

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Virtual Meeting Notice & Agenda
Thursday, January 21st, 2021, 7:30 PM

Join Zoom Meeting

Zoom Meeting Information

<https://us02web.zoom.us/j/83394155244?pwd=SzdzSHRIQ3lRZk5wdTlnYTJJSE14UT09>

Meeting ID: 833 9415 5244 **Passcode:** bEe5x3

By Phone: 646 876 9923 **Meeting ID:** 833 9415 5244 **Passcode:** 876590

AGENDA

1. **Call to Order & Roll Call by Roland Klee, Chairman**
2. **Administrative Actions/Requests**
 - 2.1 Amendment/Adoption of Agenda - Additional business to be considered under agenda item #6 "Other Business" requires Commission vote
 - 2.2 Election of Officers
 - 2.3 Approval of the Minutes from the **January 7, 2021**
3. **New Application(s) for receipt, if any:**
4. **Public Hearing(s) and Action on Applications:**
 - 4.1 Application [**PZ-2020-14**] of the Town of Vernon's Planning Department, for a proposed Text Amendment to the Zoning Regulations, Section 15 (Removal of Earth, Sand, and Gravel).
 - 4.2 Application [**PZ-2020-15**] of the Town of Vernon's Planning Department, for a proposed Text Amendment to the Zoning Regulations, Section 20 (Aquifer Protection) and numerous references throughout other Sections.
5. **8-24 Referrals, If any**
6. **Plan of Conservation and Development Update**
7. **Other Business/Discussion**
 - 7.1 2021 Connecticut Bar Association Land Use Seminar
8. **Adjournment**

Roland Klee, Chairman
Planning & Zoning Commission

DRAFT MINUTES

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Thursday, January 7th, 2021, 7:30 PM
Via Zoom Meeting

DRAFT MINUTES

1. **Call to Order & Roll Call by Roland Klee, Chairman at 7:30 PM.**

- Regular members present: Roland Klee, Robin Lockwood, Mike Mitchell, Joseph Miller, Iris Mullan, Susan Reudgen and Jesse Schoolnik
- Alternate Member: Carl Bard
- Absent Members:
- Staff present: George McGregor, Town Planner, Shaun Gately, EDC/Asst Planner
- Recording secretary: Jill Rocco

2. **Administrative Actions/Requests**

- 2.1 Amendment/Adoption of Agenda - Additional business to be considered under agenda item #6 "Other Business" requires Commission vote

Robin Lockwood motioned to **ADOPT** the agenda. Susan Reudgen seconded and the motion carried unanimously.

- 2.2 Approval of the Minutes from the **December 17, 2020**

Susan Reudgen motioned to **APPROVE** the minutes from December 17, 2020. Iris Mullan seconded and the motion carried unanimously.

3. **New Application(s) for receipt, if any:**

NONE

4. **Public Hearing(s) and Action on Applications**

NONE

5. **8-24 Referrals, If any**

5.1 Town of Vernon-5 Brooklyn St. (Parcel ID: 41-0119-00001), 98 East Main St. (Parcel ID: 40-0117-00005), and 104 Main St. (Parcel ID:0117-00006), disposition of land

- Susan Reudgen **MOVED**, the Planning & Zoning Commission finds that acquisition, remediation, improvements, and future disposition of:
 - 5 Brooklyn St.
 - 98 East Main St.
 - 104 East Main St.

are consistent with the Plan of Conservation and Development as it supports the redevelopment of vacant buildings, underutilized sites, and historic mills. Joseph Miller seconded and the motion carried unanimously.

6. **Plan of Conservation and Development Update**

George McGregor, Town Planner, gave a brief update in regards to the public workshop taking place via Zoom on Thursday January 14, 2021 at 7:00PM

7. **Other Business/Discussion**

NONE

8. **Adjournment**

Mike Mitchell motioned to **ADJOURN** at 7:40PM. Susan Reudgen seconded and the motion carried unanimously.

APPLICATION

1



OFFICE OF THE
TOWN PLANNER

TOWN OF VERNON

55 West Main St., VERNON, CT 06066-3291
(860) 870-3640
gmcgregor@vernon-ct.gov

MEMORANDUM

TO: Planning and Zoning Commission

FROM: George K. McGregor, AICP, Town Planner

SUBJECT: PZ 2020-14, Zoning Text Amendment—Section 15 of the Zoning Regulations

DATE: January 21, 2021

Background

Today the Zoning Regulations of **Section 15, Removal of Earth, Sand, and Gravel**, require a special permit, public hearing, and PZC approval for all land disturbance activities in excess of 50 cubic yards and/or ½ acre of earth moving/grading, etc. This level of activity is relatively small and can add time and expense to homeowner projects and small businesses. Moreover, most triggers for a special permit accompany a site plan or subdivision application. They are, most often, incidental to another bona fide review process. Requiring a special permit for grading related to an approved site plan, subdivision, or building permit is burdensome to businesses and property owners, as well as unnecessary, as the technical review related to earth moving et. al. will take place by the Town Engineer and other experts during the course of a land development application. Other activities which are not significant would continue to be exempt from any review.

The amendment, therefore, creates two categories of review related to grading and earth removal, 1) small projects and projects related to other applications would be exempt from additional review; 2) projects above a threshold (above 250 cubic yards and 1 acre) would be reviewed as a minor modification by Town Staff and would no longer require a special permit. This amendment streamlines review, saves property owners and businesses time and money, while continuing to rely upon Staff expertise.

Proper Notice has been provided to the COG, surrounding Towns, and the Town Clerk.

Draft Motions

- A. **I move that the Planning and Zoning Commission Approve PZ-2020-14, a Zoning Regulation Text Amendment of Section 15, Removal of Earth, Sand, and Gravel, based upon a finding that the amendments are consistent with the Plan of Conservation and Development's goals ensuring that land use regulations are "user-friendly" (POCD, page 90).**

- B. **Alternate Motion**

Section 15 – REMOVAL OF EARTH, SAND, AND GRAVEL (January 11, 2021)

15.1 Provisions:

15.1.1 Grading, fill, excavation or removal, or remediation, of loam, top soil, sand, gravel, clay, peat, humus or stone is permitted without additional review under the following circumstances:

15.1.1.1 A individual residentially zoned lot with a primary residential structure for which a building permit has been obtained and where no removal or sale of materials is involved.

15.1.1.2 Necessary and incidental to activities associated with an approved subdivision or site plan.

15.1.1.3 Bona fide agricultural activities.

15.1.1.4 Remediation of contaminated soils.

15.1.1.5 When the amount of material does not exceed 250 cubic yards, or when less than 1 acre is disturbed (not associated with any approved plan or permit).

15.1.2 In all other cases, a minor modification application permit may be approved for the grading fill, excavation or removal, remediation, or sale of earth, loam, topsoil, sand, gravel, clay, peat, humus or stone on site. Submission review requirements include (but are not limited to) map & site plans detailing:

15.1.2.1 The area of disturbance.

15.1.2.2 Existing contour lines; final contour lines are 1" =40' or other acceptable scale.

15.1.2.3 Existing and proposed drainage.

15.1.2.4 Erosion and sediment control.

15.1.2.5 Access to disturbed area.

15.1.2.6 Narrative explanation of project purpose.

15.1.3 Permission may be granted subject to the following conditions:

15.1.3.1 The activities shall be completed in substantial conformance with approved plans.

15.1.3.2 Upon completion, the premises shall be free of all debris.

- 15.1.3.3 No land disturbance activities shall take place within 20 feet of any residentially zoned property line.
- 15.1.3.4 No processing of materials which originated offsite.
- 15.1.3.5 An erosion control or performance bond may be required by the Town Engineer.

~~SECTION~~Section 15 -- REMOVAL OF EARTH, SAND, AND GRAVEL (January 11, 2021)

15.1 –Provisions:

~~15.1.1—There shall be no grading~~ Grading, fill, excavation or removal, or remediation, of earth, loam, ~~topsoil~~top soil, sand, gravel, clay, peat, humus or stone ~~for sale or for use other than on the premises for which such grading, fill, excavation or removal shall be made.~~ The is permitted without additional review under the following activities are excluded from obtaining a Special Permit from the Planning & Zoning Commission provided the following conditions are met: 1) the amount of material involved does not exceed fifty (50) cubic yards and 2) no more than one half (1/2) acre of land is disturbed. circumstances:

~~15.1.1.1—Bona fide construction or alteration of a structure for which a building permit has been issued.~~

~~15.1.1.2—The landscaping of an existing structure.~~

~~15.1.1.3—The construction of a water hole for fire protection.~~

~~15.1.1.4—The construction of a drainage field, septic tank or dry well.~~

~~15.1.1.5—The construction of a pond for agriculture or conservation purposes.~~

~~15.1.1.6—~~ A individual residentially ~~zone~~zoned lot which has on itwith a primary residential structure. for which a building permit has been obtained and where no removal or sale of materials is involved.

~~15.1.1.2.—~~ Necessary and incidental to activities associated with an approved subdivision or site plan.

~~15.1.1.3~~ Bona fide agricultural activities.

~~15.1.1.4~~ Remediation of contaminated soils.

~~15.1.1.5~~ When the amount of material does not exceed 250 cubic yards, or when less than 1 acre is disturbed (not associated with any approved plan or permit).

15.1.2 ~~In all cases other than those referred to above, the Planning & Zoning commission~~cases, a minor modification application permit may grant Special Permit approvalbe approved for the removal, deposit,grading fill, excavation or gradingremoval, remediation, or sale of earth, loam, topsoil, sand, gravel, clay, stone,peat or, humus. The maps and plans shall include the following: or stone on site. Submission review requirements include (but are not limited to) map & site plans detailing:

~~15.1.2.1—~~ The area to be excavated.of disturbance.

15.1.2.2— ~~Existing contour lines on the premises and; final contour lines resulting from the intended excavation or removal shown on a map drawn to aare 1" =40' or other acceptable scale not more than forty (40) feet to the inch and with a contour interval not to exceed five (5) feet.~~

15.1.2.3— ~~Existing and proposed drainage on the premises.~~

15.1.2.4— ~~Surrounding properties~~ Erosion and ~~streets.~~ sediment control.

15.1.2.5— ~~Proposed truck access to the property.~~ Access to disturbed area.

