. (effective 01-28-22)
 - b. The addition of an accessory apartment shall maintain the exterior appearance and style of the single-family dwelling.
 - c. The principal unit and the accessory unit may be connected by at least one (1) operable door on a common wall so that the floor area utilized for the accessory unit can be re-integrated into the principal unit in the future; or the accessory dwelling unit may be a detached accessory structure in compliance with section 3.D.2.1 (effective 01-26-22)
 - d. 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 thirty (30) percent of the gross floor area of the single-family dwelling unit after construction.
 - e. The accessory apartment shall not:
 - Be metered separately for utilities.
 - Result in more than one additional dwelling unit per lot. (effective 01-28-22)
 - f. Adequate off-street parking shall be provided in such a way so as to not create the appearance of a parking lot. (effective 2-20-19)

3.C.3 Permitted By Site Plan Approval (Commission)

1. **Day Care** - Family adult care home.

3.C.4 Permitted By Special Permit And Site Plan Approval (Commission)

If the following uses do not involve new construction or expansion of a building, the Commission may accept a sketch plan based on an aerial photograph in lieu of the requirement to submit an A-2 survey and engineered drawings.

1. **Agriculture** – Uses or activities on a farm which are peripherally related to the agricultural operation but will help support the farm including, but not limited to farm tours, hay rides, “pick-your-own” activities, tasting or cooking events, farm-to-table dinner events, occasional wedding events, and/or the like.
2. **Day Care** - Group adult care home.
3. **Day Care** - Child care center or adult care center when accessory to an institutional use such as a church, synagogue, or place of worship.
4. **Home-Based Business** - Professional offices and home occupations that do not comply with Section 3.C.2 subject to the following:
 - a. Such uses shall comply with the standards of Section 3.C.2 unless specifically modified by this subsection or otherwise explicitly approved by the Commission as part of the Special Permit.
 - b. A professional office for a physician, dentist, or surgeon shall be limited to not more than two (2) non-resident employees.
 - c. A professional office shall permit occasional visits by clients, patrons, and/or associates to render or receive service.

3.D ACCESSORY STRUCTURES

Except as may be otherwise provided in this Section:

1. The total floor area of all accessory buildings and structures shall not exceed the gross floor area of the principal structure on the same parcel.
2. Accessory buildings and structures shall comply with the yard setback requirements except that an accessory building or structure located in a rear yard may be located to within 10 feet of a side or rear lot line.

3.D.1 Permitted By Right (No Zoning Permit Required)

1. Satellite receiving antennas subject to Section 6.M.
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. Temporary use of a dumpster during a construction project (within the term of a valid building permit) or otherwise for up to seven (7) days in a calendar year.

3.D.2 Permitted By Zoning Permit (Staff)

1. **Detached Accessory Buildings** - Accessory buildings and structures customary, subordinate, and incidental to the principal building provided that no accessory building shall be located in any front yard. (effective 2-20-19)
2. **Minor Farm Stand** – A temporary seasonal farm stand up to 64 square feet in floor area when accessory to a farm provided that:
 - a. The farm stand shall be located on the property where the product is grown or raised.
 - b. The farm stand shall only sell items grown or raised on the premises.
 - c. The farm stand shall not be built on a permanent foundation.
 - d. The farm stand shall be located at least 20 feet from a side lot line and from the edge of pavement.
 - e. The farm stand shall provide a safe pull-off area for at least two cars in an area with adequate sight lines for approaching and exiting traffic.
3. **Temporary Structure** - A single temporary structure, including a storage container or a membrane structure, no larger than 200 square feet will be allowed on a residentially zoned property for no more than 6 months in any 12 month period. 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.
4. **Solar Panels** – Solar panels when mounted on the ground shall be considered an accessory structure. (effective 2-20-19)

5. **Swimming Pool** - A swimming pool provided that:
 - a. Swimming pools are considered structures and are subject to the building coverage and lot coverage limitations of the zoning district in which it is located.
 - b. No swimming pool shall be located in any front yard.
 - c. The swimming pool shall comply with the yard setback requirements except that a swimming pool located in a rear yard may be located to within 10 feet of a side or rear lot line and the yard setbacks shall be measured from the property line to:
 - The edge of any deck or platform structure adjacent to the pool (generally for an above ground pool), or
 - the exterior lip of the pool.
 - d. 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.
 - e. 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.
 - f. 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. **Other Recreation Structures** - 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.
7. **Emergency Housing** - Notwithstanding any other Section of these Regulations, Emergency Housing as defined in these Regulations may be established provided that:
 - a. Such temporary Emergency Housing shall be located on the same lot upon which the building that was destroyed was standing.
 - b. 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.
 - c. Such temporary Emergency Housing shall be connected to sanitary water and sanitary sewers if available, and to electricity and/or gas.
 - d. Occupancy of such temporary Emergency Housing is limited to the persons who inhabited the dwelling before it was destroyed.
 - e. Such temporary Emergency Housing shall be removed within 15 days of the issuance of a Certificate of Occupancy.
 - f. 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.

8. **Underground Shelter** - An underground shelter provided that:
 - a. Any underground shelter shall comply with the State Building Code.
 - b. Such underground shelter shall comply with the yard setback requirements for the zoning district except that, notwithstanding any other provision of these Regulations, an underground shelter may be located in any front, side, or rear yard setback provided:
 - it is covered with at least two (2) feet of earth plus topsoil, and
 - the finished grade upon completion of the underground shelter is not established above natural ground level prior to establishment of the underground shelter.
 - c. Any entrance or access to the underground shelter shall be set back at least the minimum distance required for an accessory building by these Regulations if such entrance or access rises above finished ground level.
 - d. 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 and the finished ground level above such underground shelter shall be not more than two (2) feet above natural ground level.

3.D.3 Permitted By Site Plan Approval (Commission)

(reserved)

3.D.4 Permitted By Special Permit And Site Plan Approval (Commission)

1. **Major Farm Stand** – A seasonal farm stand not in accordance with Section 3.D.2.
2. **Farm Store** – A permanent building for the sale of farm products provided that:
 - a. The farm store shall be located on the property where products are grown or raised.
 - b. A substantial portion of the products sold at the farm store shall be grown or raised on the premises and the balance of the products sold shall be grown or raised in Connecticut or otherwise approved by the Commission.
 - c. The farm store shall observe all setback and parking requirements.
3. **Solar Panels** – Solar panels when mounted on the ground or when mounted on a building but not mounted flush to, or planar with, a roof surface. (Amended 2-20-19)
4. **Wind Turbine** – Wind turbine accessory to a permitted use provided that:
 - a. There shall be no more than one such device per property.
 - b. No windmill structure shall exceed 80 feet in height to the turbine rotor.
 - c. No windmill structure shall be located in a front yard unless specifically approved by the Commission.
 - d. No windmill structure shall be located closer than 80 feet to a property line unless specifically approved by the Commission.
 - e. The Commission may consider anticipated noise generation and its effect on surrounding properties.

3.E HEIGHT AND AREA REQUIREMENTS

| Lot Requirements (1) | R-20 | R-40 |
|--|------------------------------------|------------------------------------|
| <ul style="list-style-type: none"> • Minimum Lot Area <ul style="list-style-type: none"> ○ Interior, Corner, or Through Lot ○ Rear Lot | 20,000 SF 30,000 SF | 40,000 SF 60,000 SF |
| <ul style="list-style-type: none"> • Maximum Density (units per acre of buildable land) | 1.40 | 0.70 |
| <ul style="list-style-type: none"> • Minimum Lot Frontage (2) (3) <ul style="list-style-type: none"> ○ Interior, Corner, or Through Lot ○ Rear Lot | 100 Feet 20 Feet (accessway) | 150 Feet 20 Feet (accessway) |
| Setback Requirements (1) | | |
| <ul style="list-style-type: none"> • Minimum Front Yard Setback <ul style="list-style-type: none"> ○ Interior, Corner, or Through Lot ○ Rear Lot | 40 Feet 60 Feet | 60 Feet 90 Feet |
| <ul style="list-style-type: none"> • Minimum Side Yard Setback | 15 Feet | 30 Feet |
| <ul style="list-style-type: none"> • Minimum Rear Yard Setback | 25 Feet | 50 Feet |
| Building Limitations (1) | | |
| <ul style="list-style-type: none"> • Maximum Building Coverage | 20% | 12% |
| <ul style="list-style-type: none"> • Maximum Building Height | 35 Feet | 35 Feet |

Notes:

1. See Section 8.B for possible dimensional exceptions.
2. For an interior or through lot abutting a cul-de-sac, the minimum lot frontage shall be measured:
 - a. 50 feet from the street line in the R-40 District
 - b. 45 feet from the street line in the R-20 District
3. On a corner lot, the minimum lot frontage shall be 125 feet on each street in the R-20 and R-40 residential districts.

3.F ZONING POLICY FOR REASONABLE ACCOMMODATION - AMERICANS WITH DISABILITIES ACT (ADA) AND FAIR HOUSING ACT (FHA) (EFFECTIVE 11-1-2020)

3.F.1 PURPOSE

The Americans with Disabilities Act (ADA), as amended, is a federal anti-discrimination statute designed to remove barriers that prevent qualified individuals with disabilities from enjoying the same opportunities available to persons without disabilities. The Fair Housing Act (FHA), as amended, is a federal antidiscrimination statute that prohibits discriminating against a person on the basis of disability by refusing to make reasonable accommodations when necessary to afford the person equal opportunity to use and enjoy a dwelling.

The FHA and ADA require municipal governments to make reasonable accommodations to policies, practices, or procedures to prevent discrimination on the basis of disability. Reasonable accommodations can include changes, modifications or adjustments to local laws, ordinances, and regulations that prevent people with disabilities from having an equal opportunity to use and enjoy a dwelling.

The Town of Rocky Hill Planning and Zoning Division shall make reasonable accommodations in policies, practices, or procedures when the accommodations are necessary to avoid discrimination on the basis of disability, unless those accommodations would fundamentally alter the nature of the service, program, activity, or cause an undue financial and administrative burden.

A reasonable accommodation is a change, exception or adjustment to a rule, policy, practice or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling.

3.F.2 GENERAL PROVISIONS

All reasonable accommodation applications that are submitted will be reviewed on an individual basis and independently of all other requests.

In evaluating a Request for Reasonable Accommodation, the Commission, based upon consultation with, and the recommendation of staff, shall consider competent, substantial evidence relating to the following:

- Whether the reasonable accommodation is necessary because of a disability.
- Whether there is an identifiable relationship, or nexus, between the requested accommodation and the person's needs.
- Whether a sufficient alternative to the specific initial request exists, if the initial request is determined to be not reasonable.
- Whether granting the request would change the essential nature of the Zoning Code as compared to strict application of the code to the circumstances or the request.
- Whether the request would impose undue financial and administrative burdens on the Town.

3.F.3 APPLICATION REQUIREMENTS

Applicants seeking Request for Reasonable Accommodation for a disability under the federal regulations provided by the Americans with Disabilities Act (ADA) and Fair Housing Act (FHA) should complete the application for a Reasonable Accommodation / Modification. Applicants may include individuals with disabilities or persons, entities, or groups on behalf of individuals with disabilities.

Documentation Needed:

The Commission is entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation may be necessary because of a disability. The Commission may not ordinarily inquire as to the nature and severity of an individual's disability, however, the Commission may request reliable disability-related information that:

- (1) is necessary to verify that the person meets the Fair Housing Act and Americans with Disabilities Act's definition of "disability",
- (2) describes the needed accommodation, and
- (3) shows the relationship between the person's disability and the need for the requested accommodation.

An explanation as to the accommodation requested and how granting this request is necessary to accommodate the disability.

3.F.4 PROCEEDINGS

1. The date of receipt for the Application shall be determined in accordance with Section 9.H.2.
2. An incomplete Application shall be denied in accordance with Section 9.H.3.
3. 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.
4. A decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such 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.
5. The decision shall:
 - a. state the name of the owner of record,
 - b. contain a description of the premises to which it relates,
 - c. identify the Section of the Regulations under which the Accommodation was granted or denied, and
 - d. specify the nature of the Accommodation / modification
6. The applicant may withdraw such application at any time prior to action by the Commission.

3.F.5 ACTION DOCUMENTATION

1. The Commission shall, whenever it grants or denies an Application, state upon its record the reason(s) for its decision.
2. The Commission shall send, by Certified Mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
3. The Commission shall cause the notice of action for the application to be published in a newspaper having a general circulation in Rocky Hill within fifteen (15) days after such decision is rendered.
4. 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.
5. If the Commission does not render a decision within the requisite timeframe, the request is automatically approved and the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for their-action has expired. The letter of approval shall

state the date on when the accommodation expires which shall be when there is no longer the need for the given accommodation/modification.

3.F.6 FOLLOWING APPROVAL

1. An Accommodation / Modification 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.
2. Any approved accommodation / modification shall become null and void if the accommodation / modification 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.
3. An accommodation / modification shall only authorize the particular use or uses specified in the Commission's approval.

SECTION 4 BUSINESS DISTRICTS

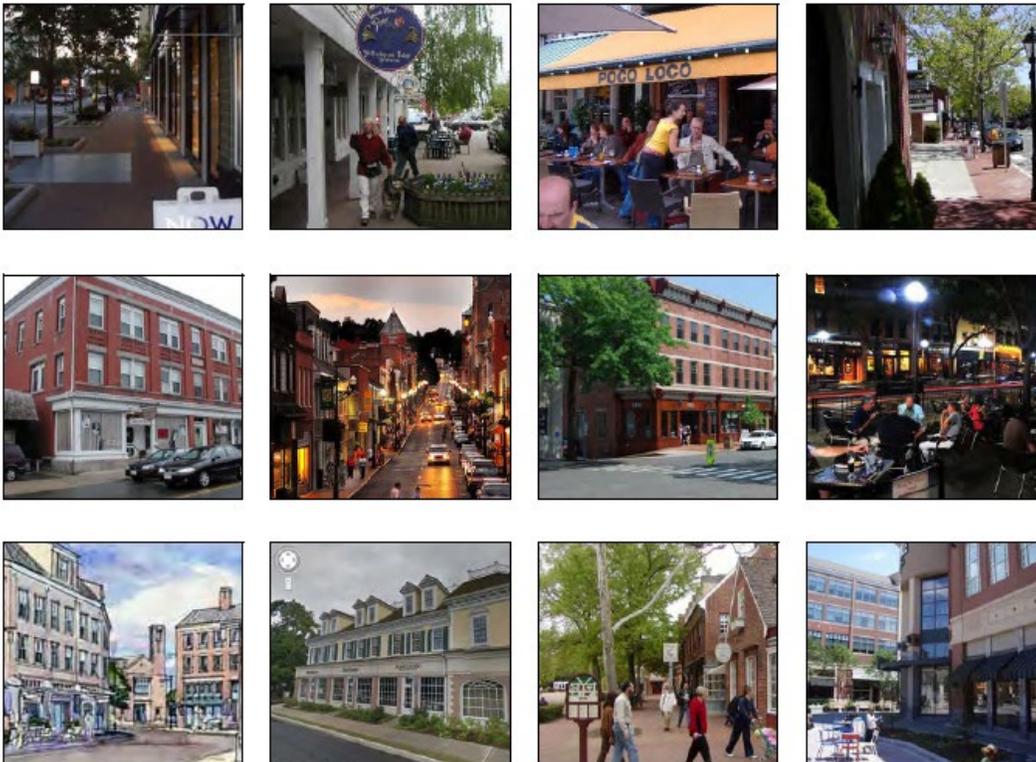
4.A PURPOSES

4.A.1 Town Center (TC) District (Effective 11-1-2020)

The area where mixed-use development will be encouraged in order to support establishment of mixed-use, pedestrian friendly areas as recommended in the Plan of Conservation and Development.

The Town Center District is hereby declared to be a “village district” as authorized by CGS Section 8-2j. In accordance with CGS Section 8-2j, the Commission shall consider the design, placement, relationships and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view. These Regulations shall encourage the conversion, conservation and preservation of existing buildings and sites in a manner that maintains the historic value, distinctive character and landscape of the district.

All development in the Town Center District shall be reviewed in accordance with the requirements of Section 8.C of these Regulations and the Additional Village District Considerations in Section 8.C.5.



4.A.2 Regional Commercial (RC) District

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

4.A.3 Commercial (C) District

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.

4.A.4 Office Park (OP) District

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

4.A.5 Business Park 1 (BP-1) District

To provide an area for light industrial and manufacturing uses in areas 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.

4.A.6 Business Park 2 (BP-2) District

To provide an area for office, advanced manufacturing, and light industrial uses in areas 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.

4.A.7 Waterfront District

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

4.A.8 Waterfront Business Park (WBP) District (Effective 11-1-2020)

To provide an area for mixed uses, marina, office, retail, dining, manufacturing and services that are compatible with and appropriate to Connecticut River frontage.

4.B PRINCIPAL USES

LEGEND

| | |
|----------|---|
| NPR = | Allowed / No Zoning Approval Required |
| ZP = | Zoning Permit Required (Staff) |
| SPA = | Site Plan Approval Required (Commission) |
| SP/SPA = | Special Permit / Site Plan Approval Required (Commission) |

4.B.1 Residential Uses

| | TC | RC | C | OP | BP-1 | BP-2 | W | WBP |
|--|--------|--------|--------|--------|------|------|--------|--------|
| 1. Single-family residences | | | SPA | | | | | |
| 2. Residential use | | | | | | | SP/SPA | SP/SPA |
| 3. Active adult housing in accordance with Section 6.C. (effective 2-20-19) | SP/SPA | | | | | | SP/SPA | SP/SPA |
| 4. Housing for the elderly in accordance with Section 6.E. | | | SP/SPA | | | | | |
| 5. Assisted living facilities in accordance with Section 6.E. | | SP/SPA | SP/SPA | SP/SPA | | | | |
| 6. Residential units in one or more mixed use buildings, or as part of a Mixed-use project 7. (effective 11-1-20) | SP/SPA | | | | | | | |
| 8. Office to Multi-family or Mixed-Use Conversion with Affordable component (minimum 10% of units to be designated for affordable housing (effective 12-09-2022) | | SP/SPA | | | | | | |
| 9. Multi-family housing (minimum lot area of 20 acres and minimum 20% of units to be designated for affordable housing (effective 7-3-2024) | | | | SP/SPA | | | | |

4.B.2 Commercial-Type Uses

| | TC | RC | C | OP | BP-1 | BP-2 | W | WBP |
|--|--------|--------|--------|----|--------|--------|--------|--------|
| 1. Retail stores <ul style="list-style-type: none"> in new structures of 10,000 SF or less in new structures exceeding 10,000 SF | SPA | SPA | SPA | | | | SP/SPA | SP/SPA |
| | SP/SPA | SP/SPA | SP/SPA | | | | SP/SPA | SP/SPA |
| | | | | | | | | |
| 2. Any retail or service use proposing drive-through service. | SP/SPA | SP/SPA | SP/SPA | | | | | |
| 3. Sale of alcoholic beverages in accordance with Section 6.K. | SP/SPA | SP/SPA | SP/SPA | | | | SP/SPA | SP/SPA |
| 4. Licensed medical marijuana dispensary In accordance with Section 6.O. | | SP/SPA | | | | | | |
| 5. In accordance with Section 6. O: Licensed Adult Use Cannabis Retail (Eff. 7-3-2024) | | SP/SPA | | | | | | |
| 6. Shopping centers in accordance with Section 6.F. | SP/SPA | SP/SPA | SP/SPA | | | | | |
| 7. Personal service establishments <ul style="list-style-type: none"> in new structures of 10,000 SF or less in new structures exceeding 10,000 SF | SPA | SPA | SPA | | | | SP/SPA | |
| | SP/SPA | SP/SPA | SP/SPA | | | | SP/SPA | |
| | | | | | | | | |
| 8. Financial institutions <ul style="list-style-type: none"> in new structures of 10,000 SF or less in new structures exceeding 10,000 SF | SPA | SPA | SPA | | | | | |
| | SP/SPA | SP/SPA | SP/SPA | | | | | |
| | | | | | | | | |
| 9. Wholesale commercial | | | | | SP/SPA | SP/SPA | | SP/SPA |
| 10. Self-contained, climate controlled self-storage facility in accordance with Sec. 6.P. (Eff. 6-24-2025) | | SP/SPA | | | | | | |

4.B.3 Automotive-Type Uses (Effective 11-1-20)

| | TC | RC | C | OP | BP-1 | BP-2 | W | WBP |
|---|----|--------|--------|----|--------|------|---|-----|
| 1. Automotive service station in accordance with Section 6.I. | | SP/SPA | SP/SPA | | SP/SPA | | | |
| 2. Sales of new or used automobiles in accordance with Section 6.I. | | SP/SPA | | | | | | |
| 3. Car washes in accordance with Section 6.J. | | SP/SPA | | | | | | |

4.B.4 Hospitality / Recreation-Type Uses (Effective 11-1-20)

| | TC | RC | C | OP | BP-1 | BP-2 | W | WBP |
|---|--------------|--------------|--------------|--------------|--------|--------------|---|--------------|
| 1. Restaurants and similar eating establishments <ul style="list-style-type: none"> Outdoor Dining and beverage service as an accessory use to an existing use (4-5-23) | SP/SPA ZP | SP/SPA ZP | SP/SPA ZP | SP/SPA ZP | | SP/SPA ZP | | SP/SPA ZP |
| 2. Fast food restaurants in accordance with Section 6.G provided no drive-through facility is provided. <ul style="list-style-type: none"> Outdoor dining and beverage service as an accessory use(4-5-23) | SP/SPA ZP | | | | | | | |
| 3. Fast food restaurants in accordance with Section 6.G <ul style="list-style-type: none"> Outdoor dining and beverage service as an accessory use(4-5-23) | | SP/SPA ZP | | | | | | |
| 4. Brew Pub provided the brewery does not produce more than 15,000 barrels per year. | SP/SPA | SP/SPA | SP/SPA | | | | | SP/SPA |
| 5. Motels in accordance with Section 6.H | | SP/SPA | SP/SPA | | | | | |
| 6. Hotels in accordance with Section 6.H | SP/SPA | SP/SPA | SP/SPA | SP/SPA | | SP/SPA | | SP/SPA |
| 7. Commercial amusements, including theaters, bowling alleys and similar uses. | SP/SPA | SP/SPA | SP/SPA | | | | | SP/SPA |
| 8. Public and private recreation. | SP/SPA | | SP/SPA | SP/SPA | SP/SPA | SP/SPA | | SP/SPA |

4.B.5 Office-Type Uses

| | TC | RC | C | OP | BP-1 | BP-2 | W |
|--|--------|--------|--------|-----|------|------|--------|
| 1. Offices | | | | | | | |
| • in new structures of 10,000 SF or less | SPA | SPA | SPA | SPA | SPA | SPA | SP/SPA |
| • in new structures exceeding 10,000 SF | SP/SPA | SP/SPA | SP/SPA | SPA | SPA | SPA | SP/SPA |
| 2. Research and development | | | | | | | |
| • in new structures of 10,000 SF or less | SP/SPA | SPA | SPA | SPA | SPA | SPA | |
| • in new structures exceeding 10,000 SF | SP/SPA | SP/SPA | SP/SPA | SPA | SPA | SPA | |

4.B.6 Technology / Industry-Type Uses

| | TC | RC | C | OP | BP-1 | BP-2 | W |
|--|----|----|---|--------|--------|------------------|---|
| 1. Advanced Manufacturing | | | | SP/SPA | SPA | SP/SPA | |
| 2. Manufacturing | | | | | SPA | SP/SPA | |
| 3. Assembly | | | | | SPA | SP/SPA | |
| 4. Light assembly | | | | SP/SPA | SP | SP/SPA | |
| 5. Warehousing and distribution of goods manufactured or assembled on premises | | | | | SPA | SP/SPA | |
| 6. General warehousing and distribution | | | | | SP/SPA | SP/SPA | |
| 7. Contractor yards and lumber yards | | | | | SP/SPA | | |
| 8. Licensed medical marijuana producer in accordance with Section 6.O. | | | | | SP/SPA | SP/SPA (4-24-19) | |

4.B.7 Institutional-Type Uses

| | TC | RC | C | OP | BP-1 | BP-2 | W |
|---|--------|--------|--------|--------|--------|--------|--------|
| 1. Public schools and public buildings. | SP/SPA | SP/SPA | SP/SPA | SP/SPA | SP/SPA | SP/SPA | |
| 2. Private schools including nursery schools, child care centers, and adult care centers. | SP/SPA | SP/SPA | SP/SPA | SP/SPA | SP/SPA | SP/SPA | |
| 3. Churches, synagogues, and places of worship. | SP/SPA | SP/SPA | SP/SPA | SP/SPA | SP/SPA | SP/SPA | |
| 4. Community buildings/center. | SP/SPA |

4.B.8 Agricultural-Type Uses

| | TC | RC | C | OP | BP-1 | BP-2 | W |
|--|----|-----|--------|-----|--------|--------|-----|
| 1. Farms, orchards and raising of crops, including a plant nursery in accordance with best management practices as promulgated by the Connecticut Department of Agriculture. | | NPR | NPR | NPR | NPR | NPR | NPR |
| 2. Raising of livestock on a farm in accordance with best management practices as promulgated by the Connecticut Department of Agriculture. | | NPR | NPR | NPR | NPR | NPR | NPR |
| 3. Commercial greenhouses | | | SP/SPA | | SP/SPA | SP/SPA | |

4.B.9 Other Uses

| | TC | RC | C | OP | BP-1 | BP-2 | W |
|---|--------|--------|--------|--------|--------|--------|--------|
| 1. Funeral parlors, where sewer and water service is provided to the lot. | | SP/SPA | SP/SPA | SP/SPA | | SP/SPA | |
| 2. Public utilities and transportation facilities. | | SP/SPA | SP/SPA | SP/SPA | SP/SPA | | |
| 3. Studios and galleries | SP/SPA | SP/SPA | SP/SPA | | | | SP/SPA |
| 4. Marinas | | | | | | SP/SPA | SP/SPA |
| 5. Brewery producing up to 15,000 barrels per year. | | SP/SPA | SP/SPA | | SP/SPA | SP/SPA | |
| 6. Public or private park | NPR |

4.C ACCESSORY USES AND STRUCTURES

4.C.1. Permitted By Right (No Zoning Permit Required)

1. Uses customarily accessory to a permitted use (the Commission reserves the right to determine what is customary, subordinate and incidental to a permitted use).
2. On any parcel used for residential use as of February 1, 2006, any accessory use or accessory structure allowed by Section 3.C or Section 3.D.
3. Temporary use of a dumpster during a construction project (within the term of a valid building permit (Amended 2-20-19)
4. Temporary use of a storage trailer or storage container during a construction project (within the term of a valid building permit) (Amended 2-20-19)
5. Family child care home and group child care home as licensed by the State Office of Early Childhood, in a multi-family dwelling;

4.C.2. Permitted By Zoning Permit (Staff)

1. Temporary farm stands for agricultural products grown on the premises in accordance with the provisions of Section 3.D.2
2. Signs subject to Section 7.C
3. A swimming pool that meets all the regulations affecting accessory buildings and the specific standards of Section 3. D .2 with the exception that all pools on non-residentially zoned properties are to be located so that the edge or decking or exterior lip of the pool be no less than 25 feet away from a side and/or rear property line. (Amended 2-20-19)
4. Satellite receiving antennas subject to Section 6.M.
5. On any parcel used for residential use as of February 1, 2006, any accessory use or accessory structure allowed by Section 3.C or Section 3.D.
6. Temporary dumpster for up to ten (10) days in a calendar year when not associated with a building permit. (Amended 2-20-19)
7. Temporary storage Trailers/Containers for up to sixty (60) days in a calendar year when not associated with a building permit. (Added 2-20-19)
8. Outdoor dining and beverage service as an accessory use to a licensed restaurant (added 4-5-23)
 - a. All outdoor dining and beverage service areas are considered to be accessory uses to an established food use after approval of a Zoning Permit by the Zoning Enforcement Officer (ZEO) noting any and all conditions of approval and recording the permit on the Land Records;
 - b. Requests are to be written with a letter of permission from the property owner, sketch plan of the proposal showing seating, table placement, methods of separation of vehicular traffic and dining area, waste receptacles, building ingress and egress, and other pertinent information requested by zoning enforcement staff.;
 - c. The ZEO is to obtain approval from the designated Registered Sanitarian at the Central Connecticut Health District and the Fire Marshal's Office and other departments where appropriate, prior to authorizing the accessory use;
 - d. A lot, yard, court, or open area immediately abutting the principal food use, that is under separate ownership, may be used as an outdoor dining/beverage area, if the owner gives permission and if other requirements are met. Food uses must be allowed in the underlying zoning district.;

- e. Pedestrian and vehicular travel ways are not to be impeded and physical accessibility guidelines under the federal Americans with Disabilities Act, 42-USC 12102, et seq and other applicable laws are to be maintained;
- f. Permittees are to comply with the Liquor Control Act. (patio permits and liquor permit extensions may be required);
- g. Hours of operation to be until 9:00 p.m. unless requested and approved with hours extended to 11:00 p.m. on Fridays and Saturdays.