15.1.2.6— ~~Proposed commencement and completion data.~~

15.1.2.7— ~~Purpose~~ Narrative explanation of ~~excavation.~~ project

~~15.1.3.~~ The Commission may grant permission for a limited period of time not exceeding five years if it shall find that such excavation or removal will not result in the creation of any sharp declivities, pits, or depressions, soil erosion or fertility problems, permanently depressed land values, or create any drainage or sewerage problems or other conditions which would impair the use of the property in accordance with the zoning regulations and that such excavation or removal will be in harmony with the general purpose and intent of the zoning regulations. Permission shall be granted only upon the following conditions:-

15.1.3 Permission may be granted subject to the following conditions:

15.1.3.1— ~~That the premises~~ The activities shall be filled or excavated and graded completed in ~~conformity~~ substantial conformance with ~~the proposed contour~~ approved plans ~~as approved.~~

15.1.3.2— ~~That slopes shall not exceed thirty (30) degrees to the horizontal.~~

15.1.3.3— ~~That only such equipment as is necessary for the digging, leveling, and carting away of excavated material shall be utilized at or maintained on the site. Further, it is the specific intention of the Commission to permit on site only equipment that is used in the incidental processing of excavated material for the purposes of trucking off site.~~

~~15.1.3.4 That there will be no sharp declivities, pits, or depressions and that proper drainage will be provided to avoid stagnant water and sewerage problems.~~

~~15.1.3.5 That after fill, excavation or removal~~ Upon completion, the premises shall be ~~cleared~~free of all debris.

~~15.1.3.6 That top layer of arable soil for a depth of at least four (4) inches shall be set aside and retained on the premises and shall be re-spread over the premises and appropriately seeded upon completion of the excavation or removed, in accordance with approved contour lines.~~

~~15.1.3.7 That no excavation shall be made nearer to the side and rear property lines than the distance of twenty (20) feet in all residential zones, the measurements to be taken to the top of slopes.~~

15.1.3.3 No land disturbance activities shall take place within 20 feet of any residentially zoned property line.

~~15.1.3.8 There shall not be any 4~~ No processing of ~~any material,~~materials which originated ~~off site~~offsite.

~~15.1.3.9 There shall be no buildings erected on 5~~ An erosion control or performance bond may be required by the ~~premises without appropriate approvals.~~

~~15.2 In all zoning districts, excavation, removal of fill which in the opinion of the Building Inspector, Town Engineer, and Town Planner are of such a minor nature that the public health and safety will not be adversely affected, may be exempt from obtaining Commission approval if a minor modification approval is obtained provided the quantities outlines in Section 15.1.1 are not exceeded.~~

~~15.3 In all situations when approval is obtained for fill, excavation, or removal of material, the property owner shall be responsible and liable for any damage to public infrastructure, which includes but is not limited to sidewalks, curbs, roadways, and drainage systems.~~

APPLICATION

2



OFFICE OF THE
TOWN PLANNER

TOWN OF VERNON

55 West Main St., VERNON, CT 06066-3291
(860) 870-3640
gmcgregor@vernon-ct.gov

MEMORANDUM

TO: Planning and Zoning Commission

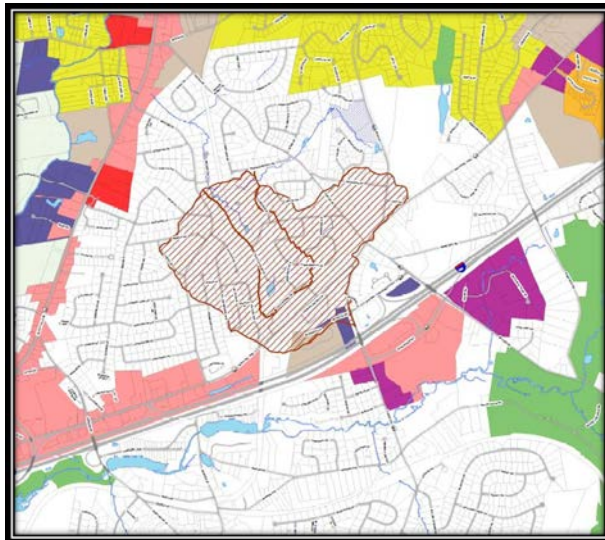
FROM: George K. McGregor, AICP, Town Planner

SUBJECT: PZ 2020-15, Zoning Text Amendment—Section 20 of the Zoning Regulations

DATE: January 21, 2021

On July 18, 2019, the Planning and Zoning Commission adopted new Aquifer Protection Area Regulations, based on revised Aquifer mapping provided by the Connecticut Department of Energy and Environmental Protection (DEEP) in coordination with the Connecticut Water Company. The Aquifer Protection Regulations are intended to protect Connecticut's major sources of public drinking water, wells, and ground water.

DEEP statutory requirements dictate that the Aquifer Regulations be a separate and distinct regulatory scheme set apart from the Zoning Regulations. The revised mapping of "Level A" public water resources are the areas which must be protected under the DEEP Regulations. The PZC, as part of the adoption process, approved what is deemed the final regulatory Aquifer Protection Area Map:



This area is the only area in Vernon subject to the Aquifer Protection Area Regulations. By requiring the Aquifer Protection Area to be separated from the Zoning Ordinance, it renders Section 20 of the Zoning Regulation – Aquifer Protection as void, relative to the State Aquifer Statute. Therefore, Section 20 needs to be deleted, renamed, or amended, as it is no longer dispositive and conflicts with the Aquifer Regulations adopted in 2019. Section 20 of the Zoning Regulations applied Aquifer regulations to a much larger mapped area in multiple locations and based on less accurate mapping protocols. The new mapping is specific, accurate, and final based on exact public

well locations, as provided by Connecticut Water.

The amendment would delete and remove Section 20 from the Zoning Regulations. Note, there are also almost three dozen other references to Section 20 throughout the Zoning regulations; these would be amended (deleted) as well and are detailed at the end of this narrative. This is likely the cleanest and most efficient approach. The Adopted Aquifer Protection Area Regulations approved last year act to protect Vernon's bona fide public ground water drinking supplies based on scientific mapping of CT water well resources.

The current Aquifer Protection provisions casts a much wider net with protected areas mapped across town, essentially overlaid atop both the Hockanum and Tankerhoosen river corridors. These areas extend well beyond specific and identified level A aquifers.

In order to remove the existing conflicts associated with the separately adopted Aquifer Protection ordinance and Section 20, it may be best to eliminate outright Section 20, then consider other natural resource standards at a later time, perhaps after completion of the POCD.

Proper notice has been provided to adjoining Towns, the COG, and the Town Clerk.

Draft Motions

- A. I move that the Planning and Zoning Commission Approve PZ-2020-15, a Zoning Regulation Text Amendment of Section 20, Aquifer Protection, based upon a finding that the amendments are consistent with the Plan of Conservation and Development's goals ensuring that land use regulations are "user-friendly" (POCD, page 90) and that a separate, stand-alone Aquifer Protection Ordinance, consistent with State of Connecticut guidelines, was approved on July 18, 2019.**

OR

- B. Alternate Motion**

Attachments

1. Aquifer Summary Section Amendments
2. Aquifer Specific Strike-through by Section

AQUIFER SUMMARY SECTION AMENDMENTS

- | | |
|-----------------------|---|
| 1. Table of Contents | Delete Section 20 |
| 2. Section 2.4 | Delete |
| 3. Section 2.5 | Delete |
| 4. Section 2.91 | Delete |
| 5. Section 2.119 | Delete |
| 6. Section 4.1.1.8 | Delete “when not in
an aquifer protection
zone....” |
| 7. Section 4.1.1.8.1 | Delete |
| 8. Section 4.1.3.6 | Delete |
| 9. Section 4.2.1.8 | Delete “when not in
an aquifer protection
zone....” |
| 10. Section 4.2.1.8.1 | Delete |
| 11. Section 4.2.4.6 | Delete |
| 12. Section 4.3.1.8 | Delete” when not in
an aquifer protection
zone...” |
| 13. Section 4.3.1.8.1 | Delete |
| 14. Section 4.3.4.6 | Delete |
| 15. Section 4.4.1.8 | Delete “when not in |

an aquifer protection
zone...”

16. Section 4.4.1.8.1

Delete

17. Section 4.4.4.6

Delete

18. Section 4.5.1.18

Delete “when not in
an aquifer protection
zone...”

19. Section 4.5.1.8.1

Delete

20. Section 4.5.4.7

Delete

21. Section 4.6.1.7

Delete “when not in
an aquifer protection
zone...”

22. Section 4.6.1.7.1

Delete

23. Section 4.6.6.1

Delete

24. Section 4.7.4.6

Delete “If this area is
in an aquifer
protection zone...”

25. Section 4.9.4.15.6

Delete “If this area is
in an aquifer
protection zone...”

26. Section 4.10.2.16

Delete reference to
Section 20

27. Section 4.10.4.11.6

Delete “if this area is
in an aquifer
protection zone...”

28. Section 4.14.4.12.6

Delete “if this area is
in an aquifer

	protection zone..."
29. Section 4.15.3.10.6	Delete "if this area is in an aquifer protection zone..."
30. Section 4.16.3.11.4	Delete "if this area is in an aquifer protection zone..."
31. Section 4.17.3.24.6	Delete "if this area is in an aquifer protection zone..."
32. Section 4.18.3.3.6	Delete "if this area is in an aquifer protection zone..."
33. Section 4.19.3.2.6	Delete "if this area is in an aquifer protection zone..."
34. Section 4.20.4.13.6	Delete "if this area is in an aquifer protection zone..."
35. Section 4.21.5.11.6	Delete "if this area is in an aquifer protection zone..."
36. Section 4.22.8.4	Delete "if this area is in an aquifer protection zone..."
37. Section 4.23.5.21.2	Delete "if this area is in an aquifer protection zone..."
38. Section 4.24.4.2	Delete
39. Section 4.24.4.2.1	Delete

40. Section 4.24.4.3.15.5.1.4	Delete
41. Section 4.25.4.2	Delete
42. Section 4.25.4.2.1	Delete
43. Section 4.25.4.3.16.5.1.4	Delete
44. Section 7.6.3	Delete
45. Section 7.6.3.1	Delete
46. Section 20	Delete entire section
47. Section 22.2.13.7	Delete

housing is located as determined by the United States Department of Housing and Urban Development.

2.2 - Antenna:

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

2.3 - Applicant:

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

2.4 - Aquifer:

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

2.5 - Aquifer Protection Zone:

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

2.6 - Deleted.

2.7 - Deleted.

2.8 - Assisted Living Facility:

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

2.9 - Bed & Breakfast:

An owner occupied residential property providing over-night accommodations for a period not exceeding twenty-one (21) days and meals to guests, but not operating a restaurant open to the public. A Bed & Breakfast establishment provides accommodations to transients with the hospitality of a residential environment. The provision of accommodations and/or meals is not an

2.89 - Public Institution:

Any church building, library or public or parochial school, and any federally, state or municipally owned park or open space land.

(Appl. PZ-2019-03, 7-18-2019)

2.90 - Public Utility Structure:

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

2.91 - Recharge Areas:

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

2.92 - Redemption Center for Used Beverage Containers:

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

2.93 - Resident Facilities for Special Education:

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

2.94 - Restaurant:

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

2.116 - Soil:

Any unconsolidated mineral or organic material of any origin.

2.117 - Soil Erosion and Sediment Control Plan:

A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

2.118 - Solid Waste:

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

~~2.119 - Stratified Drift:~~

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

2.120 - Street, Private:

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

2.121 - Street, Public:

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

2.122 - Structure or Building, Accessory:

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

2.123 - Structure or Building:

are satisfied), signs (further provided the requirements of Section 16.1.5 are satisfied), and parking areas (further provided the requirements of Section 12.3.2 are satisfied).

Further, nothing in these regulations shall prohibit the projection into a required yard of handicap access ramps, landings and decks to the extent necessary to meet the minimum requirements for access or egress by a handicapped person.

(Appl. PZ-2019-04(1), 7-18-2019)

SECTION 4 - USE DISTRICTS

4.1 - RESIDENTIAL 10—SINGLE FAMILY RESIDENTIAL

4.1.1 - Area and Yard Requirements:

4.1.1.1 Minimum lot area: 10,000 square feet

4.1.1.2 Minimum lot width: 80 feet

4.1.1.3 Minimum front yard: 30 feet

4.1.1.4 Minimum side yard: 10 feet

4.1.1.5 Minimum rear yard: 20 feet

4.1.1.6 Minimum floor area: 1,000 square feet

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

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

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

4.1.2 - Permitted Uses:

4.1.2.1 Single-family dwellings.

4.1.2.2 Two-family dwellings.

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

4.1.2.4 Signs subject to Section 16.

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

4.1.2.5.1 Private non-profit clubs.

4.1.3 - Special Permits:

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

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

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

4.1.3.3 Boarding houses.

4.1.3.4 Funeral Homes.

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

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

4.1.3.7 Bed & Breakfast.

4.1.3.8 Home based businesses of Major—Type 2.

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

4.1.4 - Use Variances:

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

4.2 - RESIDENTIAL 15—SINGLE-FAMILY RESIDENTIAL

4.2.1 - Area and Yard Requirements:

4.2.1.1 Minimum lot area: 15,000 square feet

4.2.1.2 Minimum lot width: 100 feet

4.2.1.3 Minimum front yard: 30 feet

4.2.1.4 Minimum side yard: 10 feet

4.2.1.5 Minimum rear yard: 20 feet

4.2.1.6 Minimum floor area: 1,000 square feet

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

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

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

4.2.2 - Permitted Uses:

4.2.2.1 Single-family dwellings.

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

4.2.2.3 Signs subject to Section 16.

4.2.2.4 Two-family dwellings.

4.2.3 - Special Exceptions:

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

4.2.3.1 Private non-profit clubs.

4.2.4 - Special Permits:

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

- 4.2.4.1 Professional office when located in the same building as a private residence. Not more than two (2) persons shall be engaged in such activity. Such offices shall not alter the essential residential character of the property. In the case of conversion of existing residential structures, said conversion shall not alter the residential character of the exterior of the building or increase the existing floor area of the building.
- 4.2.4.2 Convalescent homes or nursing homes and assisted living facilities when connected to public water and sanitary sewer.
- 4.2.4.3 Funeral homes.
- 4.2.4.4 Boarding houses.
- 4.2.4.5 Hospitals, church buildings, schools, public libraries, public utility structures, cemeteries, golf courses, country clubs, governmental buildings, and telecommunication towers.
- 4.2.4.6 Lot coverage exceeding 25%, subject to the provisions of Section 20.5
- 4.2.4.7 Bed & Breakfast.
- 4.2.4.8 Home based businesses of Major—Type 2.
- 4.2.4.9 Radio and television masts and towers in residential zones. Any mast or tower in excess of fifty (50) feet in height in a residential zone or any mast or tower permitted by variance or pre-existing use to be operated for financial gain in a residential zone.

4.2.5 - Use Variances:

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

4.3 - RESIDENTIAL 22—SINGLE-FAMILY RESIDENTIAL

4.3.1 - Area and Yard Requirements:

- 4.3.1.1 Minimum lot area: 22,000 square feet
- 4.3.1.2 Minimum lot width: 125 feet
- 4.3.1.3 Minimum front yard: 30 feet
- 4.3.1.4 Minimum side yard: 10 feet
- 4.3.1.5 Minimum rear yard: 20 feet
- 4.3.1.6 Minimum floor area 1,000 square feet
- 4.3.1.7 Maximum building height 35 feet (2 ½ stories)

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

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

4.3.2 - Permitted Uses:

4.3.2.1 Single-family dwellings

4.3.2.2 Two-family dwellings

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

4.3.2.4 Signs subject to Section 16.

4.3.3. - Special Exceptions:

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

4.3.3.1 Private non-profit clubs.

4.3.4 - Special Permits:

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

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

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

4.3.4.3 Boarding houses.

4.3.4.4 Funeral homes.

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

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

4.3.4.7 Bed & Breakfast.

4.3.4.8 Home based businesses of Major—Type 2.

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

4.3.5 - Use Variances:

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

4.4 - RESIDENTIAL 27—SINGLE-FAMILY RESIDENTIAL

4.4.1 - Area and Yard Requirements:

- 4.4.1.1 Minimum lot area: 27,000 square feet
- 4.4.1.2 Minimum lot width: 150 feet
- 4.4.1.3 Minimum front yard: 30 feet
- 4.4.1.4 Minimum side yard: 10 feet
- 4.4.1.5 Minimum rear yard: 20 feet
- 4.4.1.6 Minimum floor area: 1,000 square feet
- 4.4.1.7 Maximum building height: 35 feet (2 ½ stories)
- 4.4.1.8 Maximum lot coverage when not in an aquifer protection zone: 25%

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

4.4.2 - Permitted Uses:

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

4.4.2.3 Signs subject to Section 16

4.4.3 - Special Exceptions:

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

- 4.4.3.1 Commercial farming excluding commercial piggeries and fur farms.
- 4.4.3.2 The keeping of livestock for either commercial or non-commercial purposes (excluding pigs and fur-bearing animals) subject to the following conditions:
 - 4.4.3.2.1 The area to be used for raising or boarding livestock shall be entirely fenced. The maximum area to be fenced shall be defined by the yard requirements of the R-27 district with an increase of side yard requirements to a minimum of twenty (20) feet.
 - 4.4.3.2.2 The minimum area of a parcel on which livestock is to be housed shall be a minimum of two (2) acres in area.
 - 4.4.3.2.3 The building or structure housing said livestock shall be located not less than eighty (80) feet from any property line.
 - 4.4.3.2.4 All barnyards, corrals, sties, and similar structures shall be properly drained and free from excessive dust, odor, and mud.
 - 4.4.3.2.5 No manure pile shall be placed less than fifty (50) feet from any property line and shall be so located that it will not drain on any adjoining premises.
 - 4.4.3.2.6 The keeping of livestock shall be accompanied by a joint residential use on the same premises.
 - 4.4.3.2.7 When livestock is kept for noncommercial purposes, no manure pile shall exceed one cord.

4.4.4 - Special Permits:

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

- 4.4.4.1 Professional office when located in the same building used by the person as his private residence; not more than two (2) persons shall be engaged in such activity. Such offices shall not alter the essential residential character of the property. In the case of conversion of existing residential structures, said conversion shall not alter the residential character of the exterior of the building or increase the existing floor area of the building.
- 4.4.4.2 Convalescent homes or nursing homes and assisted living facilities when connected to public water and sanitary sewer.
- 4.4.4.3 Boarding houses.
- 4.4.4.4 Funeral homes.
- 4.4.4.5 Hospitals, church buildings, schools, public libraries, public utility structures, cemeteries, golf courses, country clubs, and governmental buildings, facilities including recycling facilities for organic materials and telecommunication towers.
- 4.4.4.6 Lot coverage exceeding 25% subject to the provisions of Section 20.5.
- 4.4.4.7 Bed & Breakfast.
- 4.4.4.8 Home based businesses of Major—Type 2.
- 4.4.4.9 Radio and Television masts and towers in residential zones. Any mast or tower in excess of 50 feet in height in a residential zone or any mast or tower permitted by variance or pre-existing use to be operated for financial gain in a residential zone.
- 4.4.4.10 Outdoor Wood Burning Furnaces subject to Section 3.28 and CGS 22a-174k.
- 4.4.4.11 Adaptive Re-Use per Sections 2.96 and 3.26.

4.4.5 - Use Variances:

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

(Appl. PZ-2017-09, 11-15-2017)

4.5 - RESIDENTIAL 40—SINGLE-FAMILY RESIDENTIAL

4.5.1 - Area and Yard Requirements:

- 4.5.1.1 Minimum lot area: 40,000 square feet
- 4.5.1.2 Minimum lot width: 200 feet
- 4.5.1.3 Minimum front yard: 30 feet
- 4.5.1.4 Minimum side yard: 10 feet
- 4.5.1.5 Minimum rear yard: 20 feet
- 4.5.1.6 Minimum floor area: 1,000 square feet
- 4.5.1.7 Maximum building height: 35 feet (2 ½ stories)

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

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

4.5.2 - Permitted Uses:

4.5.2.1 Single-family dwellings.

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

4.5.2.3 Signs subject to Section 16.

4.5.3 - Special Exceptions:

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

4.5.3.1 Commercial farming excluding commercial piggeries and fur farms.

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

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

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

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

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

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

4.5.4 - Special Permits:

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

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

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

4.5.4.3 Board houses.

4.5.4.4 Funeral homes.

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

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

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

4.5.4.8 Bed & Breakfast

4.5.4.9 Home based businesses of Major—Type 2.

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

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

4.5.5 - Use Variances:

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

4.6 - RESIDENTIAL MHP—MOBILE HOME PARKS

4.6.1 - Area and Yard Requirements:

4.6.1.1 Minimum lot area: 15 acres

4.6.1.2 Minimum lot width: 200 feet

4.6.1.3 Minimum front yard: 20 feet

4.6.1.4 Minimum side yard: 10 feet

4.6.1.5 Minimum rear yard: 20 feet

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

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

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

4.6.2 - Permitted Uses:

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

4.6.2.2 Accessory uses customarily incidental to the above.

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

4.6.2.4 Signs subject to Section 16.

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

4.6.3 - Special Exceptions:

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

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

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

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

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

4.6.6 - Special Permits.