4.C.3. Permitted By Site Plan Approval (Commission)

1. Parking and loading subject to Section 7.B.
2. Structures customarily accessory to a permitted use.
3. On any parcel used for residential use as of February 1, 2006, any accessory use or accessory structure allowed by Section 3.c. or Section 3.D.

4.C.4. Permitted By Special Permit And Site Plan Approval (Commission)

1. On any parcel used for residential use as of the effective date of these regulations July 30, 2017, any accessory use or accessory structure allowed by Section 3.C or Section 3.D. (Amended 2-20-19)
2. In the Office Park (OP) Zone, retail sales accessory to uses permitted by Site Plan or Special Permit.
3. In the Business Park 2 (BP-2) Zone, retail sales accessory to permitted manufacturing or warehousing. (Amended 2-20-19)
4. Outdoor dining as an accessory use to any restaurant or similar eating establishment provided the Commission:
 - a. shall determine that the proposed location and configuration for the outdoor dining will be appropriate and will minimize potential adverse impacts such as noise.
 - b. may, as part of the Special Permit application, limit the type of service (i.e., meal service only with no bar service).
 - c. may, as part of the Special Permit application, limit the hours of operation, the days of operation, and/or the months of operation.
 - d. may, as part of the Special Permit, limit approval to one or more seasons in order to closely monitor and manage the operation of the outdoor dining area.
5. Outdoor entertainment as an accessory use to any restaurant or other establishment provided the Commission:
 - a. shall determine that the proposed location and configuration for the outdoor entertainment will be appropriate and will minimize potential adverse impacts such as noise.
 - b. may, as part of the Special Permit application, limit the type of entertainment (i.e., noise level, amplification, etc.).
 - c. may, as part of the Special Permit application, limit the hours of operation, the days of operation, and/or the months of operation.
 - d. may, as part of the Special Permit, limit approval to one or more seasons in order to closely monitor and manage the operation of the outdoor entertainment area.
6. Parking structures accessory to a development in the Town Center (TC) District or the Office Park (OP) District.

4.D HEIGHT AND AREA REQUIREMENTS

4.D.1 Lot Requirements

| | TC | RC | C | OP | BP-1 | BP-2 | W |
|--------------------------|-----------------|-----------------|-----------------|----------|-----------|-----------|-----------|
| 1. Minimum Lot Area | 20,000 SF | 1.0 Acre | 20,000 SF | 3 acres | 20,000 SF | 60,000 SF | 20,000 SF |
| 2. Minimum Lot Frontage | | | | | | | |
| • State or arterial road | 175 Feet (2) | 175 Feet (2) | 175 Feet (2) | 300 Feet | 125 Feet | 200 Feet | 50 Feet |
| • Town or internal road | 175 Feet (2) | 175 Feet (2) | 175 Feet (2) | 200 Feet | 125 Feet | 175 Feet | 50 Feet |

4.D.2 Setback Requirements

| | TC | RC | C | OP | BP-1 | BP-2 | W |
|-------------------------------|----------------|---------|---------|---------|---------|---------|---------|
| 1. Minimum Front Yard Setback | 35 Feet (1) | 35 Feet | 35 Feet | 50 Feet | 35 Feet | 50 Feet | 25 Feet |
| 2. Minimum Side Yard Setback | 15 Feet (1) | 15 Feet | 15 Feet | 45 Feet | 15 Feet | 45 Feet | 15 Feet |
| 3. Minimum Rear Yard Setback | 20 Feet (1) | 20 Feet | 20 Feet | 55 Feet | 30 Feet | 55 Feet | 25 Feet |

4.D.3 Coverage Limitations

| | TC | RC | C | OP | BP-1 | BP-2 | W |
|--------------------------------|-----|-----|-----|-----|------|------|-----|
| 1. Maximum Building Coverage | 30% | 30% | 30% | 30% | 40% | 30% | 30% |
| 2. Maximum Impervious Coverage | | | | | | | |
| • Multi-story | 75% | 75% | 75% | 55% | 75% | 55% | 40% |
| • Single story | 75% | 75% | 75% | 65% | 75% | 65% | 40% |
| 3. Minimum Landscaped Area | | | | | | | |
| • Multi-story | 25% | 25% | 25% | 45% | 25% | 45% | 60% |
| • Single story | 25% | 25% | 25% | 35% | 25% | 35% | 60% |

4.D.4 Height Limitations

| | TC | RC | C | OP | BP-1 | BP-2 | W |
|----------------------------|---------|---------|---------|-----------|----------------|-----------|---------|
| 1. Maximum Building Height | | | | | | | |
| • Feet (3) | 45 Feet | 35 Feet | 45 Feet | 55 Feet | 55 Feet (4) | 55 Feet | 35 Feet |
| • Stories | | | | 4 stories | 4 stories | 4 stories | |

Notes:

1. See Section 8.B for possible dimensional exceptions.
2. The minimum frontage requirement in the TC Zone, the C Zone, and the RC Zone shall be 125 feet for a lot in existence as of February 1, 2006 or for a lot created or in existence after that date which provides for shared access in accordance with Section 7.I.
3. See Section 8.B for determining height with regard to rooftop equipment and appurtenances.
4. The maximum building height in the Office Park District (OP) may be increased to 75 feet or six (6) stories provided that structured parking will be established 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. (Amended 2-20-19)
5. In the TC – Town Center District, the Commission may modify front yard and/or side yard setback requirements of this section when requested by an applicant under a Special Permit application for a mixed-use development (Effective 11-1-2020)
6. See Section 6.P.1 as to building height permitted (Effective 6-24-2025)

4.E SPECIAL PROVISIONS WITHIN TOWN CENTER (TC) DISTRICT

4.E.1 DESIGN OBJECTIVES (revised 11-1-2020)

1. Within the Town Center District, the following design objectives should be considered and incorporated:
 - with respect to project and building design, the design considerations as developed for the Silas Deane Highway, “The Silas Deane A Vision for Reinvestment” Action Items and Design Guidelines,
 - the design considerations contained in Section 8. B and 8.C, and
 - the design objectives within this Section 4.E.
2. **Overall Design** – All categories of use shall be complementary and shall be physically and functionally integrated to other uses and activities within the development and within the Town Center District.
3. **Pedestrian Orientation** – Any project shall be designed to facilitate and encourage internal and external pedestrian access to the extent reasonably practicable. To create as continuous a street façade as possible, gaps between buildings should be minimized and may be prohibited. As part of any approval in the Town Center District, sidewalks of generous width shall be provided along any public street or internal way intended to function like a public street. Sidewalks of ample width should be provided to encourage pedestrians, window shopping outdoor dining, street trees, street furniture (benches, trash barrels, bicycle racks, etc.). Pedestrian amenities (such as benches, plazas, fountains, shade trees, plants, etc.) should be provided.
4. **Mixed Uses** – Mixed use buildings (consisting of retail, restaurant and similar active uses at street level with residential units on upper floors) are strongly encouraged in order to help create a walkable, pedestrian-friendly area with an activity level and intensity level that reflects a vibrant Town Center type area.
5. **Building Facades** - All sides of buildings facing existing, proposed, or possible future public streets or internal ways intended to function like a public street shall be designed and constructed to attract and engage pedestrians. Blank walls or opaque windows are discouraged and may be prohibited. The main entryway should be oriented to the street-front for pedestrians. Secondary entrances (if desired) may be oriented to parking areas.
6. **Signage** - Signage should be oriented to pedestrians rather than to vehicles.
7. **Parking** - “On-street” vehicle parking should be encouraged or required as a way to animate the street (the “street” may be an internal driveway as well as a public street). Parking lots should be located to the side and rear of buildings and be visual buffered or screened from view.
8. **Drive-Through Uses** - Drive-through uses are discouraged and may be prohibited unless the drive through is located and designed in a way to avoid impacts to the pedestrian-friendly streetscape.

4.E.2 SPECIAL PROVISIONS (revised 11-1-2020)

1. **Height And Area Requirements** – Within the Town Center District, the Commission may modify the height and area requirements based on information submitted by the applicant demonstrating that the resulting development will help accomplish the overall objectives of the district.
2. **Parking** – Within the Town Center District, the Commission may modify the parking requirements based on information submitted by the applicant demonstrating that the number of spaces required by Section 7.B of these Regulations would require more spaces than the development is expected to need based on the synergy between uses, parking utilization at different hours of the day and/or day of the week, and other factors.
3. **Shared Parking** – To provide for shared parking and access within and between abutting or contiguous properties within the Town Center District, the Commission may require any development to provide appropriate easements in favor of the Town granting the right of entrance, exit, passage, parking, loading, and unloading to the Town and to abutting properties in order to create a coordinated overall parking and traffic circulation program in locations that do not interfere with the establishment of a pedestrian-oriented streetscape and environment.
4. **Coordinated Circulation** – In order to minimize conflicts between pedestrians and vehicles, coordinated circulation is required and the Commission may require any development to provide access to adjacent property (ies) or forego access to a public street from their property and utilize access from one or more adjacent properties.
5. **Affordable Housing** – When the number of housing units in a development in the Town Center District exceeds ten (10) units, at least ten percent (10%) of such units shall be deed-restricted as Affordable Housing as defined herein for at least thirty (30) years.
6. **Landscaped Area** - Adequate landscaped area shall be provided on site to provide an attractive environment, provide shade during summer months, and provide for storm water infiltration.
7. **Buffer** - Vegetative buffering shall be provided along any side and rear property boundaries abutting residential districts.
9. **Unit Configuration** - No residential unit shall have more than two (2) bedrooms except that the Commission may, by Special Permit, allow up to ten percent (10%) of the units to have three bedrooms.
10. **Utilities** - Properties shall be served by public water and public sewer and all utilities shall be placed underground.

4.E.3 APPROVAL PARAMETERS (revised 11-1-2020)

1. Pre- Application shall be required following Section 9.B. of these Regulations. In addition, a preliminary design of the structure(s) is required
2. Site Plan approval under Section 9.C of these Regulations and/or Special Permit under Section 9.D. of these Regulations must be obtained
3. Applicants requesting modifications under Sections 4.E and 8.B must do so at the time of application
4. The Commission may require the applicant to pay the cost of reasonable consulting fees for peer review of the technical aspects of any of the applications.
5. Final approved plans and Special Permits must be filed on the Land Records per Connecticut General Statutes
6. A Financial guaranty is required per Section 9.H.12 of these Regulations

SECTION 5 SPECIAL DISTRICTS

5.A AGRICULTURAL DISTRICT

5.A.1 PURPOSE

To allow appropriate and compatible agricultural uses consistent with historic uses while protecting important river and flood plain resources.

5.A.2 PERMITTED USES

1. Farms, orchards, raising of crops, and raising of livestock (no zoning permit required).
2. Minor farm stand in accordance with the provisions of Section 3.D.2 (zoning permit required).
3. Major farm stand or farm store in accordance with the provisions of Section 3.D.4 (Site Plan Approval required).
4. Other buildings and structures accessory to farms, orchards, raising of crops, and raising of livestock (zoning permit required).
5. Wildlife sanctuaries and preserves (no zoning permit required).
6. Planting of tree crops, for purposes of soil erosion prevention (no zoning permit required).
7. Recreational uses, including those in buildings or structures (Special Permit and Site Plan Approval required).

5.A.3 AREA AND BULK REQUIREMENTS

| | |
|-----------------------------------|---|
| Minimum Lot Area | 40,000 sq. ft. |
| Maximum Building Coverage | 5% |
| Minimum Lot Frontage | 150 Feet |
| Minimum Front Yard Setback | 25 Feet |
| Minimum Side Yard Setback | 25 Feet |
| Minimum Rear Yard Setback | 25 Feet |
| Maximum Building Height | 35 Feet For Farm Buildings 15 Feet Otherwise |

5.B GLASTONBURY AVENUE OVERLAY DISTRICT (AMENDED 12-09-2022)

5.B.1 PURPOSE

The Glastonbury Avenue Overlay District is intended to encourage the preservation of existing buildings along Glastonbury Avenue and enable the adaptive reuse of existing buildings and new construction in order to support establishment of mixed-use, pedestrian friendly areas as recommended in the Plan of Conservation and Development.

5.B.2 VILLAGE DISTRICT DECLARED

The Glastonbury Avenue Overlay District is hereby declared to be a “village district” as authorized by CGS Section 8-2j. In accordance with CGS Section 8-2j, the Commission shall consider the design, placement, relationships and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view. These Regulations shall encourage the conversion, conservation and preservation of existing buildings and new development of sites in a manner that maintains the historic value, distinctive architecture and landscape of the district. Consideration shall be given to the density, setbacks, open space, height and orientation of buildings and parking that is consistent within the district.

All development in the Glastonbury Avenue Overlay District shall be reviewed in accordance with the requirements of Section 8.C of these Regulations and the Additional Village District Considerations in Section 8.C.5.

5.B.3 PERMITTED USES

LEGEND

| | |
|----------|---|
| NPR = | Allowed / No Zoning Permit Required |
| ZP = | Zoning Permit Required (Staff) |
| SPA = | Site Plan Approval Required (Commission) |
| SP/SPA = | Special Permit / Site Plan Approval Required (Commission) |

| | GAOD |
|--|--------|
| 1. Single-family residences | ZP |
| 2. Conversion of an existing building or new construction to a “live-work” building with a business and residential use in the same building (including any additions thereto). | SP/SPA |
| 3. Conversion of an existing building or new construction to a retail or office use (including any additions thereto). | SP/SPA |
| 4. Conversion of an existing building or new construction to a studio and/or gallery use (including any additions thereto). | SP/SPA |
| 5. Conversion of an existing building or new construction to restaurant or similar eating establishments, including any outdoor dining or food service) (including any additions thereto). | SP/SPA |

5.B.4 DEVELOPMENT REQUIREMENTS

1. **Pedestrian Orientation** – Any project shall include a provision for sidewalks along Glastonbury Avenue and shall be designed to facilitate and encourage internal and external pedestrian access to the extent reasonably practicable.
2. **Maximum Building Height** - Building height shall not exceed 35 feet.
3. **Parking Location** – No parking spaces shall be located in the front yard along Glastonbury Avenue. All parking spaces shall be located in the side and/or rear yard so as to be screened from view from Glastonbury Avenue. (Amended 2-20-19)
4. **Shared Parking** - To provide for shared parking and access within and between abutting or contiguous properties within the Glastonbury Avenue Overlay District, the Commission may require any development to provide appropriate easements in favor of the Town granting the right of entrance, exit, passage, parking, loading, and unloading to the Town and to abutting properties in order to create a coordinated overall parking and traffic circulation program in locations that do not interfere with the establishment of a pedestrian-oriented streetscape and environment.
5. **Coordinated Circulation** – In order to minimize conflicts between pedestrians and vehicles, coordinated circulation is required and the Commission may require any development to provide access to adjacent property(ies) or forego access to a public street from their property and utilize access from one or more adjacent properties.
6. **Front Yard Setback** - As part of any approval in the Glastonbury Avenue Overlay District, the Commission may measure the front yard setback from the centerline of Glastonbury Avenue and/or reduce the front yard setback in the underlying district to zero feet (0') provided this will help attain a “pedestrian-friendly” streetscape.
7. **Side Yard Setback** - As part of any approval in the Glastonbury Avenue Overlay District, the Commission may reduce the side yard setback in the underlying district to zero feet (0') when appropriate and when compatible with adjacent uses provided this will help attain a “pedestrian-friendly” streetscape.
8. **Landscaped Area** - A minimum of 30% landscaped area shall be provided on site and distributed throughout the site in order to provide an attractive environment, provide shade during the summer months, and provide opportunities for stormwater infiltration.
9. **Buffer** - Vegetative buffering shall be provided along the side and rear property boundaries abutting residential districts.
10. **Design Considerations** - Within the Glastonbury Avenue Overlay District, the design considerations contained in Section 8.C shall apply to all new development.
11. **Utilities** - Properties shall be served by public water and public sewer.
12. **Utilities** - All utilities shall be placed underground.

5.C FLOODPLAIN OVERLAY DISTRICT

5.C.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.C.2 EXTENT

The Floodplain Overlay Zone in Rocky Hill includes all area(s) delineated as 100-year floodplain on the official Flood Insurance Rate Maps for Rocky Hill as issued by the Federal Emergency Management Agency.

5.C.3 PERMITTED USES

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.

5.C.4 REQUIREMENTS

1. 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 (Ordinance #141).
2. There shall be no filling of land, soil excavation, or dumping of any material in any Floodplain Overlay District.
3. 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.D AQUIFER PROTECTION DISTRICT

5.D.1 PURPOSE

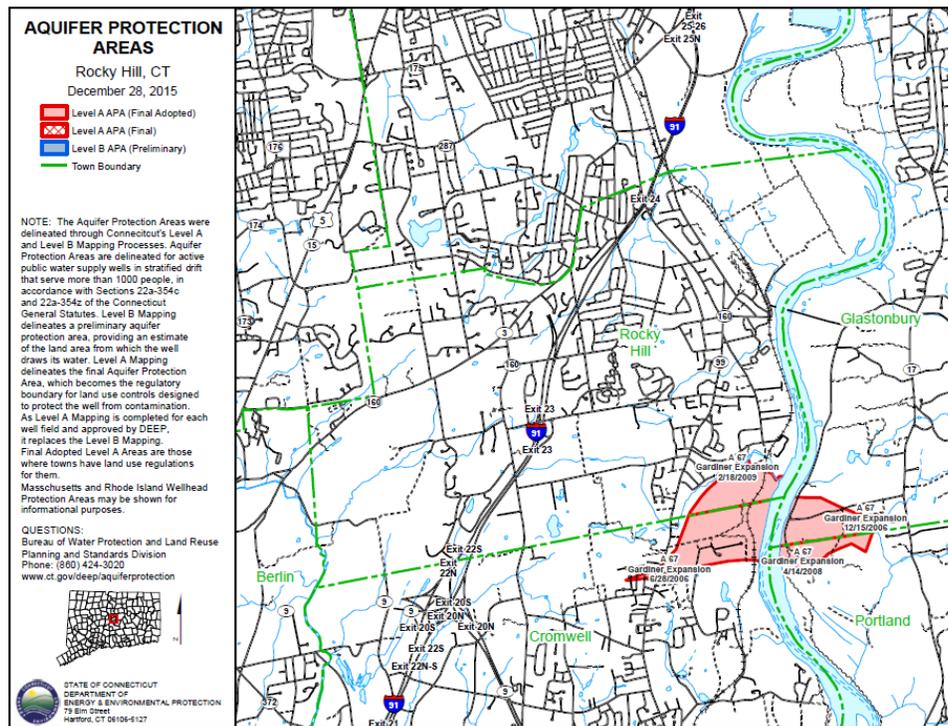
The Aquifer Protection District is intended to identify those areas of Rocky Hill subject to the State-defined aquifer protection areas (areas within the level A mapping boundary of a protected aquifer).

5.D.2 EXTENT AND APPLICABILITY

1. The extent of the Aquifer Protection District shall coincide with any area identified on the Aquifer Protection Map prepared by the Connecticut Department of Energy and Environmental Protection.
2. The Aquifer Protection District is an overlay zone and the provisions of this zone shall be in addition to all other requirements of the underlying zoning district(s).

5.D.3 REQUIREMENTS

1. Uses and activities in the Aquifer Protection District shall be in accordance with the Aquifer Protection Regulations adopted by the Town and administered by the Planning and Zoning Commission.
2. In the event of conflict between the provisions of any regulations, the more restrictive requirement shall apply.



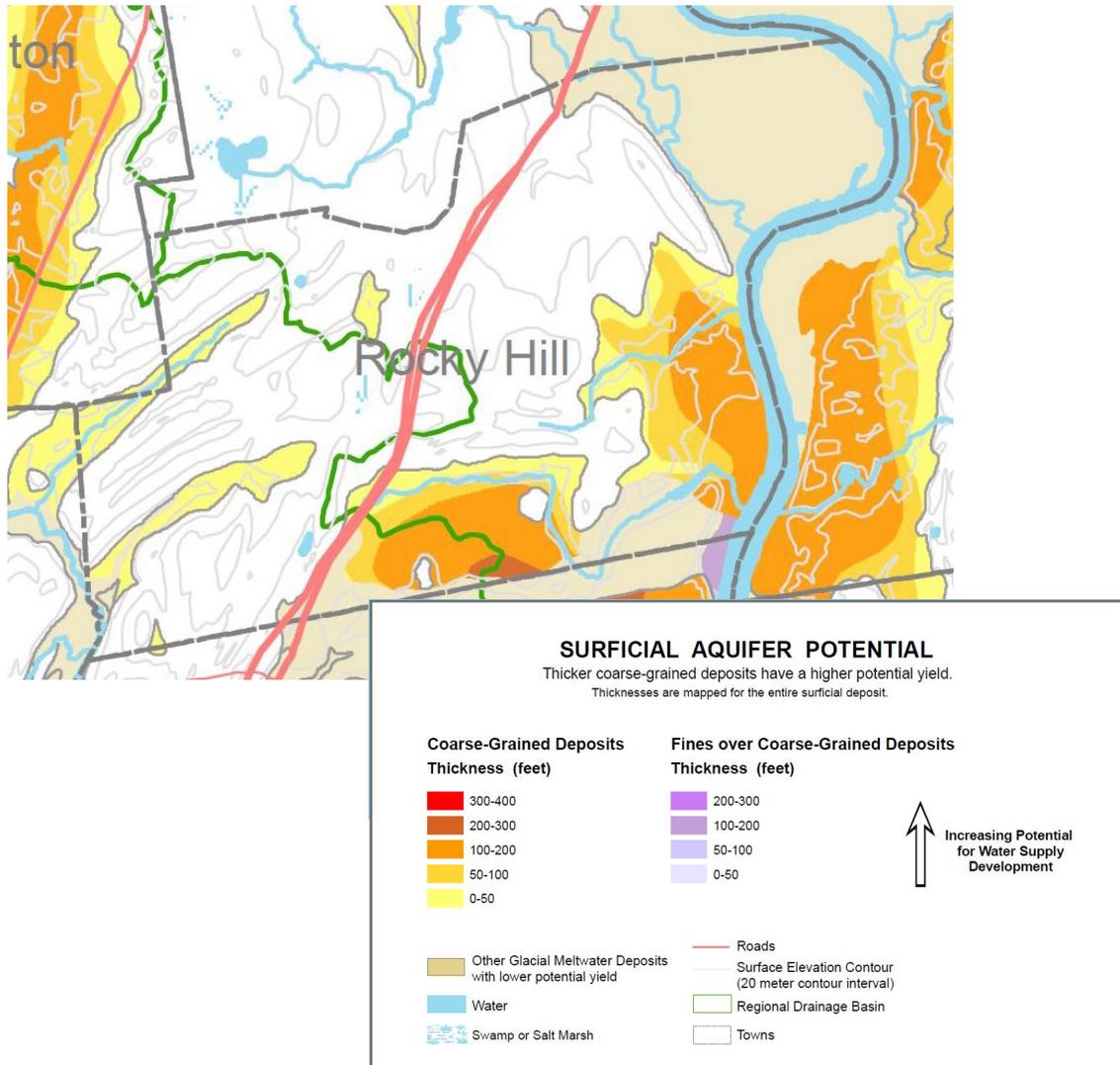
5.E GROUNDWATER PROTECTION DISTRICT

5.E.1 PURPOSE

The Groundwater Protection District is intended to protect 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.E.2 EXTENT AND APPLICABILITY

1. The Groundwater Protection District shall coincide with any area identified on the Surficial Aquifer Potential Map of Connecticut prepared by the Connecticut Department of Energy and Environmental Protection.
2. The Groundwater Protection District is an overlay zone and the provisions of this zone shall be in addition to all other requirements of the existing zoning district(s).



5.E.3 SPECIAL REQUIREMENTS

1. Where single-family dwellings relying on on-site septic systems for the disposal of wastewater are located within the Groundwater Protection District, no more than one such single-family dwelling shall be permitted per acre.
2. All industrial and commercial uses shall be on public sewers.
3. The following uses are prohibited unless such uses are authorized in that location by a State or Federal permit:
 - a. road salt storage and loading areas, except properly contained Town and State salt storage and loading areas;
 - b. solid waste disposal sites;
 - c. septage disposal lagoons;
 - d. 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);
 - e. underground storage of fuels, chemicals, and any other materials with potential to contaminate groundwater;
 - f. manure storage pits;
 - g. 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
 - h. automobile sales.
4. In addition to any other information required by these Regulations, all commercial and industrial uses shall submit a report detailing:
 - a. 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
 - b. 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.
5. In order to assure compliance with Town Ordinance 153 – Hazardous Materials, any industrial/commercial proposal/use shall submit for review a list of hazardous materials that will be used on-site.
6. Upon reviewing the list of hazardous materials and after consultation with the Rocky Hill Health Department and any other agencies, the Commission may establish standards or limitations on the use of materials deemed to present a groundwater contamination potential.

(this page intentionally left blank)

SECTION 6 USE-RELATED STANDARDS

6.A REAR LOTS

Rear lots, when and where permitted in Residential Zones by these Regulations, shall conform to the following standards in addition to other applicable standards of these Regulations:

1. Each rear lot shall contain a minimum lot area 50% greater than that required for the zoning district in which located;
2. Each rear lot shall require a minimum front yard setback 50% greater than that required for the zoning district in which located;
3. Each rear lot shall comply with all other lot and building requirements for the zoning district in which located;
4. 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;
5. The maximum number of adjoining accessways shall be two;
6. 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
7. The area of the accessway shall not be included when determining compliance with the minimum required area of the rear lot.

6.B CONSERVATION DESIGN SUBDIVISIONS

Conservation Design Subdivisions, when and where permitted by these Regulations, shall conform to the following standards in addition to other applicable standards of these Regulations.

6.B.1 General Standards

Conservation Design Subdivisions shall comply with the following:

1. The lots to be created shall be served by public water supply and sewage disposal.
2. 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.
3. The design elements of the proposed development will reflect the site characteristics.

6.B.2 Bulk and Area Requirements

| | |
|---|---|
| Maximum Density | 0.70 units per acre of buildable land |
| Minimum Lot Size | |
| <ul style="list-style-type: none"> • If 15-25% of the parcel will be preserved as open space • If 25-35% or more of the parcel will be preserved as open space • If 35-45% or more of the parcel will be preserved as open space • If 45% or more of the parcel will be preserved as open space | <p>36,000 SF</p> <p>32,000 SF</p> <p>28,000 SF</p> <p>24,000 SF</p> |
| Minimum Lot Frontage | 75 Feet |
| Minimum Front Yard Setback | 35 Feet on a public street 25 Feet on a private street or rear lot |
| Minimum Side Yard Setback | 10 Feet |
| Minimum Rear Yard Setback | 15 Feet |
| Maximum Building Height | 35 Feet |
| Maximum Building Coverage | 25% |

6.B.3 Open Space Requirements

1. At least twenty percent (20%) of the land area of the parcel shall be preserved as open space and such open space shall be configured as follows:
 - a. The basic open space set-aside requirement in the Subdivision Regulations is ten percent (10%) of the land area of the parcel and this area shall be configured such that the share of buildable land (as defined in these Regulations) to non-buildable land shall be the same for this open space area as it is for the parcel as a whole.
 - b. For open space preserved above the basic open space set-aside requirement of ten percent (10%) of the land area of the parcel, the configuration of the open space in terms of buildable or unbuildable land is not restricted or limited.
2. The area(s) proposed to be conserved as open space shall be of a size, configuration, and location to accomplish one or more of the following objectives:
 - c. Preservation of open space associated with the Connecticut River,
 - d. Establishment of greenways, as specified in the Rocky Hill Plan of Conservation and Development,
 - e. Expansion and/or protection of existing open space and recreational areas,
 - f. Protection of important natural features such as water-related resources, streambelts, and/or wildlife habitat,
 - g. Protection of farmland and/or prime agricultural soils,
 - h. Areas providing or protecting existing or potential drinking water supplies,
 - i. Areas that are found within the community including but not limited to:
 - ridge tops and other areas of scenic vistas,
 - large trees, stone walls and other scenic features, and
 - historic or archeological sites.
3. The applicant shall propose, and the Commission shall approve, one of the following open space preservation methods for the Conservation Subdivision:
 - a. Deeded in fee-simple to the Town.
 - b. Deeded in fee-simple to a non-profit conservation organization.
 - c. 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.
 - d. 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.
4. A deeded accessway or access easement shall be provided to the open space from a public road unless the Commission determines that adequate access is available from adjacent open space or other means.

6.C ACTIVE-ADULT HOUSING

Active-Adult Housing, when and where permitted by these Regulations, shall conform to the following standards in addition to other applicable standards of these Regulations.

6.C.1 Purpose

The purpose of this Section of the Regulations is to provide opportunities for planned residential developments, especially for adults 55 years of age or older, where such developments will:

- Be compatible with the character of any adjacent residential neighborhoods and the Town as a whole, and
- Produces innovative development which result in a comfortable neighborhood for its residents while protecting environmentally sensitive areas.

6.C.2 Considerations

In determining the appropriateness of an Active-Adult Housing development, the Commission shall consider the following factors in addition to the Special Permit considerations contained in Section 9.D:

1. The need within the Town for an Active-Adult Housing development,
2. Accessibility to major roads and proximity to community services,
3. The physical characteristics of the lot,
4. The availability of a public water system as defined by the Connecticut Department of Public Health and a public sanitary wastewater system,
5. The appropriateness of the design and site layout for the property, and
6. Its compatibility with adjacent residential areas.

6.C.3 Ownership and Occupancy Standards

1. An Active-Adult Housing development shall fully comply with:
 - a. 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."
 - b. Any and all rules promulgated by the United States Department of Housing and Urban Development, which govern the implementations of such act.

2. Permanent Occupancy of any Unit is restricted to:
 - a. Any person of the age of 55 year or over (an "Age Qualified Person"),
 - b. A husband, wife or companion, over the age of 18 years, residing with the Age Qualified Person;
 - c. 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;
 - d. An individual, over the age of 18 years, residing with and providing physical or economic support to the Age Qualified Person; and/or
 - e. 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.
3. The Fair Housing Act permits housing intended for persons 55 and older provided that:
 - a. At least 80% of the occupied units are occupied by at least one person who is 55 or older;
 - b. The Community publishes and adheres to policies demonstrating the intent to be age-restricted; and
 - c. 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 of whom are under 55 years of age.
4. The proposed development shall be a "Common Interest Ownership Community" as defined in Chapter 828 of the Connecticut General Statutes and:
 - a. 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.
 - b. 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.
 - c. 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 ensure that the Common Interest Community will qualify for the exemption under The Fair Housing Act and to ensure that said purchaser is in compliance with the age restrictions set forth herein.
 - d. 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.
5. Upon request, 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.

6.C.4 Area and Bulk Requirements

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

In the TC – Town Center District, the Commission may modify setback requirements, density, floor area ratios and minimum separation between buildings of this section when requested by an applicant under a Special Permit application for a mixed use development (Effective 11-1-2020)

6.C.5 Additional Requirements

1. **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.
2. **Utilities** -
 - a. Public sanitary sewers shall be required,
 - b. Public water supply shall be required, and
 - c. Fire hydrants shall be provided on site per the Fire Marshal's approval.
3. **Transportation** -
 - a. All roads shall conform to Town specifications,
 - b. Through roads shall be public street,
 - c. Interior roads shall be private streets owned by a homeowners association pursuant to Section 6.C.3.4, and
 - d. The Commission may require a walking trail system and/or sidewalks within the development.
4. **Parking** -
 - a. There shall be two (2) spaces for each dwelling unit and at least one (1) parking space per unit should be provided in an attached garage.
 - b. There shall be at least one-half (0.5) parking spaces per unit for visitors and such spaces shall be located within one or more parking areas in reasonable proximity to residential units.
5. **Building Configuration** -
 - a. The maximum number of bedrooms per unit shall be two (2).
 - b. The master bedroom shall be located on the first floor.
 - c. Each unit shall have a basement, cellar or attic for storage purposes.
 - d. Structures containing more than two dwelling units shall be varied substantially in plane along the building's length.
 - e. Appropriate noise attenuation shall be provided between attached dwelling units.
6. **Landscaped Area** – At least 25% of the site shall be contiguous landscaped area.
7. **Recreation** - Recreational facilities suitable for active and/or passive recreation shall be provided to serve the development.

6.D CLUSTER RESIDENCE

Cluster Residence, when and where permitted by these Regulations, shall conform to the following standards in addition to other applicable standards of these Regulations.

6.D.1 Purpose

The purpose of this Section of the Regulations is to provide opportunities for planned residential developments where such developments will:

- Be considerate of any adjacent residential neighborhoods and
- Produce innovative development which results in a comfortable neighborhood for its residents while protecting environmentally sensitive areas.

6.D.2 Considerations

In determining the appropriateness of a Cluster Residence development, the Commission shall consider the following factors in addition to the Special Permit considerations contained in Section 9.D:

1. Accessibility to major roads and proximity to community services,
2. The physical characteristics of the property,
3. The availability of a public water system as defined by the Connecticut Department of Public Health and a public sanitary wastewater system,
4. The appropriateness of the design and site layout for the property, and
5. Its compatibility with adjacent residential areas of similar density and character.

6.D.3 Area and Bulk Requirements

| | |
|---|--|
| Minimum Site Area | Ten (10) acres in R-20 Twenty (20) acres in R-40 |
| Minimum Lot Frontage on a Public Street | 150 Feet |
| Minimum Front Yard Setback | 50 Feet |
| Minimum Side Yard Setback | 50 Feet |
| Minimum Rear Yard Setback | 50 Feet |
| Maximum Building Coverage | 25% |
| Maximum Impervious Coverage | 50% |
| Minimum Landscaped Area | 50% |
| Minimum Contiguous Landscaped Area | 25% |
| Maximum Density Per Acre | R-20 = 3 units per acre of buildable land R-40 = 2 units per acre of buildable land |
| Minimum Separation Between Buildings | The greater of 30 Feet or the height of adjacent buildings |
| Minimum Setback From Internal Street or Sidewalk | 20 Feet |
| Maximum Building Height | Same as underlying zone |

6.D.4 Additional Requirements

1. **Common Interest Community** - The proposed development shall be a “Common Interest Ownership Community” as defined in Chapter 828 of the Connecticut General Statutes
2. **Utilities** -
 - a. Public sanitary sewers shall be required,
 - b. Public water supply shall be required, and
 - c. Fire hydrants shall be provided on site per the Fire Marshal's approval.
3. **Transportation** -
 - a. All roads shall conform to Town specifications,
 - b. Through roads shall be public street,
 - c. Interior roads shall be private streets owned by a homeowners’ association pursuant to Section 6.C.3, and
 - d. The Commission may require a walking trail system and/or sidewalks within the development.
4. **Parking** -
 - a. There shall be two (2) spaces for each dwelling unit and at least one (1) parking space per unit should be provided in an attached garage.
 - b. There shall be at least one-half (0.5) parking spaces per unit for visitors and such spaces shall be located within one or more parking areas in reasonable proximity to residential units.
5. **Building Configuration** -
 - a. Buildings shall be designed to look like a single-family dwelling from the outside in terms of size, scale, proportion, massing, appearance, materials, and other features such that the overall development retains the appearance of a single-family subdivision.
 - b. The average number of bedrooms shall be two (2) bedrooms per unit.
 - c. Each unit shall have a basement, cellar or attic for storage purposes.
 - d. Appropriate noise attenuation shall be provided between attached dwelling units.
6. **Landscaped Area** – At least 25% of the site shall be contiguous landscaped area.
7. **Recreation** - Recreational facilities suitable for active and/or passive recreation shall be provided to serve the development.

6.E HOUSING FOR THE ELDERLY AND ASSISTED LIVING FACILITIES

Housing for the elderly and assisted living facilities, when and where permitted by these Regulations, shall conform to the following standards in addition to other applicable standards of these Regulations.

6.E.1 Occupancy

1. 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 who:
 - resides in the same unit at the same time,
 - continues to reside in the same unit following the death of the eligible person, or
 - continues to reside in the same unit after the eligible person has entered a long term continuing care facility or similar facility.
 - c. An employee of the qualifying resident unit owner, pursuant to Section 6.C.3, who performs substantial duties related to the care of the owner.
2. Handicapped persons who are under 62 years of age shall be allowed to occupy up to five percent (5%) of the units in an assisted living facility.

6.E.2 Area And Bulk Requirements

| | |
|------------------------------------|---|
| Minimum Site Area | 5 acres |
| Minimum Lot Frontage | 150 Feet |
| Minimum Front Yard Setback | 50 Feet |
| Minimum Side Yard Setback | 30 Feet unobstructed by accessory buildings |
| Minimum Rear Yard Setback | 30 Feet |
| Maximum Building Coverage | 25% |
| Maximum Impervious Coverage | 50% |
| Minimum Landscaped Area | 50% |
| Maximum Building Height | Same as underlying zone |

The TC-Town Center District, the Commission may modify setback and bulk requirements of this section when requested by an applicant under a Special Permit application for a mixed use project/development. Other bulk requirements are to meet those of the underlying TC-Town Center District unless otherwise modified (eff. 11-1-2020)

6.E.3 Common Standards

1. Public sanitary sewers and a public water supply shall be required.
2. Fire hydrants shall be provided on site per the Fire Marshal's approval.
3. The common areas of the structure (such as dining room(s), recreation room(s), kitchen facilities, and corridors) shall be at least thirty percent (30%) of the total area of the structure.
4. All accessory buildings within a project shall be accessible to the handicapped.
5. The development shall be landscaped to preserve or develop natural vegetation for beauty, recreation, screening, and shade.
 - a. There shall be a minimum landscaped buffer of 15 feet in width adjacent to the sides of the site except at points of entry although the Commission may, by Special Permit, waive this requirement if it finds the existing natural landscaping is sufficient to provide the intended buffer.
 - b. Unless waived by the Commission by Special Permit, 25% of the site shall be contiguous landscaped area.

6.E.4 Standards For Housing For The Elderly

1. The number of dwelling units shall not exceed ten (10) units per acre.
2. The proposed development shall be:
 - a. Within reasonable walking distance to required services of the elderly;
 - b. On a bus line; or
 - c. Provide private transportation services to meet the needs of residents.
3. 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 landscaped areas.
4. 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.
5. 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:
 - a. Subsidized housing units,
 - b. Financed by the Connecticut Housing Finance Authority, or
 - c. Deed restricted for 40 years to remain affordable to households earning less than 80% of the regional median household income.

6.E.5 Standards For Assisted Living

1. The number of dwelling units shall not exceed 20 units per acre.
2. Assisted living facilities shall:
 - a. Be staffed 24 hours per day.
 - b. Provide for:
 - three (3) meals per day,
 - personal care services,
 - handicapped-accessible transportation, and
 - housekeeping services.
 - c. Have dining room and kitchen facilities of such a size as to be capable of servicing all residents in one seating.
3. The number of efficiency units of less than 300 SF shall be limited to no more than fifty percent (50%) of the total units to be constructed.
4. Assisted living facilities shall comply with the Uniform Federal Accessibility Code for board and care facilities.

6.F SHOPPING CENTERS

Shopping centers, when and where permitted by these Regulations, shall conform to the following standards in addition to other applicable standards of these Regulations.

6.F.1 Area And Bulk Requirements

| | |
|---------------------------------------|---|
| 1. Minimum Site Area | 3 acres |
| 2. Minimum Lot Frontage | 200 feet |
| 3. Minimum Front Yard Setback | 100 feet |
| 4. Minimum Side Yard Setback | 30 feet unobstructed by accessory buildings |
| 5. Minimum Rear Yard Setback | 50 feet |
| 6. Maximum Building Coverage | 25% |
| 7. Maximum Impervious Coverage | 65% |
| 8. Minimum Landscaped Area | 35% of lot |
| 9. Maximum Building Height | 35 feet |
| 10. Minimum Building Size | 20,000 sq. ft. |
| 11. Maximum GFA | 150,000 sq. ft. |

6.F.2 Utility Provisions

1. Public sanitary sewers shall be required.
2. Public water supply shall be required.
3. Fire hydrants shall be installed so that all buildings are within 250 ft. of a hydrant.

6.G FAST FOOD RESTAURANTS

Fast food restaurants and similar eating establishments, when and where permitted by these Regulations, shall be evaluated with regard to the following considerations as part of any Special Permit application for such use in addition to other applicable standards of these Regulations.

1. The use shall be appropriate with existing land uses in the area for which it is proposed to be located.
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.
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.

6.H HOTELS AND MOTELS

Hotels and motels, when and where permitted by these Regulations, shall conform to the following standards in addition to other applicable standards of these Regulations.

6.H.1 Area And Bulk Requirements

| | |
|--------------------------------|----------|
| 1. Minimum Site Area | 2 acres |
| 2. Minimum Lot Frontage | 200 Feet |
| 3. Minimum Front Yard Setback | 50 Feet |
| 4. Minimum Side Yard Setback | 20 Feet |
| 5. Minimum Rear Yard Setback | 30 Feet |
| 6. Maximum Building Coverage | 30% |
| 7. Maximum Impervious Coverage | 75% |
| 8. Minimum Landscaped Area | 25% |
| 9. Maximum Building Height | 45 Feet |

6.H.2 Other Requirements

1. 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.
2. Public sanitary sewers and public water supply shall be required.
3. The uses shall be located on an expressway interchange, arterial, or collector street as defined in the Plan of Conservation and Development.

6.I AUTO SALES AND SERVICE STATIONS

Automotive service stations and sales of new or used automobiles, when and where permitted by these Regulations, shall conform to the following standards in addition to other applicable standards of these Regulations.

6.I.1 Review Agency

1. All motor vehicle sales and repair locations shall be reviewed by the ZBA for the purposes of Connecticut General Statutes Section 14-54 and shall be subject to all requirements of these Regulations.
2. All gasoline sales locations shall be reviewed 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.

6.I.2 Separation Distances

1. **General Separation Distances** - No automotive service station or establishment for the sale of new or used automobiles shall be located:
 - a. Within 500 feet of any entrance to a public park or playground, excluding small park areas within the boundaries of a highway, or
 - b. 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 the above-mentioned uses shall locate within 500 feet of any existing automotive service station or establishment for the sale of new or used automobiles, such location shall not result in the automotive use becoming non-conforming.

2. **Fuel Separation Distances** - 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.

6.I.3 Other Standards

1. **Service Station** - The outdoor storage of equipment or motor vehicles as part of the operation of a garage or automotive service station shall:
 - a. Be arranged in an orderly manner at all times,
 - b. Be in a side or rear yard, and
 - c. Be suitably screened from a street and nearby properties.
2. **Auto Sales** - Sales of new or used automotive vehicles and storage of new or used automotive vehicles shall meet the following specific conditions:
 - a. Any 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.

6.J CAR WASHES

Car washes, when and where permitted by these Regulations, shall conform to the following standards in addition to other applicable standards of these Regulations.

1. The site shall be served by public water and sanitary sewers.
2. The location of points of ingress and egress shall be sufficient for size and intensity of the proposed use.
3. Sufficient queuing area, in accordance with Section 7.B.4.4 is never to be less than:
 - a. 700 feet for each automatic car wash bay;
 - b. 140 feet for each self-serve type car wash bay; or
 - c. 300 feet for each semi-automatic car wash bay.
4. An escape lane a minimum of 10 feet in width shall be provided such that a vehicle can exit the queuing area of a carwash facility, prior to the entrance of the car wash building in case of vehicle problems, emergency, or change in customer preference.
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.
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 a queuing area, escape lane, or exit.

6.K SALE OF ALCOHOLIC BEVERAGES

The sale of alcoholic beverages, when and where permitted by these Regulations, shall conform to the following standards in addition to other applicable standards of these Regulations and any applicable provisions in Rocky Hill Ordinance #77.

6.K.1 Separation Distances

1. **Separation Distances** - 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.
2. Provided a Special Permit shall be issued by the Commission for the sale of alcoholic beverages, the separation distances above shall not apply to:
 - a. Establishments chiefly engaged in the retail sale of groceries which also sell beer under a Grocery Store Beer Permit,
 - b. Retail drug stores selling alcoholic beverages under a Drug Store Liquor Permit, or
 - c. Restaurants selling alcoholic beverages under a Restaurant Liquor Permit,

6.K.2 Restaurants

1. With regard to the sale of alcoholic beverages as part of a restaurant use, the applicant shall identify the type of restaurant permit being requested.
2. The Commission shall recommend the type of restaurant permit to be permitted and forward said recommendation to the State Liquor Control Commission.
3. A Special Permit to sell alcoholic beverages in restaurants shall only be issued if the applicant has, in the opinion of the Commission, demonstrated that:
 - a. The sale of alcoholic beverages will not have a detrimental effect on existing land uses in the area; and
 - b. The applicant has proposed policies and action steps to insure the protection of the general health, safety, and welfare of the people in the community.

6.L DISPLAY OR STORAGE OF MATERIALS

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.
2. Except as provided in Section 6.L.3 below, 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 when approved by the Commission and shown on the approved Site Plan.
3. The use of semi-trailers and/or cargo containers for outside storage are prohibited unless as approved under and in compliance with Section 4.C.1 and 4.C.2 or (Effective 2-20-19):
 - 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.
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 landscaped area requirements.

6.M SATELLITE ANTENNAS

6.M.1 Single-Family Residential Uses

1. Up to two (2) satellite-receiving antennas smaller than 24 inches in diameter shall be permitted per residential dwelling (no zoning permit required).
2. For any antenna larger than 24 inches in diameter:
 - a. No more than one such antenna shall be permitted per property.
 - b. Such antenna shall be ground mounted only and permanently anchored according to the State Building Code.
 - c. No such antenna or its supporting structure shall exceed 10 feet in diameter or 15 feet in total height.
 - d. Such antenna and its supporting structure shall comply with the required yard setbacks for the district in which it is located.
 - e. Such antenna and its supporting structure shall be located in the rear yard behind the rear face of the principal structure.
 - f. Such antenna shall be screened, with natural plantings when possible, to minimize direct view from adjacent streets and properties.
 - g. A Building Permit shall be required for the installation of such satellite-receiving antenna and supporting structure.

6.M.2 Multi-Family Residential Uses

1. Each multi-family residential building may have one (1) satellite-receiving antenna (no zoning permit required) provided the antenna is smaller than 24 inches in diameter and is located in an inconspicuous location.
2. Up to three (3) additional satellite-receiving antenna may be permitted by Zoning Permit provided the antennas are smaller than 24 inches in diameter and are located in an inconspicuous location
3. For any antenna larger than 24 inches in diameter:
 - a. No more than one such antenna shall be permitted per property.
 - b. No such antenna or its supporting structure shall exceed 10 feet in diameter or 15 feet in total height.
 - c. If ground mounted, such antenna shall :
 - be permanently anchored according to the State Building Code.
 - comply with the required yard setbacks for the district in which it is located.
 - be located in the rear yard behind the rear face of the principal structure.
 - be screened, with natural plantings when possible, to minimize direct view from adjacent streets and properties.
 - d. If roof mounted, such antenna shall :
 - be-mounted on a flat roof only.
 - be permanently anchored according to the State Building Code.
 - be mounted in a location not visible to the general public or be screened with a material compatible with the architecture of the supporting building.
 - e. A Building Permit shall be required for the installation of such satellite-receiving antenna and supporting structure.

6.M.3 Business Uses

1. Each business use may have satellite-receiving antenna(e) (no zoning permit required) provided any such antenna is smaller than 24 inches in diameter and is located in an inconspicuous location.
2. Within the Regional Commercial (RC), Commercial (C), Business Park 1 (BP-1) Business Park 2 (BP-2), districts, roof-mounted antennas larger than 24 inches in diameter shall be permitted on non-residential structures provided:
 - a. Said antennas shall not be visible to the general public, or
 - b. Shall be screened with a material compatible with the architecture of the supporting building.
3. Within the Office Park Zoning District:
 - a. The Town Planner may authorize the installation of one or more satellite receiving antennas over 24 inches in diameter as a minor modification to a Site Plan Approval when such satellite-receiving antenna would not significantly affect the overall layout, design, density, impact or nature of a previously approved Site Plan.
 - b. The Commission may, by Special Permit, modify the requirements 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.
4. Except as may be provided above, a Site Plan and Building Permit shall be required for the installation of all satellite-receiving antennas over 24 inches in diameter.
5. 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.N STORAGE OF FUEL OILS

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.
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.
3. Where a commercial fuel storage facility adjoins a residential district, adequate screening shall be required along the district boundary.