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

4.6.7 - Use Variances:

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

4.7 - RESIDENTIAL PLANNED RESIDENTIAL DEVELOPMENT (PRD)

4.7.1 - Area and Yard Requirements:

4.7.1.1 Minimum lot area: 1 acre

4.7.1.2 Minimum lot width: 150 feet

4.7.1.3 Minimum front yard: 50 feet

4.7.1.4 Minimum side yard: 20 feet

4.7.1.5 Minimum rear yard: 50 feet

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

4.7.2 - Permitted Uses:

There are no permitted uses in this zone.

4.7.3 - Special Exceptions:

There are no special exceptions in the PRD district.

4.7.4 - Special Permits:

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

- 4.7.4.1 Multi-family units with a height exceeding two (2) stories or thirty-five (35) feet; provided, however, that such development does not exceed the density requirements of Section 4.7.5 below.
- 4.7.4.2 Convalescent homes or nursing homes and assisted living facilities when connected to public water and sanitary sewer.
- 4.7.4.3 Funeral homes.
- 4.7.4.4 Hotel or motel.
- 4.7.4.5 Hospitals, church buildings, schools, public libraries, public utility structures, governmental buildings, cemeteries, golf courses, country clubs, non-profit recreational facilities, and telecommunication towers.
- 4.7.4.6 Lot coverage of sixty (60) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off site. **If the area is in an aquifer protection zone, the provisions of Section 20.5 shall also apply.**
- 4.7.4.7 Multiple single-family dwellings subject to the requirements of Section 4.7.6, 4.7.7, and 4.7.8. emergency shelter for the homeless.
- 4.7.4.8 Multi-family dwellings.
- 4.7.4.9 Accessory uses customarily incidental to the listed uses, provided such accessory use shall not include any activity conducted for gain.
- 4.7.4.10 Signs subject to Section 16.
- 4.7.4.11 Single-family dwellings.
- 4.7.4.12 Two family dwellings.
- 4.7.4.13 Adult day care and group day care facilities.
- 4.7.4.14 Bed & Breakfast.
- 4.7.4.15 A structure with a height exceeding two (2) stories or thirty-five (35) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.
- 4.7.4.16 Radio and television masts and towers in residential zones. Any mast or tower in excess of fifty (50) feet in height in a residential zone or any mast or tower permitted by variance or pre-existing use to be operated for financial gain in a residential zone.
- 4.7.4.17 Home Occupations in single-family and two family owner occupied dwellings.
- 4.7.4.18 Home Occupations in multiple single-family and multi-family owner occupied dwellings. The applicant must present evidence of approval or permission from the homeowners association of the property at which the activity is to occur.

4.7.5 - Schedule for multi-family dwelling unit/area ratio:

Minimum area requirements per dwelling unit shall be determined on the basis of the number of bedrooms or each unit and floor on which each unit is located as follows:

- 4.9.4.3 Hotels or motels.
- 4.9.4.4 Hospitals, places of worship, schools, public libraries, public utility structures, governmental buildings, cemeteries, golf courses, country clubs, non-profit recreational facilities.
- 4.9.4.5 Any retail outlet dealing in merchandise or service similar to the items listed above as permitted uses.
- 4.9.4.6 Commercial education or recreational activities.
- 4.9.4.7 Telecommunication towers.
- 4.9.4.8 Residential facilities for special education.
- 4.9.4.9 Deleted.
- 4.9.4.10 Deleted.
- 4.9.4.11 Seller or server of alcoholic beverages unless considered an excluded establishment as stated in section 17.1.1.
- 4.9.4.12 Deleted.
- 4.9.4.13 Commercial kennel, as defined in Section 2, provided that such a facility is located no closer than three hundred (300) feet from a residence or residential district. The three hundred (300) feet separation requirement shall not apply to veterinary facilities housed inside a building.
- 4.9.4.14 General automotive repairing and servicing. The sale of gasoline and/or used vehicles is not permitted with this use.
- 4.9.4.15 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.
 - 4.9.4.15.1 More than forty (40) off-street spaces are required or;
 - 4.9.4.15.2 The proposed structure is within two-hundred (200) feet of a residential structure or;
 - 4.9.4.15.3 The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or;
 - 4.9.4.15.4 The aggregate square footage for all structures on any parcel exceeds twenty-five (25) thousand;
 - 4.9.4.15.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.
 - 4.9.4.15.6 Lot coverage of sixty (60) percent or more. In order to grant this Special Permit the Commission must find that this additional coverage will not increase the off site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off site. If the area is in an aquifer protection zone, the provisions of Section 20.5 shall also apply.
 - 4.9.4.15.7 A structure with a height exceeding two (2) stories or thirty-five (35) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.
 - 4.9.4.15.8 Deleted.
 - 4.9.4.15.9 Outside displays by retail sales establishments when said displays occupy an area greater than ten (10) percent of the gross floor area of the individual business utilizing the display.
- 4.9.4.16 Redemption center for used beverage containers.

4.9.5 - Use Variances:

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

4.10 - INDUSTRIAL (I)

4.10.1 - Area and Yard Requirements:

- 4.10.1.1 Minimum lot area: 40,000 square feet
- 4.10.1.2 Minimum lot width: 150 feet
- 4.10.1.3 Minimum front yard: 50 feet
- 4.10.1.4 Minimum side yard: 30 feet
- 4.10.1.5 Minimum rear yard: 40 feet
- 4.10.1.6 Minimum floor area: 5 percent of land area

4.10.2 - Permitted Uses:

- 4.10.2.1 Manufacturing, storing, processing, fabricating, packaging or assembling activities wholly within a building or unified complex of buildings.
- 4.10.2.2 Printing or publishing establishment.
- 4.10.2.3 Wholesale showroom with or without storage and repair facilities.
- 4.10.2.4 Wholesale distribution or warehouse facility.
- 4.10.2.5 Bulk petroleum storage.
- 4.10.2.6 Open storage facility for contractors and building suppliers.
- 4.10.2.7 Salesroom or display areas for wholesale and retail sales and rental of vehicles including vehicle sales lots.
- 4.10.2.8 Temporary storage of new motorized vehicles.
- 4.10.2.9 Dry clean or laundering plant.
- 4.10.2.10 Research and experimental laboratories.
- 4.10.2.11 Wholesale or retail sale of products fabricated, assembled or packaged in a building on the premises.
- 4.10.2.12 Motor vehicle washing facilities.
- 4.10.2.13 Signs subject to Section 16.
- 4.10.2.14 Accessory uses customarily incidental to the listed uses.
- 4.10.2.15 Commercial education facility.
- 4.10.2.16 Any uses permitted in section 4.9, excluding section 4.9.4.20.

4.10.3 - Special Exceptions:

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

4.10.4 - Special Permits:

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

- 4.10.4.1 Commercial recreational facility.
- 4.10.4.2 Freight or trucking terminal with warehouse storage facilities.
- 4.10.4.3 Auto body, soldering or welding shop.
- 4.10.4.4 Automotive repair shop.
- 4.10.4.5 Radio or television towers and facilities and commercial telecommunication towers.
- 4.10.4.6 Governmental buildings and public utilities structures.
- 4.10.4.7 Small engine and lawn mower repair shop.
- 4.10.4.8 Redemption center for used beverage containers.
- 4.10.4.9 Deleted.
- 4.10.4.10 Deleted.
- 4.10.4.11 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.
 - 4.10.4.11.1 More than forty (40) off-street parking spaces are required or;
 - 4.10.4.11.2 The proposed structure is within two-hundred (200) feet of a residential structure or;
 - 4.10.4.11.3 The proposed development has any off-street parking or loading spaces within one hundred (100) feet of a residential structure or;
 - 4.10.4.11.4 The aggregate square footage for all structures on any parcel exceeds twenty-five (25) thousand;
 - 4.10.4.11.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.
 - 4.10.4.11.6 Lot coverage of forty (40)% or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off site. ~~If the area is in aquifer protection zone, the provisions of Section 20.5 shall also apply.~~
 - 4.10.4.11.7 A structure with a height exceeding three (3) stories or forty (40) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.
 - 4.10.4.11.8 Deleted.
 - 4.10.4.11.9 Outside displays when said displays occupy an area greater than ten (10) % of the gross floor area of the individual business utilizing the display.
- 4.10.4.12 Electronic or mechanical games: In any commercial establishment in which the principal use or activity is not the playing of electronic or mechanical games, no more than three (3) such games or devices shall be placed for public or private use in or on the premises, without a Special Permit from the Planning Commission.

- 4.14.4.2 Printing or publishing establishments.
- 4.14.4.3 Wholesale distribution or warehouse facility.
- 4.14.4.4 Freight or trucking terminal with warehouse storage facilities.
- 4.14.4.5 Wholesale showroom with or without storage and repair facilities.
- 4.14.4.6 Research and experimental laboratories.
- 4.14.4.7 Offices for industrially oriented businesses.
- 4.14.4.8 Restaurant serving food for consumption inside a building.
- 4.14.4.9 Professional office buildings.
- 4.14.4.10 Signs subject to Section 16.
- 4.14.4.11 Accessory uses customarily incidental to the listed uses.
- 4.14.4.12 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.
 - 4.14.4.12.1 More than forty (40) off-street parking spaces are required or;
 - 4.14.4.12.2 The proposed structure is within two-hundred (200) feet of a residential structure or;
 - 4.14.4.12.3 The proposed development has any off-street parking or loading spaces within one hundred (100) feet of a residential structure or;
 - 4.14.4.12.4 The aggregate square footage for all structures on any parcel exceeds 25,000 feet;
 - 4.14.4.12.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.
 - 4.14.4.12.6 Lot coverage of forty (40) percent or more. In order to grant this Special Permit the Commission must find that this additional coverage will not increase the off site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off site. If the area is in an aquifer protection zone, the provisions of Section 20.5 shall also apply.
 - 4.14.4.12.7 A structure with a height exceeding three (3) stories or forty (40) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.
 - 4.14.4.12.8 Deleted.
 - 4.14.4.12.9 Outside displays when said displays occupy an area greater than ten (10) % of the gross floor area of the individual business utilizing the display.
- 4.14.4.13 Message board sign by approval of both a Site Plan and Special Permit.