6.O MARIJUANA / CANNABIS

6.O.1 Producer – Medical Marijuana and Adult Use Cannabis (effective 4-6-22)

Licensed medical marijuana producers (Producer), when and where permitted by these Regulations, shall conform to the following standards in addition to other applicable standards of these 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.

6.O.2 Dispensary - Medical Marijuana and Adult-Use Cannabis Retailer(effective 4-1-23)

Licensed medical marijuana dispensaries (Dispensary), when and where permitted by these Regulations, shall conform to the following standards in addition to other applicable standards of these 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 21a-420 et seq.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.

**6.P SELF-CONTAINED, CLIMATE CONTROLLED, SELF-STORAGE FACILITY
(EFFECTIVE 6/24/2025)**

1. A self-storage facility shall be constructed only as a self-contained, climate-controlled, self-storage facility of a high quality of design in a single, free-standing, multi-story building of a height no greater than forty-five feet (45') and a total floor area no greater than 126,000 square feet. All rooftop equipment shall be screened from visibility.
2. The property upon which the self-storage facility is proposed shall be not less than four (4) acres, and shall have frontage on an arterial road or a state highway.
3. No self-storage facility shall be used, erected, structurally altered, or designed to be used as a self-storage facility if any part of such building shall be situated within 1,000 feet of any part of another property in use as a self-storage facility.
4. The self-storage facility shall be a single structure with floor plates not to exceed 42,000 square feet. Customer access to the facility shall be limited to the hours of 6:00 a.m. to 10:00 p.m., and interior facility lights shall not be lit during the hours that access to the facility is not available to customers. Access to the site is to be controlled by fencing and a code-controlled gate available only to customers.
5. Parking spaces shall be provided at the rate of two (2) spaces for employee parking and one (1) parking space for each 10,000 square feet of the self-storage facility.
6. No exterior storage shall be permitted anywhere on the storage facility property.
7. Storage of personal property, commercial or residential, shall be the only permitted use of the self-storage facility. No commercial activities shall be permitted to be conducted from the site. It shall be the responsibility of the operator of the facility to enforce this use restriction with respect to its customers, and any rental contract utilized at the facility shall state this use restriction. A copy of the standard contract, containing the use restriction, shall be provided to the Planning and Development office for its records.
8. In the event that Section 7.D.3.3 Buffer Requirements cannot be satisfied on the subject property due to the existence of permanent third-party easements, such as utility easements that contain restrictions preventing permanent buffer plantings within the permanent utility easement, the applicant shall make a written offer to the owner(s) of abutting residentially zoned property to provide the abutting owner with of a choice of a planted evergreen screen or an opaque fence six feet in height to be installed on the abutting property at the applicant's sole cost and expense. If the adjoining property owner(s) shall decline the applicant's offer, then the Commission shall waive said buffer requirement if no planting is permitted within the third-party easement area. The applicant shall provide a landscape plan for its site, in addition to addressing this buffer requirement.
9. No variance from any of the special requirements under this Section 6.P shall be permitted.

SECTION 7 DEVELOPMENT STANDARDS

7.A 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.

1. **Particulates** - 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.
2. **Odor** - 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.
3. **Noise** - No noise which shall be objectionable due to volume, intermittence, beat frequency, or shrillness, shall be transmitted outside the property where it originates unless in accordance with the Rocky Hill Ordinance #180 - Noise.
4. **Waste** - No illicit discharge shall occur 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.
5. **Noxious Matter** - 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. **Radioactive Material** - 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.

7. **Fire Safety –**
 - a. Each use shall be operated so as to lessen the damage from fire and explosion.
 - b. 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.
 - c. 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.
 - d. 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.
8. **Humidity** - 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.
9. **Drainage** - All stormwater drainage systems shall be designed to conformity with Section 7.E of these Regulations, Town Ordinance #209 as may be amended, and the Town of Rocky Hill Stormwater Design Standards, as may be amended.

Town Ordinances

In addition to being subject to these Regulations, activities in Rocky Hill may also be subject to Town ordinances and regulations which may be amended from time to time, such as (partial list):

| | | | |
|-------------|-------------------------------------|-------------|--------------------------------|
| Chapter 15 | Architectural Review Advisory Board | Chapter 168 | Littering |
| Chapter 71 | Adult Entertainment Businesses | Chapter 172 | Massage Parlors |
| Chapter 77 | Alcoholic Beverages | Chapter 175 | Motocross Riding and Racing |
| Chapter 81 | Amusement Devices | Chapter 180 | Noise |
| Chapter 83 | Animals | Chapter 193 | Peddling and Soliciting |
| Chapter 98 | Blighted Buildings | Chapter 202 | Sanitary Code |
| Chapter 137 | Fire Zones | Chapter 206 | Sewers and Sewage Disposal |
| Chapter 141 | Flood Damage Prevention | Chapter 209 | Stormwater Management |
| Chapter 142 | Drainage Improvements | Chapter 212 | Streets and Sidewalks |
| Chapter 145 | Food and Food Establishments | Chapter 230 | Vehicles and Traffic |
| Chapter 149 | Garbage, Rubbish and Refuse | Chapter 234 | Vehicles, Inoperable |
| Chapter 153 | Hazardous Materials | Chapter 238 | Vehicles, Removal of |
| Chapter 160 | Inland Wetlands and Watercourses | Chapter 242 | Wood-Burning Furnaces, Outdoor |

7.B PARKING AND LOADING

7.B.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. In addition, Refer to Section 7.G.4 Bicycle Design Standards (added 2-20-19)

7.B.2 PARKING SPACE REQUIREMENTS

7.B.2.1 Number Of Parking Spaces

The Commission shall require with each new construction of a commercial building or multiunit residential building with thirty (30) or more parking spaces for cars or light duty trucks to include the electric vehicle charging infrastructure capable of supporting level two electric vehicle charging stations or direct current fast charging stations in at least a minimum of 10% of the required parking spaces. (Effective 9-27-2023)

Except as may be modified by Section 7.B.2.2, parking spaces shall be provided as specified in the following tables:

1. Agriculture-Related Uses

| Use | Minimum Spaces |
|--------------------------------------|--------------------------------|
| a. Farm stands | 2.0 spaces |
| b. Nurseries (commercial greenhouse) | 1 space/100 sq. ft. sales GFA. |

2. Residential-Related Uses

| Use | Minimum Spaces |
|-------------------------------|---|
| a. Single-family dwellings | 2.0 spaces |
| b. Multi-family dwellings | Not to exceed 1.0 space per studio or one-bedroom unit or 2.0 spaces per two or more – bedroom units. (effective 01-26-22) |
| c. Housing for the Elderly | Not to exceed 1.0 space per one- bedroom unit or 2.0 spaces per two or more- bedroom units plus 1.0 space/employee on the largest shift. (effective 01-26-22) |
| d. Assisted living facility | 0.60 spaces/living unit. (not to exceed 1.0 space per unit) (effective 01-26-22) |
| e. Active-adult housing | Not to exceed 1.0 space per one-bedroom unit; 2.0 spaces per two or more-bedroom units. (effective 01-26-22) |
| f. Customary home occupations | 2.0 spaces in addition to residence requirement |
| g. Accessory apartment | 2.0 spaces in addition to residence requirement |

3. Office-Related Uses

| Use | | Minimum Spaces |
|-----|---|-------------------------|
| a. | Medical offices and clinics | 6 spaces / 1,000 SF GFA |
| b. | Non-medical offices, financial institutions | 4 spaces / 1,000 SF GFA |

4. Business-Related Uses

| Use | | Minimum Spaces |
|-----|---|--|
| a. | Retail stores, personal services, farm store | 4 spaces / 1,000 SF GFA |
| b. | Shopping Centers | 4 spaces / 1,000 SF GFA up to 50,000 SF, plus 3.5 spaces / 1,000 SF GFA over 50,000 SF |
| c. | Sit-down restaurants and similar eating establishments (including any outdoor dining area) | 5 spaces plus 1 space / 3 seats plus 4 spaces / 1,000 SF for employees |
| c. | Fast-food restaurants and similar eating establishments (including any outdoor dining area) | 5 spaces plus 1 space / 2 seats plus 4 spaces / 1,000 SF for employees |
| c. | Bar areas within a restaurant or a similar establishment | 10 spaces / 1,000 SF floor area |
| d. | Gasoline filling stations | 1.5 space for each pump bay plus spaces as required for retail space or services offered |
| e. | Hotels and Motels | 1 space for each guest room, plus 1 space/100 sq. ft. of plus spaces as required for restaurant space or meeting space |
| f. | Automobile or truck sales or service | 20% of the area of the lot utilized for sale, servicing, and storage of vehicles shall be reserved for customer/employee parking |

5. Industrial-Related Uses

| Use | Minimum Spaces |
|--|--|
| a. Manufacturing, research and assembly of parts | 4 spaces / 1,000 SF GFA |
| b. Wholesale and utility buildings | 2 spaces / 1,000 SF GFA |
| c. Storage warehouses | 1 space / 1,000 SF GFA |
| d. Contractors yards | 1 space for each employee or for each 400 sq. ft. of floor area, whichever is greater. |
| e. Other uses (such as transshipment and distribution centers) | To be determined by Commission. |

6. Institutional-Related Uses

| Use | Minimum Spaces |
|---|--|
| a. Churches, synagogues, places of worship | 1 space for each 4 seats provided or for each 200 sq. ft. of GFA, whichever is greater. |
| b. 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. |
| c. Public schools, private schools | 1 space for each faculty member and 1 space for every 50 students at rated capacity. |
| d. Nursery schools, child care centers, and adult care centers | 1 space for each employee and 1 space for every 10 enrollees. |
| e. 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. |
| f. Public and private recreation uses, outdoor | 1 space for every 4 persons at maximum expected usage of facility. |

7. Other Uses

| Use | Minimum Spaces |
|--------------------------------|----------------------------------|
| x. Other uses not listed above | As determined by the Commission. |

7.B.2.2 Potential Reduction Of Parking Requirements

The Commission may authorize a reduction in the number of parking spaces as follows:

1. **Permanent Parking Reduction For One Property** - The Commission may, by Special Permit, reduce the cumulative number of required parking spaces for one property provided the Commission finds one or more of the following based on information provided by the applicant:
 - a. Peak parking demands among uses occur at different hours of the day and this offset results in a lower net peak parking demand;
 - b. Synergistic relationships among uses allow patrons to park once while accessing multiple locations or allow for multiple purpose trips to occur within the development(s); or
 - c. The uses are likely to generate transit, bicycle or pedestrian trips and accommodations have been made to support these alternative forms of transportation.

2. **Permanent Parking Reduction For Multiple Properties** - The Commission may, by Special Permit, reduce the cumulative number of required parking spaces for two or more properties provided that a functional and interconnected parking arrangement is provided within and between the properties, that an agreement for joint access and parking, in perpetuity, acceptable to the Commission is filed on the land records, and further provided the Commission finds one or more of the following based on information provided by the applicant:
 - a. Peak parking demands among uses occur at different hours of the day and this offset results in a lower net peak parking demand;
 - b. Synergistic relationships among uses allow patrons to park once while accessing multiple locations or allow for multiple purpose trips to occur within the development(s); or
 - c. The uses are likely to generate transit, bicycle or pedestrian trips and accommodations have been made to support these alternative forms of transportation.

3. **Permanent Mixed-Use Development Reduction** - In a development with mixed-use buildings designed and built in a walkable and pedestrian friendly configuration, the Commission may consider the following shared parking factors in reviewing a Special Permit application requesting a reduction of the number of parking spaces (the shared parking factor is applied to the sum of the individual parking requirements):

Shared Parking Factors

| | Residential | Lodging | Office | Retail |
|--------------------|--------------------|----------------|---------------|---------------|
| Residential | 100% | - | - | - |
| Lodging | 90% | 100% | - | - |
| Office | 70% | 60% | 100% | - |
| Retail | 80% | 75% | 80% | 100% |

4. **Temporary Change of Use Exemption** - In the event that no new buildings or structures are being established and the land area, structures or permitted uses are simply being changed from one permitted use to another permitted use allowed under these Regulations, no additional parking spaces shall be required provided that:
 - a. the number of spaces that presently exist on the property is at least 90 percent of the cumulative parking requirement for the new use(s) and the other existing use(s) on the property, and
 - b. no “grandfathering” or other exception shall be provided relative to any future use of such premises.

5. **Temporary Parking Installation Reduction –**
 - a. The Commission may, by Special Permit, waive the immediate installation of up to 25% of the required parking spaces where sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use.
 - b. The Special Permit shall be applicable only to the particular use or occupancy of land, buildings, or other structures specified in the application, and such Special Permit and certificate of zoning compliance issued for the use shall become null and void in the event that such use or occupancy is changed to another use or occupancy.
 - c. Before approval of a waiver by the Commission, the applicant shall show upon the site development plan the complete layout for the full parking requirements and the design of the complete stormwater management system designed to handle the deferred parking pavement.
 - d. The owner shall file the plan approved by the Commission in the Office of the Town Clerk, stipulating that:
 - the complete stormwater management system shall be installed at the time of initial development, and
 - the owner, or the successor and assigns of the owner, will install as many of the waived parking spaces as the Commission deems necessary within six months of the Commission's request, when, in the opinion of the Commission, such installation is needed.

7.B.2.3 Parking Area Design Standards

1. Except as required for handicapped parking, parking spaces and aisles in parking lots shall be designed as follows:
 - a. Parking spaces shall be at least nine feet wide by at least eighteen feet long (9' x 18') except that parallel parking spaces along a street or aisle may be 8 feet wide by 22 feet long (8' x 22") provided they have space on either side to open the vehicle doors.
 - b. Access aisles to parking spaces shall be at least 16 feet wide if configured for one-way circulation and at least 24 feet wide if configured for two-way circulation.
 - c. Parking spaces may be laid out parallel, angled, or perpendicular to the access aisle.
 - d. No parking space shall be accessed directly from a street unless specifically approved for such configuration by the Commission.
2. Parking spaces for the physically handicapped shall be:
 - a. Provided and maintained as required by the Connecticut General Statutes, the Connecticut Building Code, and/or the Americans with Disabilities Act (28 CFR Part 36) as they may be amended, and, in the event of conflict, the more stringent standard shall prevail.
 - b. Located so that physically handicapped persons shall not be compelled to travel behind parked cars to reach the nearest accessible ramp, walkway, and building entrance.
 - c. Clearly designated with signs, pavement markings, and/or other means as required by law.

7.B.3 LOADING SPACE REQUIREMENTS

7.B.3.1 Number Of Loading Spaces

1. At least one loading space shall be provided for each commercial or industrial use over 10,000 square feet GFA. One additional loading space shall be provided for each additional 40,000 square feet GFA.
2. 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 is not necessary to the current or future development and/or if adequate loading space is available in the vicinity.

7.B.3.2 Loading Area Design Standards

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

7.B.4 OTHER PARKING REQUIREMENTS

7.B.4.1 General Standards

1. Parking areas for all uses other than single-family residential uses shall be paved, lighted, landscaped, and continuously maintained in good condition.
2. **Configuration** - 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.
3. **Parking Structures** - Parking spaces may be permitted to be located beneath or within the primary structure or in a detached building.
 - a. If located in a detached building, said building shall not be placed between a driveway or other accessway and any primary structure.
 - b. 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.
 - c. All parking areas that are covered and not part of the primary structure shall not be closer than 25 feet to the primary structure.
4. **Maximum Grades Structures** – No parking area shall exceed a grade of five percent (5%) and no driveway serving a parking area shall exceed a grade of thirteen percent (13%).

5. **Uncovered Parking –**
 - a. All uncovered parking shall be located no closer than ten (10) feet away from a building unless otherwise approved by the Commission (effective 2-20-19)
 - b. There is to be no parking on at least one side of the building and a paved surface or driveway provided, at least twenty-four (24) feet in width, in that location (effective 2-20-19)
6. In reviewing the parking and access, the Commission shall consult with the Fire Marshal regarding the building design, type of construction and access for firefighting purposes.
7. The requirements of this Section 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.
8. The Commission may waive the requirements of this section if requested by the Applicant and it is determined that there are existing topographical, geographical or other physical conditions that are unique to the site (effective 2-20-19).

7.B.4.2 Parking And Access Management

1. For any proposed development, the applicant shall prepare and submit a parking and access management plan meeting the requirements of this Section and Section 7.J (access management) showing:
 - a. the overall parking layout and configuration,
 - b. traffic circulation within the site, adequacy for emergency vehicles, waste pick-up and delivery vehicles (effective 2-20-19);
 - c. the number and location of access points to and from the site,
 - d. 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
 - e. the nature and type of traffic circulation on adjacent roadways to ensure that public safety and welfare is promoted with the greatest efficiency.
2. On order to promote access management and shared parking, the Commission may require an applicant or owner to:
 - a. provide for shared access (whether existing or future) for two or more abutting properties in a location acceptable to the Commission;
 - b. establish easements to provide for shared access (existing or future), maneuverability of emergency vehicles, waste pick-up and delivery vehicles; (effective 2-20-19)
 - c. 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;
 - d. construct all or a portion of such mutual driveway or service road in order to provide for shared access (whether existing or future);
 - e. 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
 - f. take other actions reasonably required to accomplish access management.

7.B.4.3 Zone-Specific Standards

1. Within the Business Park-1 District and the Business Park -2 District:
 - a. No parking shall be permitted within the required front yard setback area.
 - b. No parking shall be located closer than 15 feet to any side or rear property line.
 - c. 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.
 - d. No parking including temporary parking shall be permitted on any other area of the lot.
 - e. 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.
2. Within the Office Park District:
 - 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.
 - b. 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.
 - c. 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.

7.B.4.4 Drive Through Standards

Where drive through uses are permitted by these Regulations, 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:

1. Sufficient queuing area shall be 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 impede 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. The minimum distance from the exit of the drive-through facility to a public street shall not be less than 100 feet.
5. An adequate "exit/escape" lane shall be provided.

Pedestrians And Bicycles

See Section 7.G of the Regulations for requirements for pedestrians and bicycles.

7.C SIGNAGE (EFFECTIVE 10-1-2018)

7.C.1 PURPOSE

This Section of the Regulations is intended to manage signage in order to:

1. Encourage or require appropriately designed and located signs that serve a legitimate public function.
2. Discourage or prohibit signs which might create confusion, or impair the public’s general health, safety, and welfare.

7.C.2 SIGNS PERMITTED

7.C.2.1 Business Identification Signs

| Type | Type Of Permit | Maximum Number | Maximum Area Per Sign |
|--|---|---|---|
| Basic Wall Sign – A wall sign identifying the name of a business and/or products sold | Sign Permit (ZEO) | One (1) per tenant space | Two square foot of sign area per lineal foot of building frontage occupied by the tenant (40 SF maximum) |
| Large Wall Sign – A wall sign identifying the name of a business and/or products sold Modification to existing sign New Construction: | Sign Permit (ZEO) Site Plan Approval (PZC) | One (1) per tenant space in lieu of a basic wall sign | Three square feet per lineal foot of building frontage occupied by the tenant (75 S.F. maximum) May be increased by 25% when building setback is at least 200 feet from public right of way |
| Monument Sign - Freestanding sign identifying the name of the property or one or more of the business(es) on the premises Pylon Sign - Freestanding sign identifying the name of the property or one or more of the business(es) on the premises Greater than 8 feet in height | Sign Permit (ZEO) Special Permit (PZC) | One (1) per property One (1) per property | 40 SF maximum Maximum height = 8 feet As approved by the Commission |
| Interstate Sign - Freestanding sign identifying the name of an office park directed towards an interstate highway | Special Permit (PZC) | One (1) per office park | As approved by the Commission |
| Electronic Message /Changeable copy signs (7.C.3.3) | Special Permit (PZC) | One (1) per property | 80% of total sign are permitted |

Section 7.C
DEVELOPMENT STANDARDS

Comprehensive Sign Plan (CSP) A coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on the development site. The sign program shall include, but not be limited to, indications of locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.

The submission of a Comprehensive Sign Plan is required for all new developments that have more than one business or tenant on site.

7.C.2.2 Real Estate Signs

Any of the following signs shall be removed within seven (7) calendar days of sale or lease of the premises.

| Type | Type Of Permit | Maximum Number | Maximum Area Per Sign |
|---|---|------------------------------|------------------------------|
| Residential (on-site)- temporary sign identifying the sale or lease of the premises on which the sign is displayed | None | One (1) per property | 6 SF maximum |
| Residential (off-site)- temporary sign identifying an open house event on the day of the event only | None (permission of property owner required) | Two (2) per open house event | 6 SF maximum each sign |
| Commercial Tenancy- temporary sign identifying the lease of space in a multi-tenant building on the premises on which the sign is displayed | None | One (1) per tenant space | 6 SF maximum each sign |
| Commercial Building- temporary sign identifying the sale or lease of the entire premises on which the sign is displayed (not permitted in Town or State Right of Way) | None | One (1) per property | 32 SF maximum |

Civic and Institutional Uses

| Type | Type Of Permit | Maximum Number | Maximum Area Per Sign |
|--|-------------------|----------------------|---|
| Wall Identification Sign - Wall sign for municipal, civic, or institutional facilities on the premises on which the sign is displayed | Sign Permit (ZEO) | One (1) per property | 0.5 square feet of sign area per lineal foot of building frontage (80 SF maximum) |
| Detached Identification Sign - Freestanding sign for municipal, civic, or institutional facilities on the premises on which the sign is displayed | Sign Permit (ZEO) | One (1) per property | 40 SF maximum if less than 4 feet high 60 SF maximum if more than 4 feet high |
| Bulletin Board / Notice Board – Detached sign(s) on the premises not intended to be legible from the street | None | One (1) per property | 12 SF maximum |

7.C.2.4 Temporary Event Signs

| Type | Type Of Permit | Maximum Number | Maximum Area Per Sign |
|---|--|----------------------|---|
| On-Site - Temporary freestanding sign identifying a special event on the premises on which the sign is displayed | Sign Registration (ZEO) | One (1) per property | 6 SF maximum To be displayed only during business hours |
| Off-Site - Temporary freestanding sign identifying a special event at a location other than the premises on which the sign is displayed (not for a business or commercial purpose) | Sign Registration (ZEO) (permission of property owner) | One (1) per property | 6 SF maximum (may be placed for up to 14 calendar days) |
| Off-Site - Temporary freestanding sign for a business or commercial purpose | Not Allowed | None | None |
| Community Event - Temporary freestanding sign(s) identifying a special event sponsored by the Town of Rocky Hill | None | N/A | N/A |
| Political Signs - Temporary freestanding sign(s) relating to an issue on an official local, state, or national ballot (Not on Town or State Property) | None | N/A | N/A shall be removed within 10 calendar days of completion of the vote |

Temporary signs will be permitted for the purpose of advertising a special sale, promotion or other important business event and will be subject to the following conditions.

Section 7.C
DEVELOPMENT STANDARDS

1. A temporary sign registration with the Planning and Zoning Division is required and may be issued by the Zoning Enforcement Official. All applicants will be required to fill out the sign registration listing timing and location of proposed sign, property owner’s signature, provide a sketch of the sign, site plan and pay the registration fee.
2. All temporary signs must be constructed of weather resistant materials, have clear legible lettering and may be double sided.
3. Temporary signs will be permitted up to 4 times a year for intervals not to exceed 14 days with a minimum time of 30 days between the expiration and start of a new registration. The timeframes may, at the discretion of the ZEO, be modified to allow the use of longer intervals at a time to accommodate advertising needs of businesses. A maximum of 8 weeks total is permitted for the year.
4. Temporary signs must be located:
 - On private property
 - 100 feet from another temporary sign along the road frontage (exemption for Political signs)
 - Outside of any sight line from an ingress / egress
 - Not in a parking stall, drive lane, or right of way
 - Placed with pedestrian and traffic safety in mind
5. Any temporary sign placed in violation of this regulation will result in a violation notice and the business’s temporary sign registration privileges will be denied for the remainder of the year.
6. Help wanted signs are exempt from this regulation.

7.C.2.3 Farm Signs

| Type | Type Of Permit | Maximum Number | Maximum Area Per Sign |
|--|-----------------------|-----------------------|------------------------------|
| Wall Identification - Wall sign (including signs painted on a wall) giving the name of the farm on the premises | None | One (1) per property | 32 SF maximum |
| Freestanding Identification - Freestanding sign giving the name of the farm on the premises | Sign Permit (ZEO) | One (1) per property | 32 SF maximum |
| Farm Product - Temporary freestanding sign identifying farm produce for sale at that time | None | One (1) per property | 12 SF maximum |

7.C.2.4 Construction Signs

Any of the following signs shall be removed within seven (7) calendar days of completion of construction.

| Type | Type Of Permit | Maximum Number | Maximum Area Per Sign |
|---|-----------------------|------------------------|--|
| Residential (on-site) - temporary sign identifying one contractor on the premises on which the sign is displayed | None | One (1) per property | 6 SF maximum |
| Commercial - temporary sign(s) identifying one or more | None | One (1) per contractor | 6 SF maximum per contractor 36 SF maximum |

| | | | |
|--|--|--|--------------|
| contractors on the premises on which the sign is displayed | | | per property |
|--|--|--|--------------|

7.C.2.5 Other Signs

| Type | Type Of Permit | Maximum Number | Maximum Area Per Sign |
|---|-------------------|---|---|
| Housing Building- Wall sign identifying a housing complex at the location on which the sign is displayed | Sign Permit (ZEO) | One (1) per property | One square foot of sign area per lineal foot of building frontage (40 SF maximum) |
| Housing Development- Freestanding sign for identifying a housing development or a subdivision at the location on which the sign is displayed | Sign Permit (ZEO) | One (1) per property or one (1) per driveway entrance | 36 SF maximum if less than 4 feet high 24 SF maximum if more than 4 feet high |
| Residential Name - Freestanding sign or wall sign on a single-family residential property giving the name of occupant or property or the use of the premises | None | One (1) per property | 2 SF maximum |
| Miscellaneous Commercial Signage – Miscellaneous wall signage or window signage not intended to be legible from a public street | None | N/A | Total area of signage shall occupy less than 5% of the window or wall area |

(continued on next page)

(continued from previous page)

| Type | Type Of Permit | Maximum Number | Maximum Area Per Sign |
|---|-------------------|--------------------|--|
| Secondary Entrance Wall Sign – For buildings that maintain a secondary entrance on a building wall not facing a public street | Sign Permit (ZEO) | One (1) per tenant | A second wall sign on the secondary entrance façade not exceeding 10 SF |
| Secondary Entrance Detached Signage – For buildings that maintain an entrance to a second public street | Sign Permit (ZEO) | One (1) per tenant | A second freestanding sign on the secondary entrance not exceeding 10 SF |
| Internal Directory Signage – Miscellaneous wall signage with a directory of building tenants not intended to be legible from a public street | None | N/A | 4 SF maximum |
| Internal Directional Signage – Miscellaneous freestanding signage guiding internal circulation and not intended to be legible from a public street | None | N/A | 4 SF maximum |
| Traffic Signs - Any sign 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 | None | N/A | N/A |

7.C.3 SIGN STANDARDS

7.C.3.1 Building Signs

1. Building-mounted signs may be illuminated subject to the following:
 - a. For signs illuminated externally by floodlights or recessed lights (including halo lighting), the light source shall be entirely shielded from public view and abutting property by visors, landscaping, or other means.
 - b. For signs illuminated internally, the sign shall be constructed so that at night it appears as a dark background and light letters.
 - c. 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.
2. Roof top signs shall not be permitted and no portion of any sign or sign light attached to a building shall project above the parapet or roof line of the building wall on which it is mounted.
3. All wall signs within a development or park are encouraged to be of a consistent design and theme and said design shall be provided at the time of Site Plan approval.
4. Overhead projecting signs may, with approval of the Town and the Commission, project into a road right-of-way provided they allow for adequate clearance for the walking public and motor vehicles.
5. Wall signs (other than overhead projecting signs):
 - a. shall not project more than 18 inches from the wall to which they are attached, and
 - b. may, with approval of the Town and the Commission, project into a road right-of-way provided they allow for adequate clearance for the walking public and motor vehicles.
6. Canopies as signs are prohibited, except as may be approved by the Planning and Zoning Commission through Site Plan review.
7. No flashing, rotating, or intermittent illumination shall be permitted, nor shall any sign producing an illusion of movement unless specifically approved and authorized by the Commission by Special Permit.
8. Video streaming is prohibited.
9. No building sign utilizing exposed light emitting diode (LED) illumination in a panel array or similar configuration, whether the image is static or dynamic, shall be permitted unless specifically approved and authorized by the Commission by Special Permit, Sections 7.C.3.3 and 9.D.

7.C.3.2 Freestanding Signs

1. Freestanding signs may be illuminated subject to the following:
 - a. For signs illuminated externally by floodlights or recessed lights (including halo lighting), the light source shall be entirely shielded from public view and abutting property by visors, landscaping, or other means.
 - b. For signs illuminated internally, the sign shall be constructed so that at night it appears as a dark background and light letters.
 - c. 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.
2. No freestanding sign shall be attached to any tree, fence, or utility pole.
3. When reviewing applications for freestanding signs, 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.
4. Freestanding signs shall not obstruct sight lines.
5. 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.
6. Vehicles displaying advertising directly on their surface are considered freestanding signs and such vehicles shall not be parked within 40 feet of the street line of the site in a business zone where the business is located during the hours when the business is not open.
7. Novelty signs, (banners, feather signs, inflatable objects, costumed characters, and the like) are prohibited except for the following; Banner are permitted by a sign permit for the purpose of a Grand Opening only. The maximum size banner is 2 feet by 10 feet.
8. Billboards, other than those existing prior to these Regulations, are prohibited.
9. No flashing, rotating, or intermittent illumination shall be permitted, nor shall any sign producing an illusion of movement unless specifically approved and authorized by the Commission by Special Permit.
10. No freestanding sign utilizing exposed light emitting diode (LED) illumination in a panel array or similar configuration, whether the image is static or dynamic, shall be permitted unless specifically approved and authorized by the Commission by Special Permit, Sections 7.C.3.3 and 9.D.

7. C.3.3 Electronic Message / Changeable Copy Signs

1. Changeable copy by non-electronic means may be utilized on any permitted sign.
2. Electronic message center (EMC) signs are not permitted in the Town Center and Waterfront Districts
3. In the Commercial and Regional commercial districts electronic message center (EMC) signs are permitted provided that the copy does not change more than once every 7 seconds and the electronic message center does not exceed 80 percent of the total sign area permitted unless approved and authorized by the Commission by Special Permit.
4. Only one electronic message center (EMC) sign is permitted on a lot unless additional EMCs are approved and authorized by the Commission by Special Permit.
5. All EMCs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.

7. C.4 Enforcement

1. Enforcement of sign regulations by Zoning Enforcement Officer following procedures in Zoning Regulations, Connecticut State Statutes and Town Code.

7.D LANDSCAPING

7.D.1 PURPOSE

This Section of the Regulations is intended to provide standards and requirements for the retention of natural vegetation and/or the installation of landscaping material as part of development and redevelopment activities in order to prevent soil erosion and sedimentation, encourage infiltration of rainfall, capture and renovate pollutants, and enhance the overall appearance of the community.

7.D.2 APPLICABILITY

The provisions of this Section shall apply to any development or redevelopment activity required to obtain Site Plan Approval.

7.D.3 STANDARDS AND GUIDELINES

7.D.3.1 Perimeter Landscaping

1. Unless otherwise approved by the Commission due to excellence in landscaping or excellence in building and/or site design, all non-residential development is encouraged to have a minimum fifteen (15) foot wide landscaped area along any front lot line, except for driveways and sidewalks.(Amended 2-20-19)
2. Unless otherwise approved by the Commission due to excellence in landscaping or excellence in building and/or site design, all non-residential development shall also have a minimum six (6) foot wide landscaped area around the entire perimeter of the lot, except for driveways and sidewalks connecting to adjacent properties or the interior area of any consolidated lots conforming to Section 8.B.4.
3. All non-residential development shall, for every fifty feet (50') of frontage, plant and maintain at least one (1) "tall shade tree" (as per Section 7.D.3.5) within the area between the building and the front lot line. Such tree shall be at least 3.5 inches in caliper at the time of planting.
4. Development in the RC- Regional Commercial and C-Commercial Zoning Districts (except for development in accordance with the requirements of the Glastonbury Avenue Overlay District) shall conform with the following:
 - a. at least 50% of the required landscaped area under Section 4.D.3 shall be located between the building façade that faces the street and the street line.
 - b. 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 50% to 30% when such reduction:
 - such reduction is requested in writing by the applicant,
 - accommodates unique circumstances specific to the subject site;
 - is deemed by the Commission to not materially detract from the site development plan; and
 - would promote more harmonious development with adjacent sites.

7.D.3.2 Parking Lot Landscaping

1. Unless otherwise approved by the Commission due to excellence in landscaping or excellence in building and/or site design, all non-residential development shall provide an area at least equal to ten percent (10%) of the area of a parking lot as one or more landscaped islands located within or adjacent to the parking lot.
2. Such landscaped islands shall contain appropriate landscaping, including at least one (1) "tall shade tree" (as per Section 7.D.3.5) and may be used for implementation of stormwater management techniques.

7.D.3.3 Buffer Requirements

Where a non-residential use shall be proposed on a lot that abuts an R-40 or R-20 Residential District:

1. A buffer shall be provided which shall have a depth of not less than 50 feet.
2. All existing natural screening within buffer and setback areas shall remain undisturbed to the maximum extent possible.
3. 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.
4. Such screening may include ornamental fences, berms, and/or walls, but only in combination with trees and shrubs, which shall provide at least 25 percent of the effective screening.
5. 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.
6. In circumstances where a significant percentage of landscaped area 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.

7.D.3.4 Other Standards

1. As part of its review of Site Plans and Special Permits, the Commission shall consider whether landscaping and screening shall be so located as to enhance the new development and protect adjoining uses.
2. To the extent possible, existing trees, vegetation and unique site features such as stone walls, shall be retained and protected.
3. Rare or specimen trees shall be protected and worked into the development plan.
4. Required landscaping, screening, fences or walls shall be maintained by the property owner in good condition throughout the period of the use of the lot.

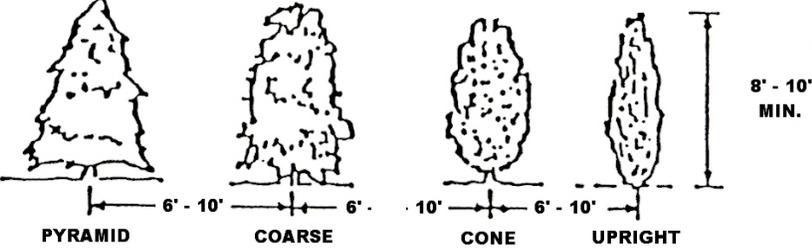
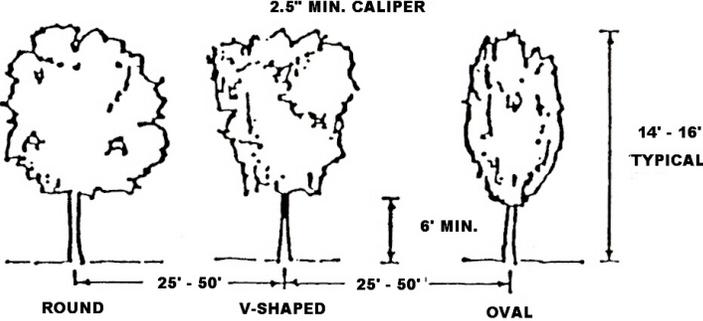
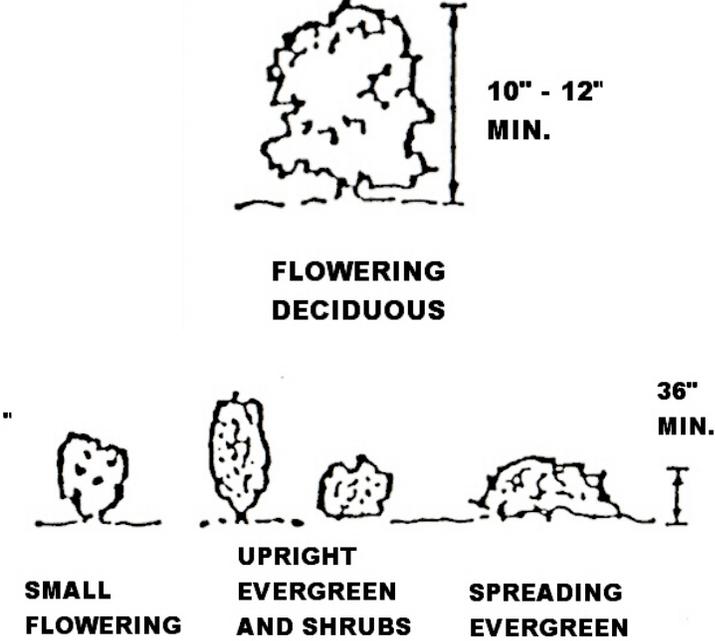
7.D.3.5 Plant Materials

1. Unless otherwise specifically indicated elsewhere in these Regulations, all plant materials shall meet the following minimum size standards.

| Plant Material Type | Minimum Size |
|--|---|
| Canopy Tree | |
| <ul style="list-style-type: none"> • Single-Stem | 3.5 inch (caliper) measured at four (4) feet above ground |
| <ul style="list-style-type: none"> • Multi-Stem Clump | 8 feet (height) |
| Understory Tree | 6 feet (height) |
| | 2.5 inch (caliper) measured at four (4) feet above ground |
| Evergreen Tree | 6-8' feet (height) |
| Shrub | |
| <ul style="list-style-type: none"> • Deciduous | 24 inches (height) |
| <ul style="list-style-type: none"> • Evergreen | 24 inches (height) |

2. 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.
3. 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.
4. 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.
5. Exotic or invasive plants, as listed in the Appendix, shall be prohibited on site landscaping plans.
6. 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 the Appendix for suggested species).

Section 7.D
DEVELOPMENT STANDARDS

| | SPECIES/VARIETY | FORM / TEXTURE |
|--|--|---|
| <p style="writing-mode: vertical-rl; transform: rotate(180deg);">BUFFER STRIP</p> | <p>TALL EVERGREENS (planted 6' - 10' on center)</p> <ul style="list-style-type: none"> • Spruce • Hemlock • White Pine • Arborvitae And Other |  <p>8' - 10' MIN.</p> <p>6' - 10' 6' - 10' 6' - 10' 6' - 10'</p> <p>PYRAMID COARSE CONE UPRIGHT</p> |
| <p style="writing-mode: vertical-rl; transform: rotate(180deg);">PARKING AREA</p> | <p>TALL SHADE (planted 25' - 50' on center)</p> <ul style="list-style-type: none"> • Beech • Oak • Maple • Sycamore • Sweet Gum • London Plane • Ginko • Other |  <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> |
| <p style="writing-mode: vertical-rl; transform: rotate(180deg);">FRONT LANDSCAPE AREA</p> | <p>TALL SHADE AND FLOWERING DECIDUOUS</p> <ul style="list-style-type: none"> • Maple • Cherry • Dogwood • Sycamore • Crab • Oak • Other <hr/> <p>FLOWERING / SPREADING / UPRIGHT EVERGREENS</p> <ul style="list-style-type: none"> • Azalea • Rhododendron • Pieris • Holly • Laurel • Juniper • Yews • Other |  <p>10" - 12" MIN.</p> <p>FLOWERING DECIDUOUS</p> <p>36" MIN.</p> <p>SMALL FLOWERING UPRIGHT EVERGREEN AND SHRUBS SPREADING EVERGREEN</p> |

7.E STORMWATER MANAGEMENT

7.E.1 PURPOSE AND INTENT

This Section of the Regulations is intended to:

1. minimize degradation of water resources within the Town of Rocky Hill from pollution from non-point source runoff,
2. mitigate impacts to the hydrologic system from development, including reduced groundwater recharge and pollutants found in stormwater runoff,
3. reduce or prevent flooding, stream channel erosion, and/or other negative impacts created by the volume of stormwater runoff resulting from development, and
4. promote the application of Low Impact Development (LID) strategies for the analysis and design of stormwater treatment systems.

7.E.2 APPLICABILITY

The provisions of this Section of the Regulations shall apply to any development within the Town of Rocky Hill which requires approval of a Site Plan or approval of a Special Permit.

7.E.3 REQUIREMENTS

1. Unless modified by the Commission by Special Permit as provided in Section 7.E.4 below, any development within the Town of Rocky Hill shall implement the following provisions of Chapter 7 of the Connecticut Stormwater Quality Manual (2004), as may be amended:
 - a. Pollutant Reduction as provided in Section 7.4 of the Connecticut Stormwater Quality Manual (2004), as may be amended.
 - b. Groundwater Recharge and Runoff Volume Reduction as provided in Section 7.5 of the Connecticut Stormwater Quality Manual (2004), as may be amended.
 - c. Zero increase in peak discharge or the 2-year, 10-year, 25-year, 50-year, and 100-year storm events. as provided in Section 7.6 of the Connecticut Stormwater Quality Manual (2004), as may be amended.(effective 2-20-19)
 - d. Runoff to be computed using NOAA Atlas 14 Point Precipitation Frequency Estimate (effective 2-20-19)
2. In the design of a stormwater management system, design professionals may utilize low impact development techniques as contained in the Connecticut Stormwater Quality Manual (2004), as may be amended.

7.E.4 MODIFICATIONS

The Commission may, by Special Exception, modify the requirements of this Section provided that adequate information has been submitted by the applicant to evaluate the request and:

1. the Town Engineer has provided a positive recommendation regarding the modification, or
2. the Commission has received a report from a professional engineer hired by the Commission providing a positive recommendation regarding the modification.

7.F OUTDOOR LIGHTING

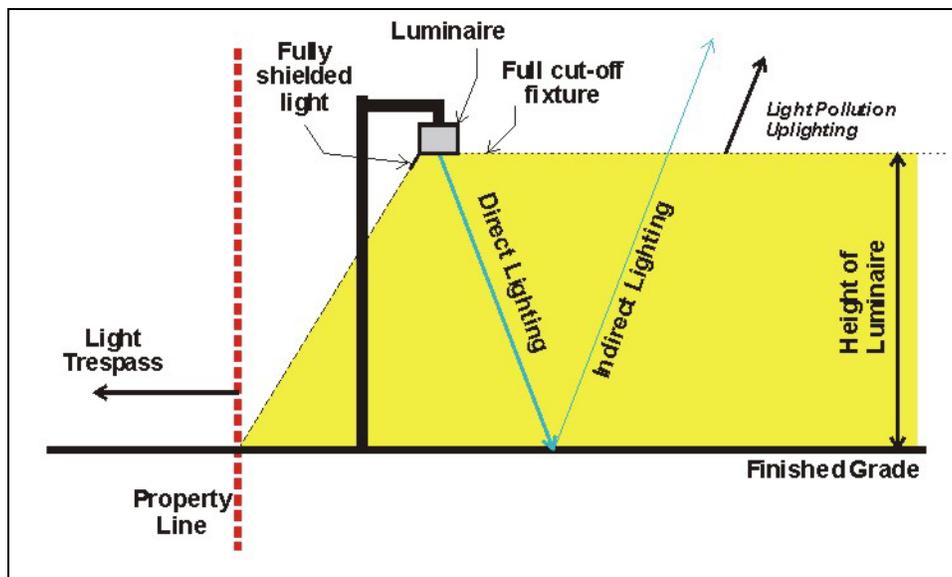
These Regulations are intended to provide specific standards concerning lighting, in order to maximize the effectiveness of site lighting; to enhance public safety and welfare; to raise public awareness of energy conservation; to avoid unnecessary upward illumination and illumination of adjacent properties;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

7.F.1 EXEMPTIONS

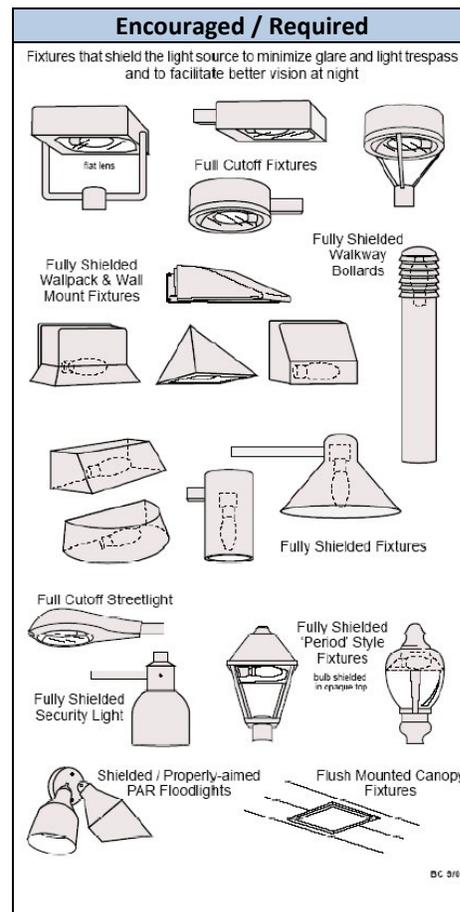
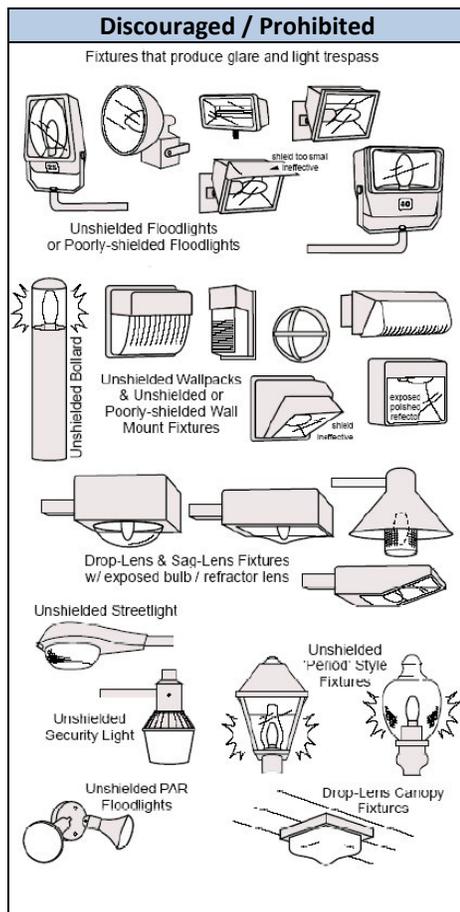
1. Traditional seasonal lighting is exempt from these Regulations.
2. Temporary lighting used by the Police Department, Fire Department or Emergency Services is exempt from these Regulations.

7.F.2 STANDARDS

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



4. To reduce off-site glare, lighting fixtures for all parking and pedestrian areas shall be:
 - a. full cut-off type fixtures, or
 - b. fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
5. Lighting fixtures for building security or aesthetics and any display purposes shall, except as may otherwise be approved, be:
 - a. top downward (not upward or sideways), and
 - b. full cut off or fully shielded/recessed.
6. Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that:
 - a. their beams fall within the primary playing area and immediate surroundings, and
 - b. no direct illumination is directed off the site.
7. Lighting designed to highlight flagpoles shall be low level and shall be targeted directly at the flag.
8. All non-essential lighting (such as display, aesthetic, parking and sign lighting) shall be configured for "photocell on - time clock off" operation.



9. Where necessary, lighting for site security may be configured for motion or infrared sensor operation.
10. 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.
11. 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.

7.F.3 MODIFICATIONS

1. The Commission may, by Site Plan approval (effective 2-20-19), 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:
 - a. where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists,
 - b. where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas,
 - c. 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,
 - d. where special lighting is indicated for historic buildings,
 - e. where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity.
2. The Commission may modify the requirements of this Section for a temporary use approved under these Regulations.
3. 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.

7.G PEDESTRIAN AND BICYCLE ACCOMMODATIONS

7.G.1 PURPOSE

The purpose of these regulations is to promote and support access by pedestrians and bicycles throughout the town of Rocky Hill.

7.G.2 APPLICABILITY

All non-residential development and all multi-family residential development shall be designed to provide safe and convenient pedestrian and bicycle access as part of any site design, including safe and convenient pedestrian and bicycle movement to and from public walkways and/ or bikeways or streets, and between developed lots.

7.G.3 PEDESTRIAN DESIGN STANDARDS

1. Pedestrian access along all street frontages, to-and-from such street frontages, in-between individual buildings within the site, and to-and-from existing or potential future pedestrian accommodations on adjacent sites shall:
 - a. Be provided from a system of convenient and safe pedestrian ways, and
 - b. Be incorporated into landscaping plans for any site development plan or parking area in accordance with the standards set forth below.
2. Such pedestrian ways and sidewalks shall:
 - a. be of adequate width.
 - b. be designed, constructed, and maintained to accommodate disabled individuals per the Americans with Disabilities Act (ADA) requirements.
 - c. provide safe separation or delineation from motor vehicle traffic.
 - d. be constructed of concrete or other decorative-type paving material (except bituminous materials).

7.G.4 BICYCLE DESIGN STANDARDS

1. Convenient and appropriate bicycle parking facilities shall be provided as part of any new construction, changes of use, or substantial improvements.
2. Bicycle parking facilities shall be provided in the ratio of 1 bicycle parking place for every 20 parking spaces, or portion thereof, required under Section 7.B.
3. Such bicycle parking spaces shall be located near each main building entrance, and in an area that is highly visible.

7.H SOIL EROSION AND SEDIMENTATION CONTROL

7.H.1 PURPOSE

This Section of the regulations is intended to prevent or minimize soil erosion and sedimentation as part of any development or redevelopment activity within the community.

7.H.2 EXEMPTIONS

1. 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 or exceeds 2,500 square feet of disturbance (effective 2-20-19).
2. Farming and the growing of nursery stock (plant nursery) shall be exempt from the requirements of this Section provided that such farming and plant nursery operations are conducted in accordance with accepted soil conservation practices and agricultural best management practices as promulgated by the Connecticut Department of Agriculture..

7.H.3 STANDARDS AND GUIDELINES

1. All development and redevelopment activities shall implement “best management practices” to prevent and minimize soil erosion and sedimentation.
2. Soil erosion and sedimentation control measures appropriate to the circumstances shall be installed prior to the commencement of development or redevelopment activities.
3. Such soil erosion and sedimentation control measures shall be installed in accordance with the standards and specifications of the “Connecticut Guidelines for Soil Erosion and Sediment Control”, as amended.
4. All soil erosion measures and facilities shall be periodically inspected by the permit holder, especially after a rain event, and any appropriate maintenance shall be performed.
5. Land disturbance shall be kept to a minimum and, where feasible, natural vegetation shall be retained, protected, and supplemented across the site.
6. When necessary, the stripping of vegetation, regrading, or other development shall be done in a way that will minimize erosion.
7. Acceptable temporary measures, both natural and manmade, shall be used to protect exposed or disturbed areas during development.
8. 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.