(Appl. PZ-2019-04(2), 7-18-2019)

4.14.5 - Procedure:

The applicant for a "Special Floating Zone" must make application to the Commission at least twenty (20) days prior to the scheduled meeting date. The Commission, at this preliminary hearing, may set the date for a public hearing, and may request the applicant present at the public

4.15.3.8 Home based businesses of Major—Type 2.

4.15.3.9 Group day care facilities.

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

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

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

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

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

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

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

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

4.15.3.10.8 Deleted.

4.15.3.11 Bed & Breakfast.

4.15.3.12 Radio and Television masts and towers.

(Appl. PZ-2019-04(2), 7-18-2019)

4.15.4 - Protective provision concerning front yard compatibility:

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

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

4.15.5 - Use Variances:

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

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

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

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

4.16.3.11.6 Deleted.

4.16.3.12 Bed & Breakfast.

4.16.3.13 Deleted.

4.16.3.14 Radio and television masts and towers.

(Appl. PZ-2019-04(2), 7-18-2019)

4.16.4 - Protective provision concerning front yard compatibility:

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

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

4.16.5 - Use Variances:

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

4.17 - HISTORIC DISTRICT—RESIDENTIAL COMMERCIAL

4.17.1 - Area and Yard Requirements:

4.17.1.1 Minimum lot area: 20,000 square feet

4.17.1.2 Minimum lot width: 120 feet

4.17.1.3 Minimum front yard: 30 feet

4.17.1.4 Minimum side yard: 10 feet

4.17.1.5 Minimum rear yard: 20 feet

- 4.17.3.17 Additional signage and/or signs in excess of fourteen (14) square feet. These signs are also subject to the requirements of Section
- 4.17.3.18 Deleted.
- 4.17.3.19 Deleted.
- 4.17.3.20 Commercial, educational or recreation services.
- 4.17.3.21 Any retail outlet dealing in merchandises or services which the Commission finds to be similar in nature to the above use.
- 4.17.3.22 Child Day Care Centers.
- 4.17.3.23 Multiple single-family dwellings subject to the requirements of Section 4.7.5.2, 4.7.6, 4.7.7, and 17.3.3, and to a finding to be made by the Commission that the construction of, or conversion to, multiple single-family dwellings will not reduce the availability of existing habitable rental housing in the Rockville section of the Town of Vernon.
- 4.17.3.24 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.
- 4.17.3.24.1 More than forty (40) off-street parking spaces are required or;
- 4.17.3.24.2 The proposed structure is within two-hundred (200) feet of a residential structure or;
- 4.17.3.24.3 The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or;
- 4.17.3.24.4 The aggregate square footage for all structures on any parcel exceeds 25,000;
- 4.17.3.24.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.
- 4.17.3.24.6 Lot coverage of forty-five (45) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off-site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off site. If the area is in an aquifer protection zone, the provision of Section 20.5 shall also apply.
- 4.17.3.24.7 A structure with a height exceeding two and a half (2 ½) stories or thirty-five (35) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.
- 4.17.3.24.8 Deleted.
- 4.17.3.24.9 Outside displays by retail sales establishments when said displays occupy an area greater than ten (10) percent of the gross floor area of the individual business utilizing the display.
- 4.17.3.25 Emergency shelter for the homeless when conducted by a non-profit organization.
- 4.17.3.26 Bed & Breakfast.
- 4.17.3.27 Home occupations in single-family homes.
- 4.17.3.28 Outside displays by retail sales establishments when said displays occupy an area greater than ten (10) percent of the gross floor area of the individual business utilizing the display.
- 4.17.3.29 A parking lot or parking facility as a principal use on a lot to provide for an allowed use(s), which allowed use(s) is located on another lot(s) that is located within sixteen hundred (1,600) feet of the lot on which the parking lot or parking facility is located. The parking lot or

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

4.18.3.1 Single-family dwellings.

4.18.3.2 Governmental buildings.

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

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

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

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

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

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

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

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

4.18.3.3.8 Deleted.

4.18.3.4 Bed & Breakfast.

(Appl. PZ-2019-04(2), 7-18-2019)

4.18.4 - Use Variances:

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

4.19 - HISTORIC DISTRICT—INDUSTRIAL

4.19.1 - Area and Yard requirements:

4.19.1.1 Minimum lot area: 1 acre

4.19.1.2 Minimum lot width: 160 feet

4.19.1.3 Minimum front yard: 35 feet

4.19.1.4 Minimum side yard: 15 feet

4.19.1.5 Minimum rear yard: 30 feet

4.19.1.6 Minimum floor area: 10 percent of land area

4.19.2 - Permitted uses:

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

4.19.2.2 Printing or publishing establishments.

4.19.2.3 Wholesale distribution or warehouse facility.

4.19.2.4 Office buildings and financial institutions.

4.19.2.5 Research laboratories.

4.19.2.6 Restaurant serving food for consumption inside the building.

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

4.19.2.8 Signs subject to Section 16.

4.19.3 - Special Permits:

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

4.19.3.1 Governmental buildings, public utility structures and telecommunication towers.

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

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

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

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

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

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

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

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

4.19.3.2.8 Deleted.

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

4.19.3.3 Adaptive Re-use per Sections 2.96 & 3.26

- 4.20.4.9 Accessory uses customarily incidental to the listed uses.
- 4.20.4.10 Retail sale of products assembled or packaged in a building on the premises provided said fabrication, assembling, or packing operations occupy a minimum of seventy-five (75) percent of the floor area of said building.
- 4.20.4.11 Plumbing, heating, electrical, industrial and general contracting establishments, which may include showrooms.
- 4.20.4.12 Commercial recreational facility.
- 4.20.4.12.1 Commercial recreational facilities are exempt from the minimum floor area requirement of five (5) percent if the proposed use is primarily for outdoor activities.
- 4.20.4.13 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.
- 4.20.4.13.1 More than forty (40) off-street parking spaces are required or;
- 4.20.4.13.2 The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or;
- 4.20.4.13.3 The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or
- 4.20.4.13.4 The aggregate square footage for all structures on any parcel exceeds 25,000;
- 4.20.4.13.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.
- 4.20.4.13.6 Lot coverage of sixty-five (65) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off-site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off-site. **If the area is in an aquifer protection zone, the provision of Section 20.5 shall also apply.**
- 4.20.4.13.7 A structure with a height exceeding three (3) stories or forty (40) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.
- 4.20.4.13.8 Deleted.
- 4.20.4.13.9 Outside displays when said displays occupy an area greater than ten (10) percent of the gross floor area of the individual business utilizing the display.
- 4.20.4.14 Bank or other financial institution.
- 4.20.4.15 Hotel, motel, convention and resort centers.
- 4.20.4.16 Drive-up service window by approval of both a Site Plan and a Special Permit.
- 4.20.4.17 Restaurant, located within, and serving food for consumption inside an office, hotel, convention oriented or industrial type building or complex of buildings.
- 4.20.4.18 Governmental buildings and facilities including recycling facilities for organic materials.
- 4.20.4.19 Telecommunication towers.
- 4.20.4.20 Redemption center for used beverage containers.
- 4.20.4.21 Commercial kennel, as defined in Section 2, provided that such a facility is located no closer than three hundred (300) feet from a residence or residential district. The three hundred (300) feet separation requirement shall not apply to veterinary facilities housed inside a building.
- 4.20.4.22 Message board sign by approval of both a Site Plan and Special Permit.

- 4.21.5.11.6 Lot coverage of fifty-five (55) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off-site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off-site. If the area is in an aquifer protection zone, the provision of Section 20.5 shall also apply.
- 4.21.5.11.7 A structure with a height exceeding three (3) stories or forty (40) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.
- 4.21.5.11.8 Deleted.
- 4.21.5.11.9 Outside displays when said displays occupy an area greater than 10% of the gross floor area of the individual business utilizing the display.
- 4.21.5.12 Retail sale of food with alcoholic beverages permit.
- 4.21.5.13 Day care centers.
- 4.21.5.14 Drive-up service window by approval of both a Site Plan and a Special Permit.
- 4.21.5.15 Message board sign by approval of both a Site Plan and Special Permit.
- 4.21.5.16 One sign, per business, not larger than fourteen (14) square feet, provided this sign meets all the other requirements of Section 16. Additional signage and/or signs in excess of fourteen (14) square feet and otherwise in compliance with Section 16 may be permitted when granted a Special Permit by the Planning & Zoning Commission.
- 4.21.5.17 Indoor movie theaters.
- 4.21.5.18 Funeral homes.
- 4.21.5.19 Seller or server of alcoholic beverages subject to Section 17.1, Alcoholic Liquors.
- 4.21.5.20 Hospitals, medical offices, laboratories and similar health care facilities.

(Appl. PZ-2019-04(2), 7-18-2019)

4.21.6 - Protective Provisions:

- 4.21.6.1 To protect the traffic flow and improve the aesthetic character of the area, the parking of vehicles shall not be allowed within the first thirty-(30) feet of the front yard.
- 4.21.6.2 For each existing subdivided lot of record as of March 1, 1983, subject to PC zoning only, one (1) curb cut for access and egress onto Route 83 shall be permitted for all future development of the parcel. The width, turning radii, and location of this curb cut with respect to each individual lot shall be established at the time of initial Plan of Development application so as to accommodate future planned development of each parcel. The Planning & Zoning Commission may require the submission of a schematic development plan for undeveloped portions of the property to assist in determining the best location of the curb cut. If warranted by traffic flow and/or safety consideration, this requirement may be waived at the sole discretion of the Planning & Zoning Commission.
- 4.21.6.3 The complete Site Plan as required in Section 14 shall be submitted to the Planning & Zoning Commission as part of the submission of the application for development.
- 4.21.6.4 To provide landscaped outdoor spaces and attractive buffers between adjacent uses in the zone and between the rear parcel boundaries and adjacent zones, the following general landscaping criteria are required:
 - All setback areas shall be landscaped at a minimum with sod, ground cover and/or low-level shrubbery, or natural buffering shall be preserved.

- 4.22.8.1 More than forty (40) off-street parking spaces are required or;
- 4.22.8.2 The aggregate square footage for all structures on any parcel exceeds 25,000;
- 4.22.8.3 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.
- 4.22.8.4 Lot coverage of forty-five (45) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off-site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off-site. ~~If the area is in an aquifer protection zone, the provision of Section 20.5 shall also apply.~~
- 4.22.8.5 A structure with a height exceeding two and a half (2 ½) stories or thirty-five (35) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.
- 4.22.8.6 Deleted.
- 4.22.8.7 Message board sign by approval of both a Site Plan and Special Permit.

(Appl. PZ-2019-04(2), 7-18-2019)

4.23 - HISTORIC DISTRICT—DOWNTOWN BUSINESS & RESIDENTIAL (DBR)

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

4.23.2 - Area and Yard Requirements:

- 4.23.2.1 Minimum lot area: 5,000 square feet
- 4.23.2.2 Minimum lot width: 50 feet
- 4.23.2.3 Minimum front yard: No minimum, but shall be equal to or exceed the median average front yard of the buildings on either side of the lot.
- 4.23.2.4 Minimum rear yard: Where the lot does not abut the RC or PND district, the rear yard shall be equal to five feet (5'). Where the lot does abut the RC or PND district, the rear yard must be twenty feet (20').
- 4.23.2.5 Minimum side yard: Where the lot does not abut the RC or PND district, the minimum side yard shall be five feet (5') unless a common firewall is constructed in which case there shall be no minimum side yard. Where the lot does abut the RC or PND district, the side yard must be ten feet (10').
- 4.23.2.6 Minimum floor area: 1,000 square feet.

4.23.3 - Permitted uses:

- 4.23.3.1 Retail sale of food, non-alcoholic beverages, drugs, clothing, jewelry, hardware, stationery, specialty items, household appliances, and furnishings.
- 4.23.3.2 Restaurants, non-full service and full service, subject also to the provisions of Section 17.1
- 4.23.3.3 Professional or business offices; governmental offices and facilities; clinics; dental, medical and health offices, provided none of the aforementioned uses is to be located on the

- 4.23.5.9 Multi-family dwellings, subject also to the provisions of Sections 10.1, 4.7.5, and 4.7.7. However, there shall be no increase permitted in the number of separate dwelling units within existing multi-family residential buildings.
- 4.23.5.10 Mixed non-residential and residential uses upon a single parcel.
- 4.23.5.11 Conversion of residential to non-residential use, conversion of non-residential to residential use.
- 4.23.5.12 Bed and Breakfast (B&B); hotels, motels.
- 4.23.5.13 Day care establishments.
- 4.23.5.14 Emergency shelters for the homeless.
- 4.23.5.15 Home based businesses of Major—Type 2.
- 4.23.5.16 Professional or business offices; governmental offices and facilities, clinics; dental, medical and health offices, tattoo studio, any of which are to be located on the ground floor of a building.
- 4.23.5.17 Places of worship or religious facilities to be located on the ground floor of a building that was not originally constructed for that purpose.
- 4.23.5.18 Retail sales of merchandise similar in nature, as determined by the Commission, to the items permitted in Section 4.23.3.1.
- 4.23.5.19 Additional signs other than those permitted in Section 4.23.3.12, subject also to the provision of Section 16.
- 4.23.5.20 Laboratories and research facilities.
- 4.23.5.21 In addition to any other permits or approvals, a special permit is required for development in this zone when any of the following thresholds are met:
- 4.23.5.21.1 The proposed development has off-street parking area or loading spaces located within fifty feet (50') of a residence.
- 4.23.5.21.2 Lot coverage of eighty percent (80%) or more. In order to grant this Special Permit, the Planning and Zoning Commission (PZC) must find that the additional lot coverage will not increase the off-site storm water run-off or it is the opinion, in writing, of the Town Engineer that all storm water run off should be discharged from the site. If the parcel is in an aquifer protection zone, the provisions of Section 20.5 shall also apply.
- 4.23.5.21.3 A structure exceeding three (3) stories or forty feet (40') of height. In order to grant this Special Permit, the Planning & Zoning Commission (PZC) must receive a written opinion from the Fire Marshal in regard to the fire safety aspect related to the increased height.
- 4.23.5.21.4 Outside displays by retail sales establishments when said displays occupy an area greater than ten percent (10%) of the gross floor area of the individual business utilizing the display and continue for a period in excess of seventy-two (72) hours.
- 4.23.5.21.5 Drive-up service window by approval of both a Site Plan and a Special Permit.
- 4.23.5.22 Adaptive Re-use per Sections 2.96 & 3.26
- 4.23.5.23 Message board sign by approval of both a Site Plan and Special Permit.
- 4.23.5.24 Convalescent homes or nursing homes and assisted living facilities when connected to public water and sanitary sewer.
- 4.23.5.25 Residential facilities for special education.

4.23.6 - Use variances:

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

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

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

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

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

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

Stations for transit riders, where feasible;

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

Public sidewalks, unless waived by Section 3.25;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Fountains;
- Parks;
- Clock Towers;
- Patio/Seating Area;
- An open space that serves a valid public purpose;
- Pedestrian plaza with benches;
- Outdoor play area;

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

- Bike racks and or bike parking to be located as close to the building entrance as possible;
- Stations for transit riders, where feasible;
- Sidewalks connecting the new development to transit stops, where feasible;
- Public sidewalks, unless waived by Section 3.25;

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

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

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

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

4.25.4.3.2 Single and two-family structures meeting the requirements of the Residential 27 (R-27) zoning district.

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

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

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

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

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

4.25.4.3.6 Full-service restaurants;

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

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

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

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

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

- 4.25.4.3.12 Plumbing, heating, electrical, industrial, and general contracting establishments, which may include showrooms. Any outside storage of materials or equipment, shall be screened from abutting properties and views from public streets through landscape buffering which may include fencing;
- 4.25.4.3.13 Accessory uses customarily incidental to the listed uses. (Refer to Section 2.132 for definition). However, the storage of chemicals, pesticides, fertilizers, and similar materials is prohibited.
- 4.25.4.3.14 Signs subject to Zoning Regulations Section 16:
- 4.25.4.3.14.1 Residentially used lots are not subject to Section 16.3;
 - 4.25.4.3.14.2 Lots used for non residential uses are not subject to Section 16.2;
 - 4.25.4.3.14.3 Lots with mixed uses, when said uses include a residential component, shall be subject to the least restrictive requirement of Section 16.
 - 4.25.4.3.14.4 Message board sign by approval of both a Site Plan and Special Permit.
- 4.25.4.3.15 Reserved.
- 4.25.4.3.16 In addition to any other required permits or approvals, a special permit shall be required for any use or development in this zone, when any of the following thresholds are met for any parcel or development. However, the requirements of the Section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to July 1, 1999.
- 4.25.4.3.16.1 More than forty (40) off-street parking spaces are required;
 - 4.25.4.3.16.2 The proposed structure is within two hundred feet (200') of a residential structure;
 - 4.25.4.3.16.3 The proposed development has any off-street parking or loading spaces within two hundred feet (200') of a residential structure;
 - 4.25.4.3.16.4 The aggregate square footage for all structures on any parcel exceeds twenty-five thousand square feet (25,000 SF);
 - 4.25.4.3.16.5 Lot coverage is greater than fifty percent (50%).
- 4.25.4.3.16.5.1 In order to grant this special permit, the Commission, must find:
 - 4.25.4.3.16.5.1.1 That this additional coverage will not increase the off-site storm water run-off or it is the written opinion of the Town Engineer that all storm water run-off should be discharged off-site storm water run-off or it is the written opinion of the Town Engineer that all storm water run-off should be discharged off-site.
 - 4.25.4.3.16.5.1.2 That the level of impervious surface is appropriate for the site and will not create a negative impact to the Tankerhoosen River Watershed.
 - 4.25.4.3.16.5.1.3 In making these determinations the Commission shall consider the use of LID (Low Impact Development) treatment practices for stormwater generated on the site including, but not limited to: the use of rain gardens; grass pavers; porous pavers; reinforced turf; roof stormwater harvesting systems; grass swales; vegetative roofs; bioretention cells/swales; preservation of native soils and vegetation; and the ability of such proposal to maintain a hydrologically functional landscape. All LID practices proposed shall be consistent with the 2004 DEP Stormwater Quality Manual and 2002 Connecticut Erosion & Sedimentation Guidelines.
 - 4.25.4.3.16.5.1.4 If the area is in an aquifer protection zone, the provisions of Section 20.5 & 20.6 shall apply also.

to be considered for variation as stated above shall be ten (10) acres.

7.3 - The maximum number of building lots

shall not exceed one and two-tenths (1.2) per net acre in the R-40 district, or one and nine-tenths (1.9) per net acre in the R-27 district. Net acreage shall be determined by subtracting fifteen (15) percent of the gross acreage of the parcel (for streets). The gross area of the parcel shall include only land that is not encumbered with easements or other restrictions that would prevent full use of the land.

7.4 - The land area not allocated to building lots and streets

shall be permanently reserved in open space. Such areas shall be in locations designated open spaces or greenbelts on the comprehensive plan or, where the sub-divider proposes open space in other areas; such proposals shall be subject to the approval of the Commission.

7.5

No proposed cluster development shall be considered or approved unless the dwelling units on the proposed lots are to be serviced by public sewers and either a public water supply or individual wells approved by the North Central District Health Department.