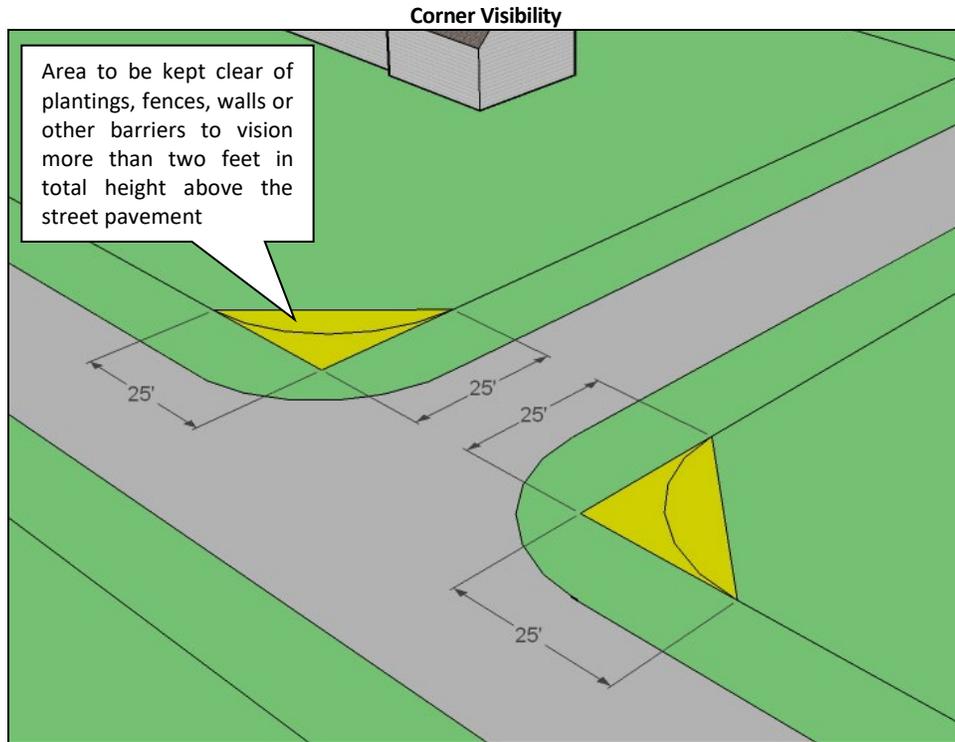
9. Temporary vegetation should be planted if an area is to be stripped for a long period of time.
10. Sediment in the run-off water shall be kept at a minimum using such measures as diversions, vegetation, debris basins, sediment basins, hay bale dams, silt fences, silt traps or similar measures, which measures shall be detailed in the soil erosion and sedimentation plan submitted.
11. 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.
12. 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.
13. 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.

7.H.4 ENFORCEMENT

1. The Commission or its designated agent is hereby authorized to make periodic inspections of the soil erosion and sediment control measures on any site under development or redevelopment.
2. As part of any development project, the applicant may be required to provide a financial guaranty in accordance with Section 9.H.12 for soil erosion and sediment control measures and such financial guaranty may be required to be in the form of cash or passbook savings account or other cash equivalent so that the funds will be available quickly in the event the Town needs to address an erosion or sedimentation issue.
3. If a developer fails to implement the Control Plan or fails to maintain the elements of the Control Plan in a timely manner following a storm or other event, the Commission may revoke the approved plan and/or call the financial guaranty.
4. In the event a development or redevelopment results in erosion, siltation or sedimentation problems, the Commission or its authorized agent is hereby authorized to require:
 - a. the owner or developer engaged in such project to cease and desist from activities resulting in erosion, siltation or sedimentation.
 - b. immediate temporary remedial measures to be instituted.
 - c. preparation and submittal of a remedial plan showing permanent corrective action followed by implementation and maintenance of such plan as approved by the Commission.

7.1 CORNER VISIBILITY

1. 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.



2. On all driveways serving uses other than single-family residential uses, no planting, fence, wall or barrier to vision more than two feet in total height from the pavement elevation shall be placed, erected or maintained within the triangular area formed by the intersecting curb lines and a straight line connecting points on said curb lines, each of which point is 25 feet distant from the point of the intersection.

7.J ACCESS MANAGEMENT

7.J.1 PURPOSE

This Section is intended to control the number, size, and location of driveways and access points, especially those that front on heavily trafficked roads and state highways, while allowing proper and adequate access to and from premises along such thoroughfares in order to promote overall traffic control, promote public safety and welfare, provide for safer and more efficient traffic operations along major roadways and protect the public safety through the management and reduction of vehicular congestion.

7.J.2 GENERAL PROVISIONS

1. In reviewing proposed developments, the Commission and/or its designated agent shall review road layout, parking layout and configuration, traffic circulation within the site, the number and location of access points to and from the site, and the nature and type of traffic circulation on adjacent roadways to ensure that public safety and welfare is promoted with the greatest efficiency.
2. In reviewing existing and future curb cuts, the following guidelines shall be considered:
 - a. The number of site access points should be limited.
 - b. Internal connections between adjacent properties and the combination of access/egress driveways serving adjacent properties shall be required whenever practicable.
 - c. Curb cuts should generally be located opposite existing streets and/or major driveways.
 - d. Driveway closures should not restrict internal site circulation.
3. Where street geometry, traffic volumes or traffic patterns warrant, the Commission may:
 - a. limit the number of driveways that serve a specific site,
 - b. designate the location of any driveway,
 - c. require the use or provision of a shared driveway with associated easements that exists on abutting property in lieu of having a separate curb cut onto a road or street, and/or
 - d. limit access to a major street and require access from a minor street.
4. As part of application approval, the Commission may require:
 - a. the establishment of mutual driveway or other easements to provide a single point of access for two or more abutting properties in a location acceptable to the Commission and the Traffic Authority,
 - b. the wording of such easements as shall be acceptable to the Commission and the Town Attorney, and/or
 - c. the filing of such easements on the land records in favor of the abutting property owners and/or the Town of Rocky Hill.

7.K EARTH REMOVAL AND FILLING

7.K.1 Applicability

1. The filling of land or the excavation and removal of soil or other minerals from the land shall require Site Plan Approval from the Commission unless exempted below:
 - a. **Basic Threshold** - the amount of such fill or excavated material shall be less than 250 cubic yards.
 - b. **Approved Subdivision** - 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.
 - c. **Street Construction** - the operation shall be for excavation from the locations of proposed streets in accordance with the lines, grades and profiles on plans approved by the Commission.
 - d. **Agriculture** - the addition of topsoil in any district other than the Floodplain district shall be for the purpose of improving an agricultural use.
 - e. **Foundation Excavation** - the operation shall be for excavation from the foundation locations of buildings or other allowable structures for which building permits have been issued.
 - f. **Internal Transfer** - the operation shall be for 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.
 - g. **Public Works** - the fill or excavated material is part of a project being undertaken by the Public Works Department.

7.K.2 Minimum Requirements for Filling

1. Provision for adequate drainage shall be made in accordance with the adopted Town Specifications for storm drainage control.
2. Materials used must meet the definition of "Filling." No trash, garbage, building materials, or junk of any nature shall be permitted.
3. 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.
4. Dust shall be kept at a minimum at all times by use of calcium chloride or other acceptable means.
5. 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.

7.K.3 Minimum Requirements for Soil or Other Mineral Removal

1. Provisions for adequate drainage shall be made in accordance with the adopted Town Specifications for storm drainage control.
2. 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.
3. 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.
4. The side slope of any depression shall not exceed a slope of one foot of vertical rise to two feet of horizontal distance.
5. 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.
6. 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.
7. Dust shall be kept at a minimum at all times by the use of calcium chloride or other acceptable means.
8. The screening, sifting, washing, crushing or other forms of processing shall not be conducted in any district except a Business Park-1 District or Business Park-2 District and then only with specific approval of the Commission.

7.K.4 Application Processing

1. An application fee in accordance with the Fee Schedule adopted by the Town Council shall be required in the case of any earth removal or filling operation.
2. As part of any application for renewal of a permit for earth removal or filling, the Commission may require an amended Site Plan showing topographical changes to-date, or any other information necessary for further study of the project.
3. The Commission may hold a public hearing, if in its judgment; the nature of the application shall be such that the public should have an opportunity to be heard.
4. 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.
5. No Site Plan shall be approved for any filling or excavation unless accompanied by a financial guaranty as described in Section 9.H.12.
6. The Commission may grant approval or renewal 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.
7. 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.

(this page intentionally left blank)

SECTION 8 SPECIAL STANDARDS

8.A NON-CONFORMING SITUATIONS

8.A.1 NON-CONFORMING USES

1. Any non-conforming use 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.
2. Non-conforming uses may be changed to comply with these Regulations and any amendments thereto at any time.
3. The repair, strengthening, or restoration of any building or structure containing a non-conforming use shall be permitted provided such building or structure is declared to be unsafe for human occupancy or use by the official charged with the responsibility of enforcing these Regulations.
4. A non-conforming use shall not be extended or enlarged except that the Commission may, by Special Permit, allow:
 - a. a change in a non-conforming use to a lesser non-conforming use and/or
 - b. modification to or minor expansion of a non-conforming use of land or to a building or structure containing a non-conforming use provided that such modification or expansion:
 - does not add any additional non-conforming uses,
 - does not significantly change the nature or intensity of the use of land or structure, and
 - given the overall scope of building, landscaping, and/or other site improvements, will result in use which is more compatible with the surrounding area.
5. A non-conforming use, once changed to a more conforming use, shall not be permitted to revert to a less conforming use.
6. A non-conforming use, 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 extent existing immediately prior to such damage or destruction. Failure to initiate such restoration within a twelve (12) month period shall be considered evidence of intent to abandon unless the owner shall have provided evidence that there was no intention to abandon the use or otherwise received an extension of time from the Commission.
7. If any non-conforming use is not occupied by reason of voluntary discontinuance or abandonment for a continuous period of at least twelve (12) months, then any future use 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.

8.A.2 NON-CONFORMING STRUCTURES

1. Any non-conforming 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.
2. Non-conforming building or structures may be changed to comply with these Regulations and any amendments thereto at any time.
3. A non-conforming building or structure shall not be relocated within the boundaries of a lot from its original location unless such relocation makes it conforming or, in the opinion of the Commission, less non-conforming.
4. A non-conforming building or structure, once changed to a more conforming building or structure, shall not be permitted to revert to a less conforming building, or structure.
5. Non-conforming buildings or structures 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.
6. Non-conforming buildings or structures shall not be expanded or enlarged except that 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 the yard requirements of the these Regulations and/or to all other current Regulations.
7. A non-conforming 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. Failure to initiate such restoration within a twelve (12) month period shall be considered evidence of intent to abandon unless the owner shall have provided evidence that there was no intention to abandon the building or structure or otherwise received an extension of time from the Commission.
8. If any non-conforming 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 building or structure shall be in conformity with the provisions of these Regulations and any amendments thereof, unless the -conforming building or structure.

8.A.3 NON-CONFORMING LOTS

1. When a lot pre-dates the adoption of these Regulations and is non-conforming with regard to requirements for minimum lot area and/or minimum lot frontage, such lot can be used as if it were a conforming lot provided that:
 - a. the owner of any such lot did not own sufficient adjoining land at the time of adoption of these Regulations to make a conforming lot, and
 - b. such use is established in conformity with all other applicable provisions of these Regulations.

8.B DIMENSIONAL EXCEPTIONS

8.B.1 BUILDING HEIGHT EXCEPTIONS

1. Provided such features are erected only to the minimum height necessary to accomplish the purpose they are intended to serve and further provided the aggregate area of all such features does not cover more than 15 percent of the roof area, the height limitations of these Regulations shall not apply to:
 - a. church spires, belfries, flagpoles, cupolas and domes not used for human occupancy;
 - b. chimneys, ventilators, solar panels, skylights, water tanks, bulkheads, non-commercial transmitting or receiving antennas, or similar features,
 - c. satellite dish antenna, and
 - d. necessary mechanical appurtenances usually carried above the roof level.
2. With regard to any roof mounted structures and equipment, such structures and equipment shall :
 - a. Be screened from public view,
 - b. Such screening shall be integrated into the architectural design of the buildings so as to be concealed and inconspicuous, and
 - c. Such screening, structures, and equipment shall not exceed ten (10) feet above the roofline unless specifically approved by the Commission.

8.B.2 YARD SETBACK EXCEPTIONS

1. **Projecting Architectural Features** - The ordinary projection of windowsills, cornices, eaves, chimneys, and other architectural features may project up to twelve inches into any required yard setback.
2. **Porches** – A roof over an entrance doorway may extend up to three feet into any required yard.
3. **Bay Windows** - Bay windows, including their cornices and eaves, may project up to two feet into any required yard provided that the sum of the lengths of any such projections on any wall shall not exceed one-fourth the length of said wall.
4. **Stairs and Ramps** - Entry stairs, fire escapes, and access ramps for the handicapped may extend up to five (5) feet into any required yard provided that such feature(s) shall not be closer than four feet at any point to any lot line. Handicap access ramps and landings there, required to meet the requirements for access and egress for residents under the Americans with Disabilities Act, may encroach into the requires yard setbacks to the extent necessary to meet the minimum requirements for access and egress, providing the landing and/or ramp is no closer than four (4) feet to any property line.(effective 2-20-19)
5. **Fences and Walls** - A fence or wall, including any necessary retaining wall, may be built within a yard setback area in any residence district provided that such fence or wall is less than six (6) feet in height measured above the highest finished grade abutting the fence or wall.
6. **Terraces** - A terrace may have an open guard railing up to three feet high provided that it shall not be closer than eight feet to any lot line.
7. **Town Center (TC)** – Within the Town Center (TC) district, the Commission may, as part of the Special Permit for a particular use or by separate Special Permit, reduce the front yard setback, side yard setback, and/or rear yard setback down to zero feet (0') when the Commission finds that such reduction will help create a pedestrian-friendly environment.

8.B.3 ZONE BOUNDARY EXCEPTIONS

1. Where a zoning boundary divides a lot in single ownership, the Commission may allow the use the portion of the property in one zone to help support the development of a portion of the property in the other zone provided:
 - a. Any land area utilized to provide the required landscaped area shall be preserved for such use by filing a conservation easement, and
 - b. Any land area utilized to provide for surface parking shall:
 - Provide and maintain any required buffer between commercial and residentially-zoned property between the parking area and residentially-zoned property, and
 - Not locate more than twenty-five percent (25%) of the required parking spaces in the residentially-zoned portion of the property if the primary development is in the commercially-zoned property.

8.B.4 CONSOLIDATED PARCELS

1. For the purpose of encouraging integrating development in non-residential 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 applying yard setback requirements and considering 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.
2. For a consolidated parcel meeting the standards of this Section and the access management provisions of Section 7.J, the Commission may, by Special Permit, allow:
 - a. The building coverage limitation to be increased by up to five (5) percentage points (i.e., from 25% to 30%), and/or
 - b. The parking requirement to be reduced by up to ten (10) percent (i.e., from 100 spaces to 90 spaces).

8.C DESIGN CONSIDERATIONS

8.C.1 PURPOSE

This Section is intended to aid applicants in ensuring that their designs are of high quality for individual building and the overall site design.

8.C.2 APPLICABILITY

Any application to the Commission, unless such requirement is waived by the Commission, shall be reviewed in relation to the design considerations following.

8.C.3 PROCEDURE

1. The Commission shall review an application in relation to the design considerations of this Section or may request the assistance of a Design Review Committee or similar organization, if available, in evaluating such plans.
2. Any recommendations or suggestions so received from any reviewing agency shall not be binding upon the Commission.

8.C.4 DESIGN CONSIDERATIONS

Architectural design, scale, and mass of the buildings and other structures are important design considerations. Listed below are recommendations to help protect property values, and enhance the appearance of the community.

8.C.4.1 Overall Site Design

1. The site should be planned to accomplish a desirable transition with the streetscape and to provide for adequate buffers between incompatible land uses, and safe vehicle and pedestrian movement.
2. The visibility of parking areas from streets should be restricted by means of plantings, berms, decorative walls, buildings, or other means.
3. Large contiguous expanses of parking should be avoided. Plantings, walls, berms and sidewalks should be placed within parking areas to control traffic and reduce the parking areas' visual impact.
4. Adjacent buildings of different architectural styles should be separated by means of buffers and plantings.
5. A harmonious transition from the site to adjoining properties should be provided by landscaping or other means.
6. Harmony in texture, lines, and masses is recommended. Monotony should be avoided.

8.C.4.2 Building Design

1. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and its relationship to its surroundings.
2. Building facades should be staggered to decrease the commercial strip image as well as provide for additional visual interest and identification for separate retail stores. Designs should incorporate wall plane projections or recesses so that no uninterrupted length of any façade exceeds 100 feet.
3. Building facades that face public streets should incorporate display windows, awnings, public entry areas, overhangs or other such features to create visual interest along no less than 60% of their horizontal length.
4. Windows that face public streets and public ways should be recessed and should include visually prominent sills, shutters, awnings or other forms of framing.
5. Entryways should incorporate human scale design elements such as canopies, porticos, overhangs, raised corniced parapets over the doors, peaked roof forms, arches, and architectural details such as integrated tile and moldings. Design element variations should give orientation and aesthetically pleasing character to the building and specifically to the entryway to the building.
6. Variations in rooflines should be used to add interest to and reduce the scale of larger buildings. Roofing materials and design should provide texture, pattern, and overall interest to the building.
7. Rooflines should avoid extended flat horizontal lines.
8. If flat roofs are utilized, decorative parapets should be used to add interest and character and should be extended beyond the front façade of the building if more than just the front façade is visible from a public street or way.
9. All roof-mounted equipment and appurtenances shall be architecturally integrated and shall be shielded from view.
10. Parapets concealing flat roofs and roof-mounted equipment and appurtenances shall be in proportion with the building relative to height and bulk.
11. Ground-mounted mechanical and electrical equipment should be screened through the use of walls, fences, slopes, landscaping, berms or combination thereof.

8.C.4.3 Building Materials & Color

1. Variety in complimentary exterior materials and color is encouraged. Accent colors, materials and details including, but not limited to, fascia, trim, railings and rafter ends, should be applied to emphasize features such as entrances and should be consistent with the overall character of the building design.
2. Predominant exterior materials should be:
 - Brick
 - Wood
 - Stone
 - Textured/tinted concrete masonry units
3. Use of manufactured materials that simulate natural materials is acceptable and should be used in a manner that appears natural.

4. Predominant exterior building materials should not include:
 - Smooth-faced or split-faced concrete block
 - Tilt-up concrete panels
 - Pre-fabricated steel panels
5. Glass and reflective materials such as aluminum and plastic should be used carefully to minimize their reflective properties. Overhangs should protect large areas of glass. Highly reflective mirrored glass should be avoided.

8.C.4.4 Pedestrian/Site Amenities

1. Site development should create pedestrian spaces such as plazas, greens, commons, terraces and patios and include amenities such as benches, fountains and sculptures.
2. Pedestrian walks should be fully integrated with the internal vehicular circulation system to allow safe and convenient pedestrian traffic.
3. Special emphasis should be placed on providing safe, walkable and landscaped pedestrian access through parking areas and building entrances.

8.C.4.5 Landscape

1. Existing topographic patterns and vegetation that contribute to the beauty of a development should be preserved.
2. All disturbed portions of sites not otherwise used for buildings, parking or loading areas, walkways or similar purposes should be suitably landscaped with trees, shrubs and other landscape materials and structures.
3. Landscape design should provide effective screening of parking areas, retaining walls, utility enclosures, utility cabinets, service areas, outdoor storage areas and dumpster locations.
4. Grouped masses of plant materials should be designed to complement architectural elevations and rooflines through color, texture, density and form.
5. Perimeter fencing or walls visible to the public and neighboring properties should avoid monotony by the use of recesses, planting materials and architectural features to visually break up their linear appearance.
6. Parking areas that face a major public street should be screened from view using decorative berms, dense shrub plantings, low walls or a combination thereof.
7. The use of landscaped entries is encouraged at major entries into each individual development if physical site dimensions allow.
8. Special attention should be given to the landscaping of building entrances.
9. Use of native plants is encouraged and use of invasive plants (as specified in the Town of Rocky Hill Zoning Regulations) is prohibited.

8.C.4.6 Lighting

1. Exterior lighting should enhance building design. Lighting standards and building fixtures should be of a design and size compatible with the building and adjacent areas and should be controlled to avoid light and glare onto adjacent properties and public streets.
2. Lighting should be restrained and excessive brightness should be avoided. All fixtures shall be 90 degree full cut-off.
3. Light poles shall be “flush mounted” and not on piers or columns that project from the finished grade more than six (6) inches or, if site use dictates utilization of elevated piers or columns, such piers or columns should be decorative in nature.

8.C.4.7 Signage

1. For sites with more than one tenant, a unified sign plan should be developed to provide orientation, direction and sense of arrival under one common graphic system.
2. Where project identification signs are provided, they should be located at the primary entrances to a project and should be integrated into a monument sign. Design of entry signs should be consistent with the design of the overall project and should be integrated into a landscape plan.
3. Where freestanding signs are proposed, they should be of a monument style composed of materials that are architecturally related to the buildings on the site and incorporated into a landscape plan.
4. Consideration should be given to alternative sign types, including use of surface mounted lettering and external lighting sources. In lieu of standard, internally illuminated “can” sign types, use of the following alternative sign types is encouraged:
 - Carved or incised into wall surface material
 - Inset lettering
 - Cast, carved or inset in some form of plaque attached to the wall
 - Raised, individual letters attached to the building or other background
 - Individual, suspended/projecting signs over project walkways
5. Signage should not dominate exterior building architecture, individual storefront design or site layout. Signs should be no larger than required for legibility and should respect the scale, proportions, colors and materials of the buildings to which they are applied.
6. Traffic control and information signs should conform to the same graphic system as the other signs within the development.

8.C.5 ADDITIONAL VILLAGE DISTRICT CONSIDERATIONS (amended 12-09-2022)

8.C.5.1 Design Considerations

1. Special attention shall be paid to protecting the distinctive attributes, landscape, and historic structures within any Village District.
2. The removal or disruption of historic, traditional, or significant structures or architectural elements shall be avoided or minimized.
3. The conversion, conservation, and preservation of existing buildings and new construction sites in a manner that maintains the historic or distinctive resources of a Village District is encouraged.
4. The exterior of structures or sites shall be consistent with:
 - a. the "Connecticut Historical Commission - The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", revised through 1990, as amended; or
 - b. the scenic attributes in the vicinity
5. Proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, the terrain in the district, and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification.
6. All spaces, structures, and related site improvements visible from public roadways shall be designed to be compatible with the elements of the area of the Village District in and around the proposed building or modification.
7. The color, size, height, location, proportion of openings, roof treatments, building materials, and landscaping of commercial or residential property, and any proposed signs and lighting, shall be evaluated for compatibility with the local architectural motif.
8. Maintenance of views, historic buildings, monuments, and landscaping shall be encouraged.

8.C.5.2 Procedures

1. The Commission shall utilize one or more Village District consultants and such Village District consultants shall be:
 - a. a registered architect or an architectural firm,
 - b. a licensed landscape architect,
 - c. a planner who is a member of the American Institute of Certified Planners, or
 - d. an architectural design review board provided the members shall include at least one (1) architect, landscape architect or planner who is a member of the American Institute of Certified Planners.
2. All applications shall be subject to review and recommendation by the Village District consultant designated by the Commission as the Village District consultant for such application.
3. The Village District consultant shall review an application and report to the Commission within thirty-five (35) days of receipt of the application.
4. Such report and recommendation shall be entered into the public hearing record and considered by the Commission in making its decision.
5. Failure of the Village District consultant to report within the specified time shall not alter or delay any other time limit imposed by these Regulations.
6. The Commission may seek the recommendations of any Town or regional agency or outside specialist including, but not limited to, the regional planning agency, the Rocky Hill Historical Society, the Connecticut Trust for Historic Preservation and The University of Connecticut College of Agriculture and Natural Resources.
7. Any reports or recommendations from such agencies or organizations shall be entered into the public hearing record.

SECTION 9 PROCEDURES

9.A CERTIFICATE OF ZONING COMPLIANCE (STAFF)

1. 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.
2. 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.
3. 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 a financial guaranty, 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.
4. Prior to issuing a conditional Certificate of Zoning Compliance, a financial guaranty shall be submitted by the developer to the Town in an amount to be determined by the Commission in accordance with Section 9.H.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 financial guaranty to the Town and the Town shall cause to be completed the remaining site improvements and the money within the financial guaranty shall be used to defray the cost.
5. 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:
 - a. final surface treatment (wearing surface) of the roadway and sidewalks,
 - b. standard street signs,
 - c. curbs and guard rails (as required),
 - d. topsoil, seeding, trees and other required planting, and
 - e. such other minor installations as will not interfere with proper access and drainage and are best deferred to final completion of all required construction.

9.B PRE-APPLICATION REVIEWS (STAFF / PZC)

1. 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.
2. The Planning Department Staff may also recommend a pre-submission concept review.
3. A prospective applicant may prepare and submit a pre-submission concept for informal presentation to the Commission.
4. 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.
5. The Commission will allow an informal presentation by the prospective applicant.
6. The Commission may informally review the pre-submission concept for general conformance with these Regulations and may request additional information where deemed necessary.
7. 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.
8. Such review shall not be binding on the applicant or the Commission.
9. In accordance with PA 03-184 (CGS Section 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.
10. A pre-submission concept shall be placed on file in the Planning and Zoning Office.

9.C SITE PLAN APPLICATION (PZC)

9.C.1 Purpose

The purpose of a Site Plan Application is to enable a detailed review of all proposed development for which Site Plan Approval shall be specified in order to ensure compliance with these Regulations and promote the health, safety, and general welfare of the community.