7.6 - In cluster subdivision,

the lots shall satisfy the following requirements;

		R-27	R-40	
7.6.1	Minimum lot area (square feet)	20,000	30,000	
7.6.2	Minimum lot width (feet)	100	150	
7.6.3	Maximum lot coverage (percent)			
	When not in an aquifer protection Zone	20	20	
	7.6.3.1. — A Special Permit shall be required for any lot coverage exceeding twenty (20) percent in an aquifer protection zone and subject to the requirements of Section 20.5			
7.6.4	Minimum side yards (feet)	10	10	
7.6.5	Minimum rear yard (feet)	20	20	

19.3

In order to approve a subdivision containing rear lots or a Special Permit for a rear lot the Commission shall find:

19.3.1 That the development of rear lots will provide the most suitable use of the land considering such factors as drainage, natural resources configuration, accessibility, and topography and

19.3.2 The rear lot(s) shall not present any problems with the provision of emergency services and

19.3.3 All the requirements of the Zoning and/or Subdivision Regulations are met.

SECTION 20 – AQUIFER PROTECTION

20.1 – In establishing these regulations, the Town recognizes that:

20.1.1 The groundwater underlying this town is a significant source of its present and future and drinking water supply;

20.1.2 The groundwater aquifers are integrally connected with, and flow into, the surface waters, lakes, and streams which constitute significant recreational and economic resources of the Town; and

20.1.3 Spills and discharges of petroleum products and other toxic and hazardous materials and discharge of sewage have threatened the quality of such ground water supplies and related water resources throughout Connecticut and elsewhere, posing potential public health and safety hazards and threatening economic losses to the affected communities; and

20.1.4 Sections 8-2 and 8-23 of the Connecticut General Statutes require consideration of protecting existing and future public water supplies.

20.2 – Therefore, this section of the Regulations is established in order to:

20.2.1 Preserve and maintain existing and potential groundwater supplies, aquifers, and groundwater recharge areas of the Town, and protect them from adverse development of land use practices;

20.2.2 Preserve and protect present and potential sources of the water supply for the public health and safety;

20.2.3 Conserve the natural resources of the Town.

20.3 – Delineation of Aquifer Protection Zone:

20.3.1 For the purposes of these Regulations, there is hereby established within the Town of Vernon an overlay zone consisting of certain aquifer protection areas, including Favorable Aquifer Areas – Saturated Thickness over thirty (30) feet and Stratified Drift Aquifer and Primary Recharge Area which are delineated on a map dated August, 1992, entitled "Unconsolidated Aquifers, Aquifer Management Study, Town of Vernon, Connecticut" and which shall be considered as superimposed over other districts established by the Zoning Regulations of this Town. This map, as it may be amended from time to time, is on file with the office of the Town Clerk and Town Engineer and, with any explanatory material thereon, is hereby made a part of this Regulation.

20.3.2 Amendments to the Aquifer Protection Zone. Any person may petition the Commission for an amendment to the above referenced map. If the material beneath the subject property is:

(a) Not stratified drift or;

(b) The stratified drift does not exceed 30 feet in saturated thickness or;

(c) Is not a primary recharge area to the Stratified Drift Aquifer

then the aquifer area designation may be removed from the property. All petitions for an amendment shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment.

Such proof shall include:

(1) Subsurface investigation by a qualified hydrogeologist, including the drilling of borings and the construction of a groundwater monitoring well to determine the saturated thickness of overburden sediments beneath the site.

(2) A watershed and drainage analysis to determine if runoff from the site is a significant contributor of both groundwater and surface water recharge to the stratified drift aquifer.

All map amendments are subject to a public hearing.

20.4 Use Regulations applying to the Aquifer Protection Zone:

20.4.1 Within the Favorable Aquifer Areas – Saturated Thickness over thirty (30) feet and Stratified Drift Aquifer and Primary Recharge Area the following uses shall not be allowed under any circumstances:

20.4.1.1 Stockpiles of road salt or other ice control chemicals.

20.4.1.2 Underground storage tanks or pipelines for petroleum products or any toxic or hazardous materials.

20.4.1.3 Dry cleaning establishments where cleaning is performed on the premises.

20.4.2 Special Permit uses: Within the Favorable Aquifer Areas – Saturated Thickness over thirty (30) feet and Stratified Drift Aquifer and Primary Recharge Area of the Aquifer Protection Zone the following uses are allowed only by Special Permit. The phrase "when connected to public sanitary sewers" when used in relation to a specific use or use category, shall mean, that within the Aquifer Protection Zone, the Commission shall not grant the Special Permit unless the structure, use, etc., is connected to the public sanitary sewer.

20.4.2.1 Golf courses, whether public or private.

20.4.2.2 Commercial cabinetry or furniture making when connected to public sanitary sewers.

20.4.2.3 Residential development of more than one (1) dwelling unit.

20.4.2.4 Cluster Developments when connected to public sewer and water supplies.

20.4.2.5 Excavation of land of more than one hundred (100) cubic yards for off site use or the disturbing of more than one half (1/2) acre on a site.

20.4.2.6 Any use involving the retention of less than fifty (50) percent of the lot in a natural state.

20.4.2.7 Any use other than single family dwellings where sewage flow exceeds four hundred fifty (450) gallons per day per acre of upland lot area, of ten thousand (10,000) gallons per day total design sewage flow.

20.4.2.8 Any use which involves as an accessory activity the storage, use, transportation, or disposal of toxic or hazardous materials, not including, everyday ordinary household use.

20.4.2.9 Hotels or motels when connected to public sanitary sewers and water supplies.

20.4.2.10 Any other use, which involves as a principal activity the manufacture, storage, use, transportation, or disposal of toxic or hazardous materials.

20.4.2.10 Commercial and industrial establishments or facilities for the fueling, washing, servicing, painting, or repair of airplanes, boats or motor vehicles when connected to public sanitary sewers.

20.4.2.12 Commercial establishments for the plating, finishing, etching, polishing of metals or semiconductors when connected to public sanitary sewers.

20.4.2.13 Painting, wood preserving or stripping paint on a commercial scale when connected to public sanitary sewers.

20.4.2.14 Manufacture of semiconductors or other electronic components when connected to public sanitary sewers.

20.4.2.15 Electronic circuit assembly on a commercial scale when connected to public sanitary sewers.

1 Continued gical, chemical or bacteriological laboratories when connected to public sanitary sewers.

20.4.2.17 Commercial establishments for printing or photographic processing when connected to public sanitary sewers.

20.4.2.18 Storage of herbicides, pesticides, or fertilizers in amount greater than one hundred ten (110) gallons or two hundred fifty (250) pounds dry weight.

20.4.2.19 Storage and/or sale of petroleum or refined petroleum products, except within a building which it will heat.

20.4.2.20 Commercial development limited to retail shopping, business or professional office, or warehousing limited to storage of nontoxic, non-hazardous materials. Roof and other building run-off shall be retained and recharged on site to the maximum extent practical. All sanitary wastewater generated at the facility shall be conveyed off-site via public sanitary sewers, when available within one thousand five hundred feet (1,500') of the proposed development. If sewers are not currently available, the applicant shall submit a Plan of the treatment and disposal of wastewater pursuant to Section 20.6 of these Regulations. The Plan presented shall be based on sound engineering practices and shall include a written certification by a registered Professional Engineer in the State of Connecticut that the proposed septic system will not adversely affect the underlying aquifer or recharge area. Septic systems permitted under this Section shall be for the sole purpose of disposing sanitary wastewater, and shall be designed in accordance with the appropriate local, state, and federal codes pursuant to Section 20.5.2 of these Regulations. All other forms of wastewater generated shall be contained and disposed off-site.

The burden to demonstrate that the aquifer and recharge areas will not be adversely affected by the proposed development will be on the applicant. The applicant shall connect to the public sewer system at such time as it becomes available. The Commission may, at its discretion, elect to retain the services of a qualified professional at the applicant's expense, to review the Plans and render an opinion on the Commission's behalf.

20.4.2.21 Non-intensive agricultural uses: Pasture light grazing, hay, gardening, nursery, conservation, forestry, and harvesting provided that fertilizers, herbicides, pesticides, and other Leachable materials are not stored outdoors or in any other manner which would permit leakage thereof.

20.4.2.22 Proper operation and maintenance of existing water bodies and dams, splashboards, and other water control, supply, and conservation devices.

20.4.2.23 Existing conforming commercial and industrial buildings and uses may be maintained, repaired, expanded, or altered notwithstanding any change in ownership, but subject to the provisions of this district and the underlying zoning district.

20.4.2.23.1 This section shall not apply to the expansion of uses listed in Section 20.4.1 above and shall supersede Section 11 of these Regulations.

20.4.2.23.2 The Special Permit shall be granted for the repair, expansion or alteration of existing conforming structures and uses if said structure is connected to public sanitary sewers.

20.4.2.24 Any use which increases the lot coverage to sixty (60) percent or more.

20.4.2.25 Aquifer Protection within the Planned Development Zones per Sections 4.24.4.2 & 4.25.4.

20.5—Density Regulations applying to the Aquifer Protection Zone:

20.5.1 The Commission may increase the lot coverage if an applicant's civil engineer registered in the State of Connecticut having the appropriate qualifications, shall declare in writing that the increased lot coverage will not adversely affect the underlying aquifer or recharge area. The plan presented shall be based on sound engineering practice and the burden to demonstrate that the aquifer or recharge areas will not be adversely affected will be on the applicant.

20.5.2 In any Aquifer Protection Zone the density of design gallons per day of an on-site sewage disposal according to State of Connecticut Public Health Code criteria shall not exceed one hundred (100) gallons per day per ten thousand (10,000) square feet of developable upland lot area (exclusive of wetlands, floodplains, and impermeable surfaces). No additional development on an already developed site shall exceed this standard.

20.6—Special Permit within the Aquifer Protection Zone:

20.6.1 A Special Permit shall be granted if the PZC determine that Section 17.3 of the Regulations and the intent of this section as well as its specific criteria are met.

In making such determination, the PZC shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to water quality. In addition the following shall apply:

20.6.1.1 The use will not, during construction or thereafter, have a significant adverse impact on any aquifer or recharge area in the District and;

20.6.1.2 The use will not have a significant adverse impact on an existing or potential domestic or municipal water supply; and is consistent with existing and probable future development or surrounding areas and;

20.6.1.3 Groundwater quality at the down-gradient boundary of the property shall not be allowed to violate State and Federal drinking water standards.

20.6.2 Materials to be submitted by Applicant: The following materials shall be submitted to the PZC in addition to those materials required by Sections 14 or 17 of the Regulations.

20.6.2.1 A site plan showing existing and proposed structures and the location of all facilities relevant to the other requirements specified in the paragraphs below.

20.6.2.2 A complete list of all chemicals, pesticides, fuels, and other potentially toxic or hazardous materials to be used, generated, stored, or disposed of on the premises.