9.C.2 Application Requirements

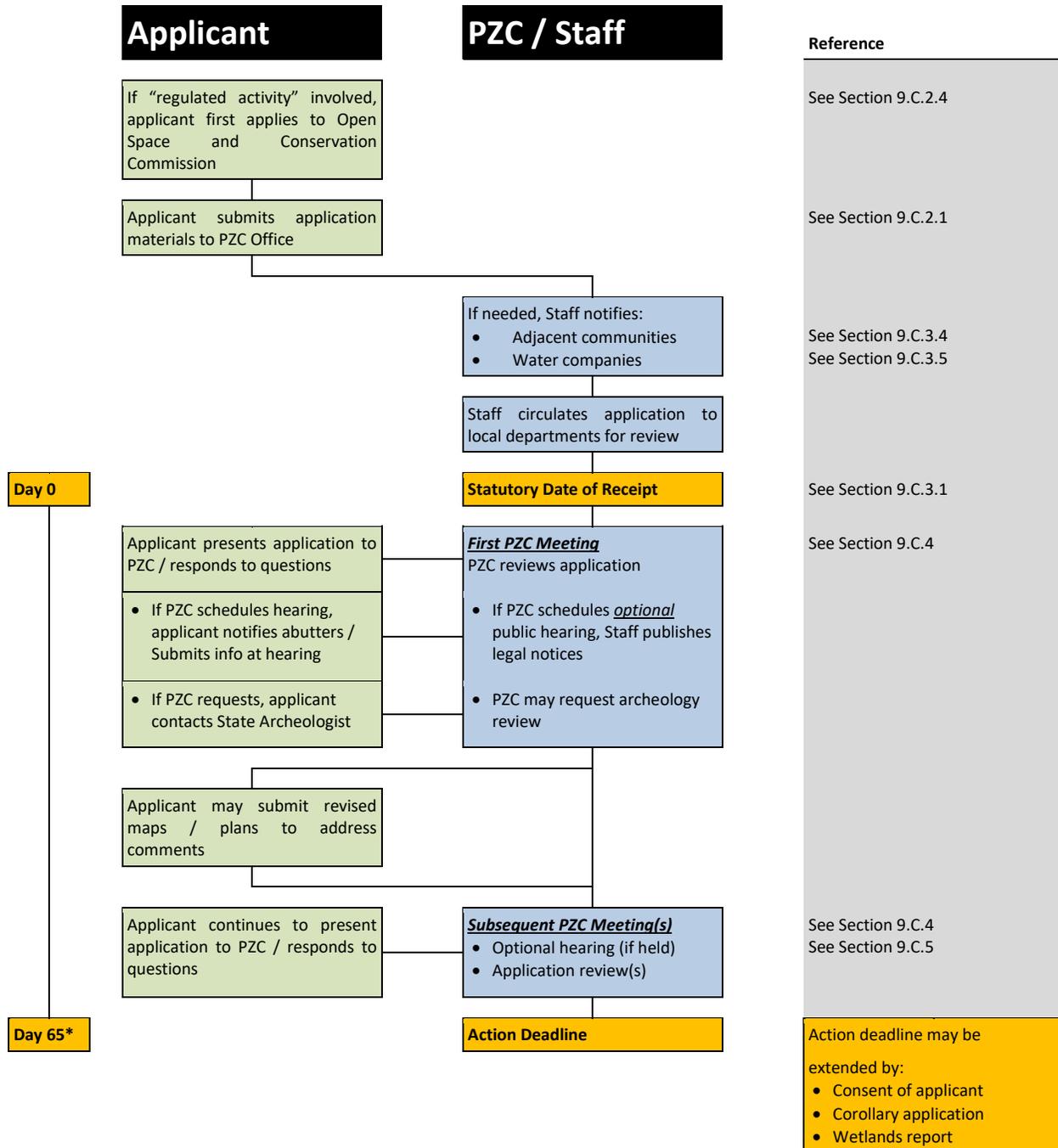
1. A Site Plan Application shall be submitted to the Planning and Zoning Office at Town Hall for any activity designated in the Regulations as requiring Site Plan Approval.
2. A Site Plan Application shall be accompanied by three (3) full-size (24" by 36") and twelve (12) reduced-size (11" by 17") copies 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.
3. 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.
4. 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.

9.C.3 Proceedings

7. The date of receipt for the Site Plan Application shall be determined in accordance with Section 9.H.2.
8. An incomplete Site Plan Application shall be denied in accordance with Section 9.H.3.
9. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission may hold a public hearing on the application provided that:
 - a. legal notice of such public hearing shall published in accordance with Section 9.H.6 at the cost of the Commission, and
 - b. the applicant give notice to abutting property owners in accordance with the requirements of Section 9.H.7.
10. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.H.8.
11. Notification to water companies may be required in accordance with the requirements of Section 9.H.9.
12. The Commission may require the applicant make a written inquiry to the Connecticut Office of State Archeology to determine whether there is evidence or a likelihood of sites of archeological significance within the property. Such written inquiry shall be made part of the record. The lack of reply shall not delay the processing of the application.

Rocky Hill Zoning Regulations

Site Plan Application



13. 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.
14. 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):
 - a. the time period for acting on the Site Plan Application shall coincide with the time period for acting on the related application, and
 - b. 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.
15. 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.
16. 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.
17. The applicant may withdraw such application at any time prior to action by the Commission.

9.C.4 Decision Considerations

1. On a Site Plan Application involving an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the Commission shall:
 - a. 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
 - b. give due consideration to any report of the Open Space and Conservation Commission when making its decision.
2. On a Site Plan Application involving notice to adjoining municipalities under Section 9.H.8 or notice to water companies under Section 9.H.9, the Commission shall give due consideration to any report or testimony received.
3. Before the Commission approves a Site Plan Application, it shall determine that the application is in conformance with the applicable provisions of these Regulations.
4. Application for Site Plan Approval shall be evaluated by the Commission under the requirements of these Regulations and the supplemental considerations listed within this Section.
5. In approving a Site Plan Application, the Commission may impose conditions deemed necessary to protect the public health, safety, welfare, convenience, and property values.
6. The Commission may require that a financial guaranty 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.

Supplemental Considerations

Appropriateness Of Location Or Use

Appropriateness of location or use relative to:

1. 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,
2. 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,
3. the capability of adjacent and feeder streets to accommodate the projected traffic volumes,
4. 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 7.A,
5. the overall effect on property values in the area,
6. the physical characteristics of the land including soil conditions,
7. 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,
8. 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,
9. 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,
10. parking areas shall be provided with lighting, appropriately located and scaled to avoid glare off-site and harmonize with surroundings,
11. parking areas shall be provided with signage for traffic control and flow,
12. 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,
13. 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,
14. 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.
15. the location of any points of ingress and egress, and arrangement of off-street parking facilities.
16. accessibility for emergency vehicles and equipment,
17. the extent and demand for police and fire protection,
18. the availability and adequacy of public utilities such as, electricity, telephone, gas, water, sanitary sewers, and cable television,
19. provisions for solid waste pick-up, and
20. other criteria in the interest of the public, safety, health, and welfare, as prescribed by these Regulations.

(continued on next page)

Supplemental Considerations (continued)

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.

Design, Architecture and Aesthetics

In evaluating the architectural design of a Site Plan, the Commission shall consider:

1. the basic design of the proposed use, buildings or development; the relationship between the buildings and the land;
2. the relationship between buildings;
3. the overall physical appearance of the proposed use and its compatibility with the surrounding area; and
4. the design, architecture, and aesthetics of any proposed development relative to:
 - a. 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;
 - b. the stability and value of both improved and unimproved real property in the area;
 - c. the most appropriate development and use of the surrounding area;
 - d. potential degeneration of property with attendant deterioration of conditions in the area affecting the health, safety and general welfare of the community; and
 - e. reduction of a proper ratio between the taxable values of real property in the area and the cost of municipal services provided therein.

Traffic

1. Ease of entrance to, and exit from the development, with a minimum of disturbance to outside traffic flow shall be considered of prime importance.
2. 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.
3. 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.
4. 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.
5. 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:
 - a. working with, not against the topography,
 - b. utilizing curves to break up the monotony of straight drives, and
 - c. separating pedestrian and vehicular traffic where possible.

9.C.5 Action Documentation

6. The Commission shall, whenever it grants or denies a Site Plan Application, state upon its record the reason(s) for its decision.
7. The Commission shall send, by Certified Mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
8. 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.
9. 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.
10. 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.

9.C.6 Following Approval

1. 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:
 - a. bearing the raised seal of the appropriate professionals which prepared the drawing(s),
 - b. bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity, and
 - c. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.
2. 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 9.A.
3. 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, or nature of the approved Site Plan. 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 9. C.6. Minor changes shall include, but are not limited to:
(Effective 11-22-2023)
 - a. minor grading changes that do not significantly impact drainage patterns or system, as determined by the Town Engineer;
 - b. minor changes in pavement or pavement markings;
 - c. increase in parking capacity by 10% or less;
 - d. reduction of landscaping or open space by 10% or less;
 - e. (re)location of underground utilities;
 - f. location and screening of utility equipment;
 - g. location of directional or informational signage;

- h. substitution of plant species (evergreen to evergreen, deciduous to deciduous, and/or evergreen) due to availability or disease;
- i. a change in use where parking requirements per Regulations remain the same; and the intensity of onsite activity of the new use, by its inherent nature, is similar to or less than that of the prior use;
- j. minor expansion of a building so as to not increase residential density, if applicable, and to not increase the number of parking spaces required, or the number of stories;
- k. any other minor technical change that does not materially detract from the original development concept.

Any request to change a condition of approval imposed by the Commission will require Commission action.

- 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. Major changes shall include, but are not limited to: (Effective 11-22-2023)
 - a. change in use after Commission approval and prior to construction for new development;
 - b. reduction of the landscaping or open space area exceeding 10 %;
 - c. expansion, or reconstruction of any building;
 - d. significant changes in grading so as to affect the drainage patterns or drainage system as determined by the Town Engineer;
 - e. electrical vehicle charging stations;
 - f. any other major change that may be construed to detract materially from the original development concept.

9.C.7 Expiration and Completion

- 1. 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 9.C.6.2., shall be declared null and void.
- 2. 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.
- 3. 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.
- 4. 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.
- 5. The Commission may condition the approval of such extension on a determination of the adequacy of the financial guaranty.

9.D SPECIAL PERMIT APPLICATION

9.D.1 Purpose

The purpose of a Special Permit Application is to review the appropriateness of certain uses or activities in a specific location or configuration in order to evaluate overall impacts of the specific application, ensure compliance with these Regulations, and promote the health, safety, and general welfare of the community.

9.D.2 Application Requirements

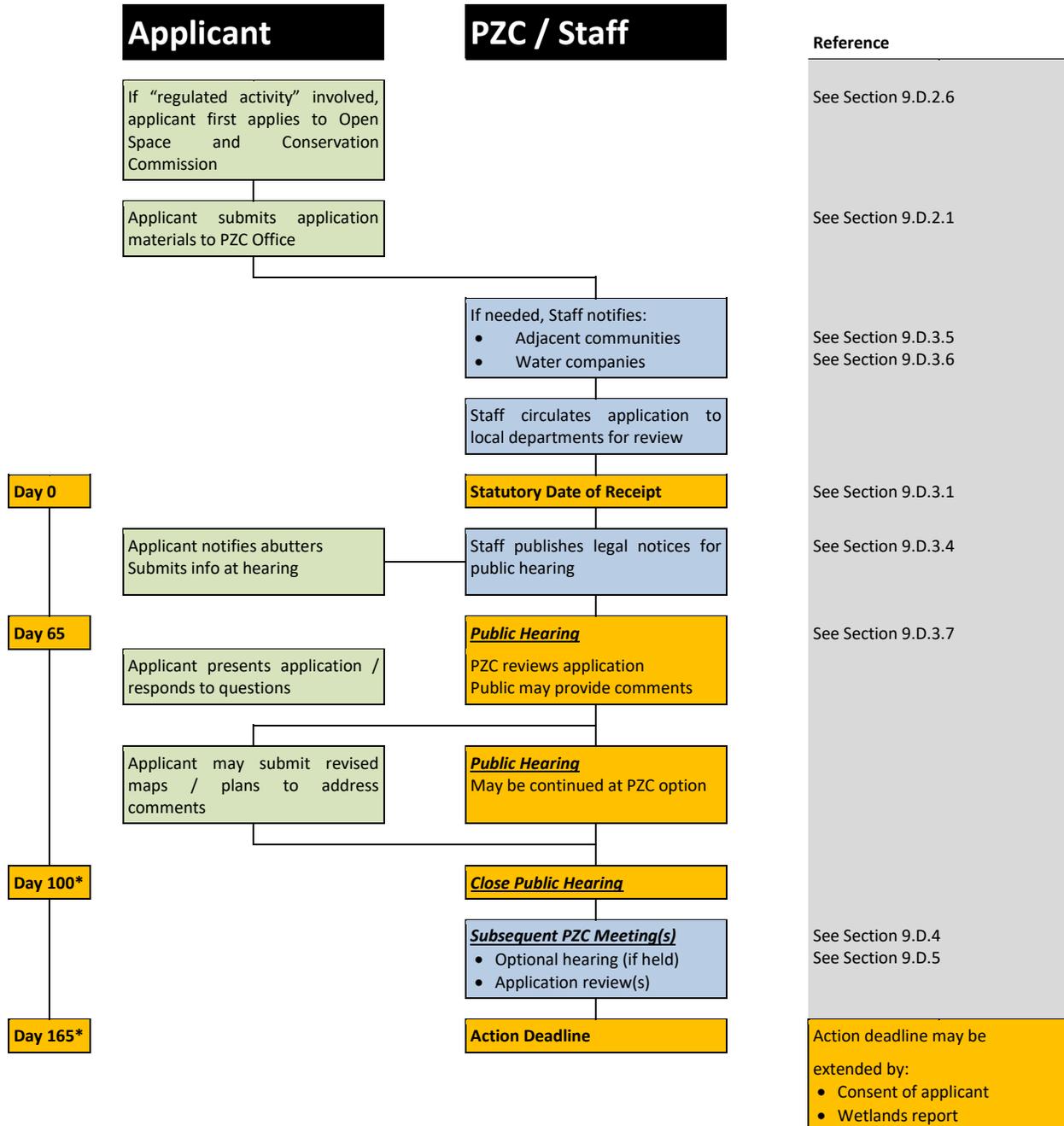
1. A Special Permit Application shall be submitted to the Planning and Zoning Office at Town Hall for any activity designated in the Regulations as requiring approval of a Special Permit.
2. Each application for a Special Permit shall, unless expressly waived by the Commission or in writing by the Town Planner, be accompanied by a Site Plan Application.
3. Fifteen (15) copies of the Special Permit Application shall be made in the form prescribed by the Commission, and shall include the following information:
 - a. a detailed statement describing the existing and proposed use or uses,
 - b. a detailed statement describing how the Special Permit criteria in Section 9.D are addressed, and
 - c. any approval from any local, regional, state, or federal agency or department having jurisdiction over any aspect of the application,
 - d. a list of all property owners required to be notified, together with addresses, and
 - e. all applications shall be accompanied by a fee, as provided in the fee schedule of the Town, to cover the cost of administration.
4. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
5. 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.
6. The Commission shall not be required to hear the same Special Permit application, or substantially the same Special Permit application for a period of 12 months after a decision by the Commission or by a Court on an earlier such application.

9.D.3 Proceedings

1. The date of receipt of the Special Permit Application shall be determined in accordance with Section 9.H.2.
2. An incomplete Special Permit Application shall be denied in accordance with Section 9.H.3.
3. The Commission shall hold a public hearing on the Special Permit Application and:
 - a. publish a legal notice in accordance with the requirements of Section 9.H.6, and
 - b. require that the applicant give notice to abutting property owners in accordance with the requirements of Section 9.H.7.
4. 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:
 - a. a copy of the complete package of information sent to abutters,
 - b. a list of the abutters to whom the notices were sent,
 - c. proof of mailing, and
 - d. the return receipts.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.H.8.
6. Notification to water companies may be required in accordance with the requirements of Section 9.H.9.
7. The Commission shall process the Special Permit 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. 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.
9. 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.
10. The applicant may, at any time prior to action by the Commission, withdraw such application.

Rocky Hill Zoning Regulations

Special Permit Application



9.D.4 Decision Considerations

1. On a Special Permit Application involving an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the Commission shall:
 - a. wait to render its decision until the Open Space and Conservation Commission has submitted a report with its final decision, and
 - b. give due consideration to any report of the Open Space and Conservation Commission when making its decision.
2. On a Special Permit Application involving notice to adjoining municipalities under Section 9.H.8 or notice to water companies under Section 9.H.9, the Commission shall give due consideration to any report or testimony received.
3. Before the Commission approves a Special Permit Application, it shall determine that the application:
 - a. is in conformance with the applicable provisions of these Regulations,
 - b. has, in the sole discretion of the Commission, satisfied the Special Permit criteria in this Section, and
 - c. is in harmony with the purposes and intent of these Regulations and the currently adopted Plan of Conservation and Development.
4. 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.
5. 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.
6. In granting a Special Permit, the Commission may:
 - a. 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.
 - b. 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.
 - c. set time limits on the Special Permit and/or require periodic renewal of the Special 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
7. 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.
8. Whenever the Commission acts upon a Special Permit, it shall state upon its records the reason for its decision.

Special Permit Criteria

A. Suitable Location for Use

1. 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.
2. That the proposed use shall be of such location, size, and compliance with the 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. 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.

C. 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.

(continued on next page)

Special Permit Criteria (continued)

D. 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.

E. Environmental Protection & Conservation

1. Appropriate consideration shall be given to the protection, preservation, and/or enhancement of natural resources and unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve such resources and features.
2. Appropriate consideration shall be given to the protection, preservation, and/or enhancement of historic and archeologic resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve such resources and features.
3. Appropriate consideration shall be given to the protection, preservation, and/or enhancement of scenic resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve such resources and features.

F. Long Term Viability

1. Adequate provision has been made for the sustained maintenance of the proposed development (structures, streets, and other improvements).

G. Consistency With Overall Objectives

1. The proposed use or activity does not conflict with the purposes of the Regulations, as amended.
2. The proposed use or activity does not conflict with achievement of the goals, objectives, policies, and recommendations of the Plan of Conservation & Development, as amended.
3. The proposed use or activity adequately addresses the health, safety, and welfare of the public, in general, and the immediate neighborhood in particular.

9.D.5 Action Documentation

1. The Commission shall, whenever it grants or denies a Special Permit, state upon its record the reason(s) for its decision.
2. 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.
3. The decision shall:
 - e. state the name of the owner of record,
 - f. contain a description of the premises to which it relates,
 - g. identify the Section of the Regulations under which the Special Permit was granted or denied, and
 - h. specify the nature of the Special Permit.
4. 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.
5. 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.

9.D.6 Following Approval

4. 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.
5. 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.
6. A Special Permit shall only authorize the particular use or uses specified in the Commission's approval.
7. 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.
8. 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.
9. 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:
 - a. 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
 - b. 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.
10. 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.
11. 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.
12. Amendments or Modifications
 - a. 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.
 - b. 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.

9.D.7 Expiration and Completion

1. 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 9.C.6, shall be declared null and void.
2. 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 9.C.7, 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.
3. 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.
4. 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.

9.E REGULATION AMENDMENT APPLICATION

9.E.1 Application Requirements

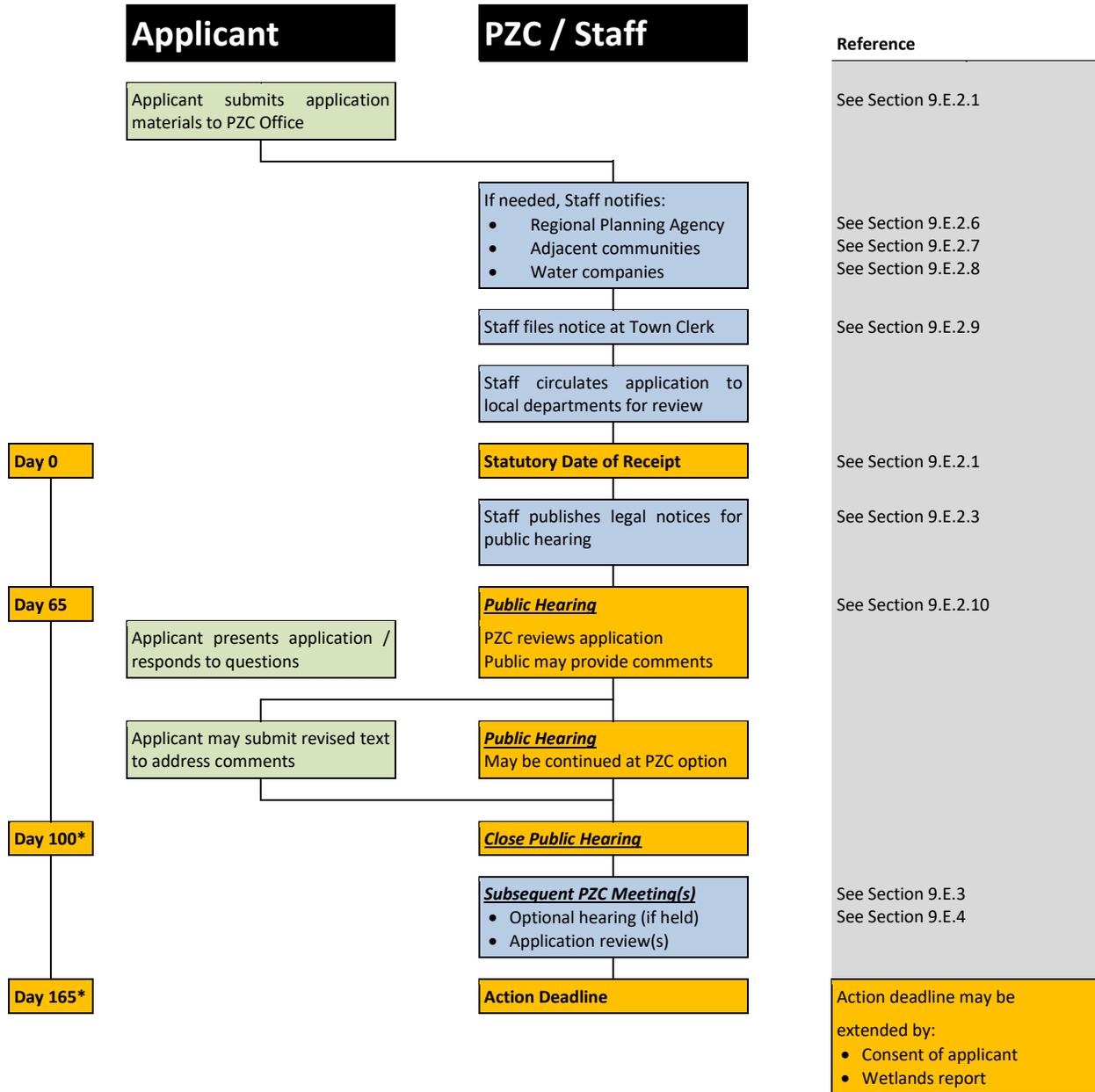
1. A Regulation Amendment Application shall be submitted to the Planning and Zoning Office at Town Hall for any proposal to amend, change, or repeal any Section of these Regulations.
2. Any such application shall be accompanied by fifteen (15) copies of the precise wording of the existing and proposed text and any other supporting information.
3. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
4. A Regulation Amendment Application shall only be submitted by:
 - a. an owner of real property in Rocky Hill,
 - b. residents or persons having an interest in land in Town, or
 - c. by the Commission on its own initiative.
5. 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.

9.E.2 Proceedings

1. The date of receipt for the Regulation Amendment Application shall be determined in accordance with Section 9.H.2.
2. An incomplete Regulation Amendment Application shall be denied in accordance with Section 9.H.3.
3. The Commission shall hold a public hearing on the Regulation Amendment Application and:
 - a. shall cause a legal notice to be published in accordance with the requirements of Section 9.H.6.
 - b. may publish the full text of such proposed regulation in full in such notice.
4. For any proposed amendment to these Regulations initiated by the Commission:
 - a. any fees shall be waived,
 - b. the notice requirements of Section 9.H.6 shall be sufficient.
5. 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.
6. Notification to regional planning agencies may be required in accordance with the requirements of Section 9.H.10.

Rocky Hill Zoning Regulations

Regulation Amendment Application



7. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.H.8.
8. Notification to water companies may be required in accordance with the requirements of Section 9.H.9.
9. 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.
10. The Commission shall process the Regulation Amendment 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 (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
 - e. these provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.
11. The applicant may, at any time prior to action by the Commission, withdraw such application.

9.E.3 Decision Considerations

1. The Commission shall act upon the changes requested in such Regulation Amendment Application.
2. Any report from an adjacent municipality or a regional planning agency shall be made a part of the record of such hearing.
3. On a Regulation Amendment Application involving notice to adjoining municipalities under Section 9.H.8, notice to water companies under Section 9.H.9, or notice to a regional planning agency under Section 9.H.10, the Commission shall give due consideration to any report or testimony received.
4. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
5. Before approving any Regulation Amendment Application, the Commission shall determine that the proposed regulation change will aid in:
 - a. protecting the public health, safety, welfare, or property values, and
 - b. attaining the purposes of these Regulations.
6. 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.

9.E.4 Action Documentation

1. Whenever the Commission acts upon a Regulation Amendment Application, it shall state upon the record the reasons for its decision.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

9.E.5 Following Approval

1. A regulation amendment approved by the Commission shall be filed in the Office of the Town Clerk before the effective date.

9.F ZONE CHANGE APPLICATION

9.F.1 Application Requirements

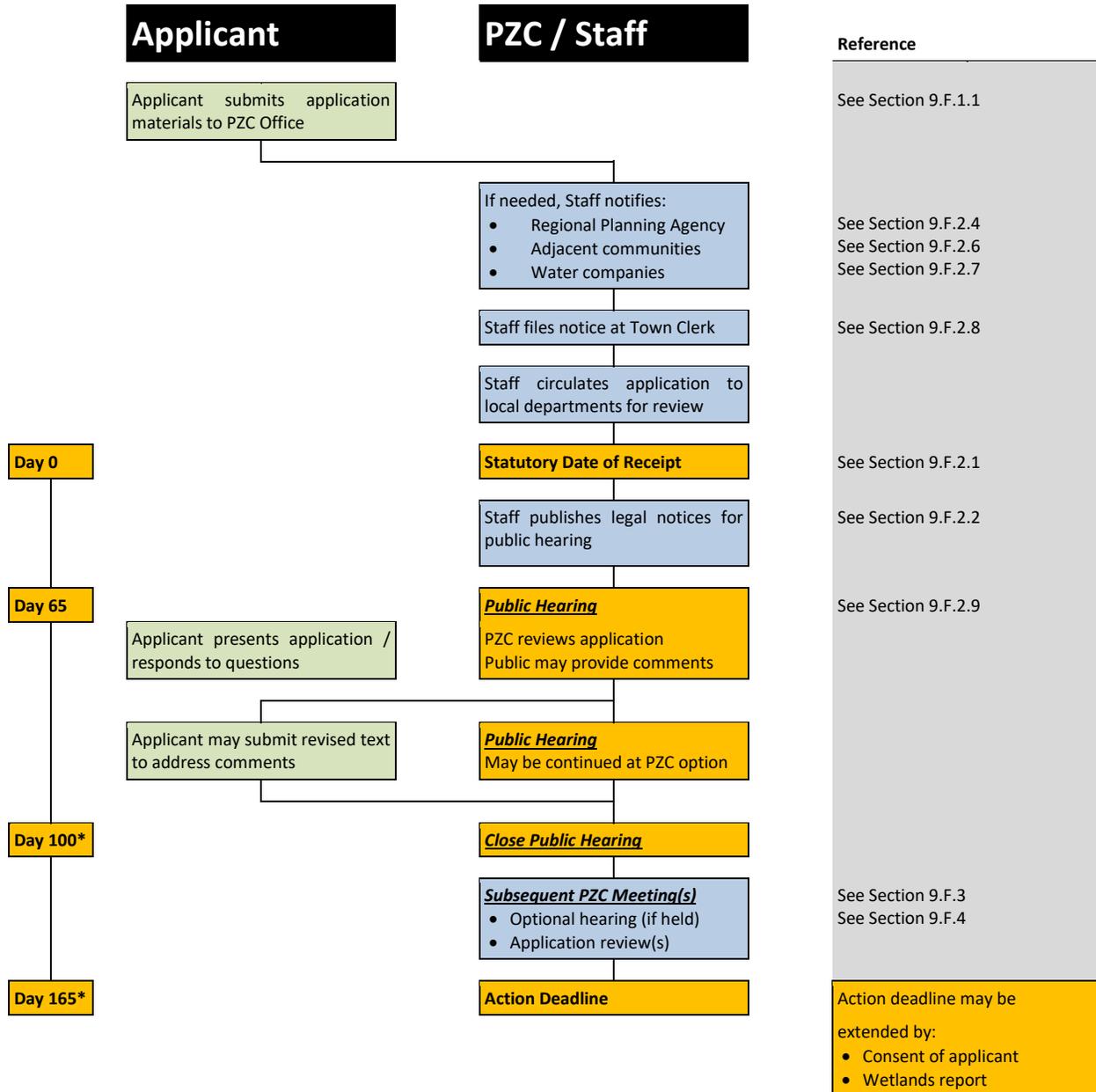
1. A Zone Change Application shall be submitted in writing on forms provided by the Commission for any proposal to alter the zoning designation of any parcel of land or part thereof.
2. Such application shall be submitted to the Planning and Zoning Office at Town Hall.
3. A Zone Change Application shall be:
 - a. Initiated by the affected property owner(s),
 - b. initiated by petition, or
 - c. commenced by the Commission on its own initiative.
4. If a Zone Change Application is initiated by petition, the application shall include evidence that notification was sent by Certified Mail to the affected property owner(s) at least fifteen (15) days before the initial public hearing on the request.
5. Unless such application is initiated by the Commission, the application shall include:
 - a. a metes and bounds description of the land to be included in the amendment,
 - b. written reason(s) for the proposed amendment,
 - c. 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.
 - d. a list of all property owners required to be notified in Section 9.H.7 plus the names, addresses, tax map and lot numbers of all owners of property subject to the proposed amendment.
 - e. a fee, as specified in Appendix C to these Regulations to cover the cost of administration.
6. 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.

9.F.2 Proceedings

1. The date of receipt of the Zone Change Application shall be determined in accordance with Section 9.H.2.
2. The Commission shall hold a public hearing on the Zone Change Application and:
 - a. shall cause a legal notice to be published in accordance with the requirements of Section 9.H.6.
 - b. require that the applicant give notice to abutting property owners in accordance with the requirements of Section 9.H.7.
3. 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.

Rocky Hill Zoning Regulations

Zone Change Application



4. Notification to regional planning agencies may be required in accordance with the requirements of Section 9.H.10
5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.H.8.
6. Notification to water companies may be required in accordance with the requirements of Section 9.H.9.
7. 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.
8. The Commission shall process the Zone Change 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, and
 - e. these provisions shall not apply to any action initiated by the Commission regarding a Zone Change Application.
9. The applicant may at any time prior to action by the Commission, withdraw such application.

9.F.3 Decision Considerations

1. On a Zone Change Application involving notice to adjoining municipalities under Section 9.H.8, notice to water companies under Section 9.H.9, or notice to a regional planning agency under Section 9.H.10, the Commission shall give due consideration to any report or testimony received.
2. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
3. Before approving any Zone Change Application, the Commission shall determine that the proposed zone change:
 - a. is in accordance with the Plan of Conservation & Development,
 - b. is suitable for the intended location,
 - c. will aid in protecting the public health, safety, welfare, or property values, and
 - d. will aid in attaining the purposes of these Regulations.
4. 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.

9.F.4 Action Documentation

1. Whenever the Commission acts upon a Zone Change Application, it shall state upon the record:
 - a. the reason for its decision, and
 - b. its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.
2. 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.
3. 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.
4. 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.
5. 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.

9.F.5 Following Approval

1. A Zone Change Application approved by the Commission shall be filed in the Office of the Town Clerk before the effective date.

9.G ZONING BOARD OF APPEALS PROCEDURES

9.G.1 General Provisions

1. **Appointment** - 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.
2. **Powers And Duties** - The Board shall have the following powers and duties:
 - a. 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 except that:
 - no order, requirement, or decision made by the Planning and Zoning Commission or by any administrative officer acting under powers granted by the State of Connecticut shall be subject to a review by the Board of Appeals.
 - application of a regulation affirming a statute shall not be subject to an Appeal Of Order.
 - b. 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:
 - be in harmony with the general purpose and intent of these Regulations,
 - give due consideration for conserving the public health, safety, convenience, welfare and property values, and
 - result in substantial justice being done and the public safety and welfare secured.
 - c. To hear and decide all matters referred to it and upon which it shall be required to pass under any provision of these Regulations or State law.
3. **Meetings** -
 - a. All meetings 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.
 - b. The Chairman or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.
 - c. 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.
 - d. 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.
 - e. If a regular member of the Board of Appeals is absent, the member may designate an alternate from the panel of alternates to act in his place but if the member fails to make such designation or if he is disqualified, the chairman of the Board shall designate an alternate from such panel.
 - f. 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.
4. 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.

9.G.2 Appeals of Orders

1. **Authority** - In accordance with CGS Section 8-7, an Appeal Of Order 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.
2. **Application Materials** –
 - a. Any such Appeal Of Order shall be taken within thirty (30)-days of the issuance of the order, requirement, or decision by filing a notice of appeal with the Zoning Enforcement Officer specifying the grounds thereof.
 - b. An Appeal Of Order shall be accompanied by a fee as provided in these Regulations.
 - c. The Zoning Enforcement Officer shall forthwith transmit to said Board all the papers constituting the record upon which the Appeal Of Order from was taken.
 - d. 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.
3. **Effect of Appeal Of Order** –
 - a. An Appeal Of Order 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.
 - b. An Appeal Of Order shall stop all enforcement and proceedings with regard to such order, requirement or decision unless 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.
 - c. If 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 Zoning Enforcement Officer and on due cause shown.
4. **Proceedings** -
 - a. The Board shall hold a public hearing on the Appeal of Order and:
 - publish a legal notice in accordance with the requirements of Section 9.H.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,
 - 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
 - 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.

- b. At such hearing, any party may appear in person or may be represented by agent or by attorney.
 - c. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.H.8.
 - d. Notification to water companies may be required in accordance with the requirements of Section 9.H.9.
 - e. The Board shall process the Appeal of Order within the period of time permitted under CGS Section 8-7d:
 - The public hearing shall commence within sixty-five (65) days after receipt of the appeal.
 - The public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - All decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - 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.
 - f. The applicant may, at any time prior to action by the Board, withdraw such application.
5. **Considerations –**
- a. 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.
 - b. The Board shall make such order, requirement or decision as in its opinion should be made in the premises.
 - c. The Board may reverse, affirm wholly or partly, or may modify any order, requirement, or decision from which an appeal has been taken.
 - d. 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.
 - e. 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.
6. **Action Documentation -**
- a. The Board shall, whenever it grants or denies an Appeal of Order, state upon its record the reason(s) for its decision.
 - b. 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.
 - c. 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.
 - d. 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.

9.G.3 Variances

1. **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.
2. **Application Requirements** -
 - a. A Variance Application shall be accompanied by eight (8) copies of sufficiently detailed plans for review by the Board and its designees.
 - b. 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.
 - c. An application to the ZBA shall be accompanied by a fee as provided in Appendix C to these Regulations.

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.

- d. 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.
- e. 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.

3. **Nature of Variance -**
 - a. 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.
 - b. 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.
 - c. A variance shall only authorize the particular activity specified in the Board's approval.

4. **Proceedings -**
 - a. The date of receipt for the Variance Application shall be determined in accordance with Section 9.H.2.
 - b. The Board shall hold a public hearing on the Variance Application and:
 - publish a legal notice in accordance with the requirements of Section 9.H.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,
 - 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
 - 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.
 - c. At such hearing, any party may appear in person or may be represented by agent or by attorney.
 - d. Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.H.8.
 - e. Notification to water companies may be required in accordance with the requirements of Section 9.H.9.
 - f. An incomplete Variance Application shall be denied in accordance with Section 9.H.3.
 - g. The Board shall process the Variance Application within the period of time permitted under CGS Section 8-7d:
 - the public hearing shall commence within sixty-five (65) days after receipt of the application.
 - the public hearing shall be completed within thirty-five (35) days after such hearing commences.
 - all decisions shall be rendered within sixty-five (65) days after completion of such hearing.
 - 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. The applicant may, at any time prior to action by the Board, withdraw such application.

5. **Decision Considerations -**

- a. 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.
- b. The application of a regulation affirming a statute shall not be subject to variance.
- c. The Board shall find that a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship:
 - solely with respect to the parcel of land that is the subject of the application,
 - owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, and
 - shall not be based upon the non-conforming use of neighboring lands, structures, or buildings.
- d. The Board shall only grant the minimum variance necessary to alleviate the exceptional difficulty or unusual hardship:
 - in harmony with the general purpose and intent of these Regulations.
 - with due consideration for conserving the public health, safety, convenience, welfare and property values, and
 - so that substantial justice shall be done and the public safety and welfare secured.
- e. Whenever the Board of Appeals grants or denies any variance in the Zoning Regulations applicable to any property it shall state upon its records:
 - the reason for its decision,
 - the Regulation which is varied in its application, and
 - when a variance is granted, a specific description of the exceptional difficulty or unusual hardship on which its decision is based.
- f. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.

6. **Additional Considerations for Use Variances -**

- a. No use variance shall be granted where a dimensional variance would relieve the exceptional difficulty or unusual hardship.
- b. No use variance for a business use or an industrial use shall be granted in a residential district.
- c. No use variance shall be granted for an industrial use in a commercial district.
- d. No use variance shall be granted for a commercial use in an industrial district.
- e. A use variance shall only be granted where, without the use variance, the private property would be rendered valueless.

7. **Action Documentation -**
 - a. The Commission shall, whenever it grants or denies a Variance Application, state upon its record the reason(s) for its decision.
 - b. 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:
 - state the name of the owner of record,
 - contain a description of the premises to which it relates,
 - state the nature of the hardship claimed, and
 - specify the nature of such variance including the Regulation which is varied in its application.
 - c. 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.
 - d. 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.

8. **Following Approval -**
 - a. 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.
 - b. 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:
 - 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,
 - 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
 - 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.

9.G.4 Location of Uses

1. 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.
2. 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.
3. 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.

9.H PROCEDURAL ELEMENTS

9.H.1 Application Submittal Requirements

1. Applications to the Commission or the Board of Appeals shall be submitted to the Planning and Zoning Department.
2. Applications shall be submitted on forms obtained from the Planning and Zoning Department for the type of application being submitted.
3. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any application fee.
4. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.
5. Applications shall be signed by the applicant and, if applicable, the owner of the property affected.

9.H.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:

1. 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
2. thirty-five (35) days after submission, whichever is sooner.

9.H.3 Incomplete Applications

1. Each application shall be reviewed by the Planning and Zoning Department to determine whether the application is substantially complete.
2. 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.
3. An incomplete application or an application submitted without the requisite fee shall be denied.

9.H.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.

9.H.5 Consultations

On any application, the Commission or Board may:

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

9.H.6 Notice by Newspaper

1. 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.
2. 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.

9.H.7 Notice to Abutting Property Owners

1. Applicants or their representatives shall be responsible for notifying owners of property abutting the subject property of any pending application for Special Permit, Zone Change Application, or Variance.
2. As part of any such application, the applicant shall submit:
 - a. 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,
 - b. a map showing the subject property, the surrounding properties and the approximate location of structures within 100 feet of the subject property, including tax lot numbers.
3. The applicant shall notify each property owner within 500 feet of the subject property 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.
4. 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.
5. Prior to the date of the Commission's Public Hearing regarding the application, the applicant shall submit:
 - a. the Certificates of Mailing,
 - b. a list of the property owners to whom the notices were sent, and
 - c. a copy of the letter and any enclosures sent to the property owners.

9.H.8 Notification of Abutting Municipalities

1. 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:
 - a. any portion of the property affected by a decision is within five-hundred (500) feet of the boundary of the adjoining municipality,
 - b. a significant portion of the traffic to the completed project shall use streets within the adjoining municipality to enter or exit the site,
 - c. 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
 - d. water runoff from the improved site shall impact streets or other municipal or private property within the adjoining municipality.
2. 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.
3. No hearing shall be conducted on any application, petition, request, or plan unless the adjoining municipality has received the notice required under this Section.
4. Such adjoining municipality, through a representative, may appear and be heard at any hearing on any such application, petition, request, or plan.

9.H.9 Notification of Water Companies

1. 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:
 - a. an aquifer protection area, provided such area has been delineated in accordance with CGS Section 22a-354c, or
 - b. 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.
2. 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.
3. 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:
 - a. a copy of the complete package of information sent to a water company,
 - b. proof of mailing, and
 - c. the return receipt.
4. Such water company may, through a representative, appear and be heard at any hearing on any such application, petition, request, or plan.

9.H.10 Referrals to Regional Planning Agencies

1. 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.
2. Such notice shall be made not later than thirty-five (35) days before the public hearing and shall be made by Certified Mail, return receipt requested.
3. The regional planning agency(ies) may submit advisory findings and recommendations to the Commission at or before the hearing.
4. 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.
5. The lack of a response from any such agency shall not delay the processing of the application.

9.H.11 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.

9.H.12 Financial Guaranty Requirements

1. Where a financial guaranty is required by any section of these Regulations, the Zoning Enforcement Officer shall require evidence of compliance with the following standards before accepting any financial guaranty.
2. The required amount of the financial guaranty 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 financial guaranty shall be sufficient to cover the cost of any proposed or required site improvements, including but not necessarily limited to:
 - a. street grading, roadway paving, and street plantings;
 - b. installation of curbs, gutters, storm drainage facilities, landscaping, sidewalks, monuments, bridges, and culverts;
 - c. erosion and sedimentation control measures; and
 - d. 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.
3. The Commission may require a separate financial guaranty for all erosion and sedimentation controls required as part of the Site Plan approval.
4. All financial guaranties 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 financial guaranties 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 financial guaranty within the prescribed time limit.
5. **Acceptable Forms of Financial Guaranties** - Financial guaranties shall be in one or more of the following forms:
 - a. cash deposited with the Town;
 - b. certified check(s) payable to the Town, when the amount of any check is fully insured by the FDIC;
 - c. bank deposit(s) assigned solely and irrevocably to the Town, when the amount of any deposit is fully insured by the FDIC; and/or
 - d. an irrevocable letter of credit naming the Town as sole beneficiary provided that:
 - 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:
 - 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
 - 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;
 - the terms and conditions of such letter of credit shall be acceptable in form and substance to the Town; and
 - 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 financial guaranty.

6. A financial guaranty required in the amount of \$5,000 or less shall be posted in cash or certified check only.
7. For all other financial guaranties, the Commission may require that up to 40% of the total or \$5,000, whichever is greater, be in cash or certified check.
8. Upon completion of the proposed and required improvements, the applicant may be required to submit to the Commission:
 - a. an as-built, A-2 survey of the improvements;
 - b. certification of accurate monument location by a land surveyor registered in the State of Connecticut;
 - c. easements (if required) in a form satisfactory to the Commission; and
 - d. proof of fulfillment of any other requirements or conditions.
9. At the written request of the applicant, the Commission may release at least fifty percent (50%) of any financial guaranty upon submittal and verification of documentation required by Subsection 8 above, demonstrating satisfactory completion of at least fifty percent (50%) of the proposed or required improvements.
10. At the written request of the applicant, the Commission may release all or the balance of any financial guaranty provided that:
 - a. 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
 - b. 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.
11. 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 financial guaranty for maintenance, in cash or certified check, in the amount of ten percent (10%) of the total required financial guaranty for a period of one (1) year following completion of all proposed and required improvements.
12. 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 financial guaranty 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.

(this page intentionally left blank)

APPENDIX - SITE PLAN APPLICATION REQUIREMENTS

Application Requirements

Maps prepared and submitted as part of a Site Plan Application shall include the following information

1. Name of developer;
2. Name of the property owner;
3. Name of development;
4. Signature and seal of an engineer, architect, landscape architect, or land surveyor, whichever is applicable, who is a registered in the state of Connecticut;
5. Survey information of the land in question including distances, angles, and bearings;
6. Scale: not less than 1" 40';
7. North point;
8. Existing contours: not more than five foot intervals using national geodetic vertical datum (NGS datum of 1979);
9. Zoning district classification;
10. Name, address and property lines of adjacent property owners and zone classification within 500 feet of the subject property;
11. Small key or location map;
12. Location of any existing buildings and status;
13. Abutting street pavement, and name, street right of way lines, curb line, and sidewalks;
14. Limits of any easements, or right of way and their purpose;
15. Location, design and size of any drywell;
16. Type of water supply and sewage disposal system to be employed; if municipal systems are not provided, show method for future tie in;
17. Location of all utilities;
18. 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;
19. Location of proposed buildings with dimensions, floor area, number of stories, and number of dwelling units by room count;
20. Distance from all sides of the proposed buildings to the property lines;
21. Building use;
22. Location of loading and unloading areas;
23. Location of outside storage area and type screening to be used;
24. Proposed street lines and names;
25. Location of nearest fire hydrant as well as proposed hydrants; all fire hydrants to be MDC approved and maintained;
26. Location of fire lanes;
27. Location of existing trees; if densely treed, use limits of the tree line;
28. Location and area of open space by type; lawn area, buffer area, recreation area (indicate whether passive or active);
29. Required buffer with fencing and/or landscaping;
30. Outside lighting: type and location;
31. Location and top protection of any retaining wall; wall to be designed by professional engineer;
32. Location of refuse area and screening material to be used on all four sides;
33. Proposed contours at no more than two foot intervals (NGS datum of 1979);
34. An sediment and erosion control plan conforming to the 2002 Connecticut Erosion And Sediment Control Guidelines published by the Connecticut Department Of Energy And Environmental Protection or any revisions thereto;
35. Sedimentation and erosion control to be used;
36. Proposed sidewalks;

37. Elevation drawing of all sides of the buildings;
38. Curb cut width and radii, either new or existing;
39. A parking and access plan;
40. Location and size of parking bays, including parking for the physically handicapped, parking barriers, bumper guards, and wheel stops;
41. Location, size and grade of driveways;
42. Location, size and grade of ramps;
43. Existing and projected traffic volumes;
44. Proposed schedule of construction including staging or phasing of development;
45. Bulk requirements including lot size, lot frontage, lot coverage, front yard, side yards, and rear yard;
46. Percent land coverage by use (residential and nonresidential), parking useable open space, landscaping, and other (specify);
47. Maintenance schedule for landscaped areas to demonstrate survival for no less than one growth season;
48. Proposed landscaping with specific location, size, and common name of plantings;
49. Location, size, height, color, lighting, and design of any advertising sign;
50. Merestones at all street line PC and PT iron pins and other property line angle points;
51. Engineering data including, drainage system (computations as required), streets, driveways, and parking area construction specifications and sidewalk specifications;
52. Estimate of site improvements such as, but not limited to, landscaping, drainage system, monumentation, sidewalks, streets and fencing or buffers, for financial guaranty purposes;
53. Proposed numbering system to be used;
54. Parking lot and driveway directional arrows;
55. Traffic and regulatory control signs, type and location;
56. Architectural design and appearances;
57. Relationship between and massing of building or structures; and
58. Type and colors of building materials, exterior facade and facing, fenestration and fire retardant characteristics.
59. Proposed snow storage areas.

APPENDIX - SITE PLAN APPLICATION REQUIREMENTS

Architectural Review Information

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

1. 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.
2. Each District shall have a consistent design theme with diversity achieved through building siting and unit design.
3. 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.
4. General building plans and elevations shall be required with each application.
5. All roof-mounted structures and equipment shall be integrated into the architectural design of the buildings so as to be concealed and inconspicuous.
6. Soil Erosion and Sediment Control Plan
7. 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:
 8. a Site Plan map clearly showing:
 9. the Site Plan requirements of Section 8.2, as applicable,
 10. all areas to be cleared and graded,
 11. proposed area alterations, and
 12. the location and design of all soil erosion and sedimentation control facilities, structures and measures;
 13. 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):
 14. project name,
 15. schedule of major activities on the land including a stage construction schedule,
 16. application of conservation practices,
 17. design criteria and implementation sequence for proposed soil erosion and sediment control measures,
 18. construction details and maintenance program for any soil erosion and sediment control facilities implemented,
 19. assignment of responsibility for implementing the Control Plan including
 20. the responsibility for the installation and maintenance of control measures,
 21. notification of those involved in construction concerning the requirements of the plan, and
 22. notification of the Commission of any changes in the plan or any instance where the plan has resulted in erosion or sedimentation problems.
 23. Any additional information that the Commission deems necessary.
24. Other Requirements and Conditions
25. At the time of Site Plan submission, the applicant shall be fully prepared to discuss any items set forth in Section 8.2.
26. The Commission may require the applicant to provide additional detailed information with respect to any item enumerated in Section 8.2.
27. The Commission may approve a Site Plan subject to conditions necessary to protect the public health, safety, convenience, and property values.

APPENDIX - ILLUSTRATIONS

1. Typical Lots
2. Typical Arrangement for 900 Parking and Loading Areas
3. Corner Lot Vision
4. Location of Principal and Accessory Structures
5. Sediment and Erosion Controls
6. Building Coverage
7. Landscaping Design Illustrations
8. Measurements of Building Heights, Stories, and Basements
9. Acceptable Lighting Fixtures

APPENDIX - 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. (effective 2-20-19)

Planning and Zoning Commission

| | |
|--|-------------------------------|
| Public Hearing | \$250.00 |
| Subdivision Application | \$200.00 plus \$50.00 per lot |
| Site Plan | \$280.00 |
| Site Plan Amendment (within 5 years of approval) | \$100.00 |
| Special Permit | \$280.00 |
| Zoning Amendment | \$250.00 |
| DEEP surcharge on all applications | \$60.00. |

Zoning Permits

| | |
|---|-----------------------|
| Zoning Permit | \$50.00 |
| Home Occupation | \$50.00 zoning permit |
| Accessory Apartment | \$50.00 zoning permit |
| Certificate of Zoning Compliance (new projects and existing properties) | \$25.00 |

Zoning Board of Appeals

| | |
|------------------------------------|----------|
| Appeals and applications | \$120.00 |
| Certificate of Location | \$200.00 |
| DEEP surcharge on all applications | \$60.00. |

Engineering Review

| | |
|---|--|
| 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. | |
|---|--|

APPENDIX – NATIVE PLANTS

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.

Preferred Connecticut Native Species Conducive To Wildlife
(As identified in the University of Connecticut Plant Database of Trees Shrubs and Vines)

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.

| 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 |

| Species | Common Name | Value |
|------------------------------------|-----------------------------|--------------|
| <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 Common Chokecherry | 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 |

| Species | Common Name | Value |
|--------------------------------|----------------------------------|--------------|
| <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 |

APPENDIX – INVASIVE PLANTS

The following plant species are considered exotic or invasive and are prohibited in Rocky Hill

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

* 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

| 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> Kartsz & Gandhi | Black swallow-wort | X | |
| <i>Cynanchum rossicum</i> (Kleo.) 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.) Schrader | 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 (Maxim.) Trautv.</i> | Porcelainberry | | X |
| <i>Celastrus orbiculatus Thunb.</i> | Oriental bittersweet | X | |
| <i>*Lonicera japonica Thunb.</i> | Japanese honeysuckle | X | |
| <i>Pueraria montana (Lour.) Merr.</i> | Kudzu | | X |

INVASIVE GRASSES AND GRASS-LIKE PLANTS

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

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 | |

ACKNOWLEDGMENTS

Planning and Zoning Commission

Philip Sylvestro, Chair

Nancy Mayeda-Brescia

Dimple Desai

Alan Mordhorst

Victor Zarrilli

Carmelo D'Agostino, Alternate

Sean Hussey, Alternate

Barbara Surwilo, Alternate (To July 2016)

Ronald Robbins, Alternate (From August 2016)

Kimberly Ricci, Town Planner

Technical Assistance



Planimetrics

70 County Road, Simsbury, CT 06070 860-913-4080

Glenn Chalder, AICP