20.6.2.3 A description of proposed measures to protect all storage containers or facilities associated with such materials from vandalism, accidental damage, corrosion and leakage. Such measures might include secure storage areas, shelters for corrodible or water soluble materials, spill control provisions around transfer points, and a schedule of future monitoring of waste streams or groundwater on the site to ensure that proper control has been maintained.

20.6.2.4 A description of proposed methods by which runoff from building areas will be recharged into the ground within the premises, preferably by diversion into vegetated areas where surface infiltration will occur. Dry wells shall be used only where surface infiltration is not feasible.

20.6.2.5 Projections of concentrations of nitrogen and other relevant solutes in the groundwater at the down-gradient boundary of the property and at any other locations deemed pertinent by PZC including drinking water wells identified by construction of flow lines from the proposed site.

20.6.3 Pesticide and Fertilizer Use: Any use which includes more than five (5) acres of land including, but not limited to, crop, lawn, garden or landscaping, requiring regular applications of chemical pesticides, or fertilizers shall be accompanied by a management plan. The management plan shall indicate types of materials, application schedule, and conformance with applicable best management practices.

20.6.4 Deleted.

20.7 Treatment of Pre-Existing Non-Conforming Uses:

20.7.1 Any construction or operation to be performed under a building permit or Special Permit issued prior to the effective date of this section shall conform with the requirements of this section unless the construction or operation is commenced within six (6) months after the issuance of the building permit or Special Permit and (for construction only) has been continued through to completion as continuously and expeditiously as is reasonable. Identical conditions shall apply on the occasion of any further amendment of this section.

20.7.2 Any non-conforming use or structure, which is abandoned or not used for a period of one year or more, shall be subject to the provisions of this section.

20.7.3 Deleted.

20.7.4 Except a conforming dwelling or conforming accessory use on a non-conforming lot, a non-conforming structure or use shall not be altered, reconstructed, extended or changed without a Special Permit from the PZC, provided that said Board finds that such alteration is not substantially more detrimental to the neighborhood than the existing non-conforming structure or use, except as the same may apply to non non-conforming buildings, structures or land used primarily for agriculture, floriculture or horticulture within defined aquifer resource protection districts. No Special Permit shall be granted for any alteration, reconstruction, extension or structural change for a non-conforming structure or use without a specific finding by the PZC that the proposed alteration, reconstruction, extension or structure change will not violate any of the provisions or other parts of this regulation. It shall be the responsibility of the applicant proposing said alteration, reconstruction, extension or change to demonstrate to the PZC that the proposed alteration, reconstruction, extension or structure change will not violate any of the provisions of this Regulation.

20.8 Design and Operations Guidelines:

The following design and operation guidelines shall be observed within the Aquifer Protection Zone:

20.8.1 Standards: Provision shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage or vandalism through measures such as; prohibition of underground fuel storage tanks; spill control provisions in the vicinity of chemical or fuel delivery points; secured storage areas for toxic or hazardous materials; and indoor storage provisions for corrodible or dissolvable materials. For operations, which allow the evaporation of toxic or hazardous materials into the interiors of any structures, a closed vapor to prevent discharge of contaminated condensate into the groundwater.

20.8.2 Location: Where the premises are partially outside of the Aquifer Protection Zone, potential pollution sources such as on-site waste disposal system shall be located outside the zone to the extent feasible.

20.9 Use Variances:

Under no circumstances shall the Zoning board of Appeals grant a Variance to allow a use in this zoning district specifically prohibited under 20.4.1 and specifically allowed by the Planning and Zoning Commission under Section 20.4.2.

SECTION 21 - ARCHITECTURAL & DESIGN REVIEW REGULATIONS

21.1 - Intent:

- 21.1.1 The Planning & Zoning Commission, in accordance with CGS 8-2, shall require Architectural and Design Review for all applications for Special Permits, Site Plan approval, or modifications to an already approved plan only when said modification or Special Permit or Site Plan involves significant architectural features.
- 21.1.2 The purpose of architectural design and review is to promote and encourage public and private actions to:
 - 21.1.2.1 Maintain a high standard of community development;
 - 21.1.2.2 To protect the public health, safety, convenience and welfare;
 - 21.1.2.3 Protect the value of all real property within the community;
 - 21.1.2.4 Promote aesthetically pleasing development; and
 - 21.1.2.5 Preserve the special character of existing neighborhoods.
- 21.1.3 Findings as to the adequacy of design, architectural treatment and aesthetic character shall be made in view of the fact that excessive uniformity, inappropriateness of poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affect the desirability of the immediate area and the neighboring areas for residential, business, or other purposes.
- 21.1.4 It is the policy of the Design Review Advisory Committee that it will seek improvements in design rather than practice censorship of creativity. It is not the charge of the Committee to review projects for compliance with building codes or fire safety codes.

21.2 - Criteria for Plan Evaluation:

- 21.2.1 The Committee will consider the general criteria outlined below to review the following:
 - 21.2.1.1 The basic design for the proposed uses, buildings or development;
 - 21.2.1.2 The relationship between the buildings, and the land, and the physical environment;
 - 21.2.1.3 The relationship between uses and building/structures; and
 - 21.2.1.4 The overall physical appearance of the proposed use/buildings/development and its compatibility with surrounding development and the neighborhood.
- 21.2.2 Specific Criteria for Plan Evaluation.
- 21.2.3 The purpose of these criteria is to establish a checklist of those items that affect the physical aspect of Vernon's environment, pertinent to appearance is the design of the site, building and structures, plantings, signs, lighting, and other objects that are observed by the public.

- 22.2.13.3 The proposed action fronts, requires access to, or has potential to impact sites identified in the Connecticut Department of Transportation (CT DOT) Suggested List of Safety Surveillance Sites (SLOSS), or;
- 22.2.13.4 The proposed action directly or indirectly conflicts with one or more of the Policies, Goals, and Objectives recommended in the POCD (pp. 109-120), specifically:
- A. Housing Policies, Goals and Objectives
 - B. Economic Base Policies, Goals and Objectives
 - C. Design Policies Goals and Objectives
 - D. Community Facilities Polices, Goals and Objectives
 - E. Transportation Policies, Goals, and Objectives
 - F. Open Space Policies, Goals, and Objectives, or;
- 22.2.13.5 The proposed action directly or indirectly conflicts with the Land Use Plan and Strategy as stated in the POCD (pp. 121-129), or;
- 22.2.13.6 The proposed action is identified as an Area Sensitive to Development in the POCD (pp. 17-18), or;
- ~~22.2.13.7 The proposed action is identified as being within a Stratified Drift Aquifer and or Primary Recharge Area as identified in the Town of Vernon Aquifer Protection Map, or has a reasonable potential to impact the public water supply, or;~~
- 22.2.13.8 The proposed action is within or has the potential to impact to areas identified by the United States Department of Agriculture to contain Prime Important Farmland Soil, and as indicated in the POCD (pp. 16-17), or;
- 22.2.13.9 The proposed action is within or has the potential to impact areas identified by the Connecticut Department of Environmental Protection in the Natural Diversity Database (NDDb) as an area containing Endangered, Threatened, & Species of Special Concern, or;
- 22.2.13.10 The proposed action is within or has the potential to impact those areas identified by the Federal Emergency Management Agency Flood Insurance Rate Map as a Flood Zone or Flood Plain, or;
- 22.2.13.11 The proposed action is within or has the potential to impact those areas identified as a Priority Area for Open Space Protection, or Part of the Existing and/or Potential Open Space System, or is in direct or indirect conflict with the Open Space Policies and Goals as identified in the POCD (pp. 74-87), or;
- 22.2.13.12 That is proposed in a use district (specified in Section 4 of the Zoning Regulations) where the proposed activity in its entirety exceeds the impervious coverage thresholds established in such relevant district, or;
- 22.2.13.13 Where the aggregate square footage for all structures on any parcel exceeds 25,000, or;
- 22.2.13.14 Where the proposed action includes greater than 50 off-street parking or loading spaces, or;
- 22.2.13.15 Any application in which additional technical evaluations are determined by the Commission to be necessary to fulfill the Town requirements for processing the application and/ or may be necessary to obtain a satisfactory evaluation of the Application, inclusive of legal reviews and guidance.
- 22.2.14 Whenever an application establishes criteria identified in 22.2.13, the Town Planner will provide an estimated cost for technical services and consultants. The commission will review

Other Business

Planning & Zoning

CONNECTICUT LAND USE LAW FOR MUNICIPAL LAND USE AGENCIES, BOARDS, AND COMMISSIONS

**Saturday, March 6, 2021
9:00 a.m. – 4:30 p.m.**

Webinar

This is a virtual meeting and will be accessible via Zoom. Zoom is a cloud-based platform for video and audio conferencing. It can be accessed through a browser on any device, or the Zoom app.

To receive your Webinar Link, you must provide your e-mail address when you register.

To receive your printed course material, in a timely manner, please register by February 15th.



Sponsored by the
Connecticut Bar Association
Planning and Zoning Section

CONNECTICUT LAND USE LAW FOR MUNICIPAL LAND USE AGENCIES, BOARDS, AND COMMISSIONS

The future of Connecticut's communities will be shaped by its land use laws and regulations. Developers, neighbors, and preservationists all intersect before municipal land use boards and commissions, advocating their particular interests and approaches. Each commission member regularly has to make critical decisions, all within the context of complicated statutory and case law.

This introductory level course will focus on topics of immediate concern to all municipal land use agencies, boards, commissions, and their staffs. The topics reflect both timely and practical situations, confronting participants at every level of the municipal land use process. This course will provide a broad review of the municipal land use process, including zoning, planning, zoning board of appeals, and wetlands issues. Members of municipal land use agencies, boards, and commissions, as well as municipal planners, enforcement officers, and engineers will benefit from this full day course.



SEMINAR PROGRAM

9:00 a.m. – 9:10 a.m.

Welcome

Atty. Eric Bernheim, Westport

Atty. Dorian Famiglietti, Vernon

Co-chairs, CBA Planning and Zoning Section

9:10 a.m. – 9:40 a.m.

Planning Commissions

Atty. Amy E. Souchuns, Milford

This session will cover powers of the planning commission, plan of development, statutory notice requirements, subdivisions and resubdivisions, multi-agency approvals, reasons for denial, open space, changes in regulations, bonding requirements, conditional approvals, and mandating off-site improvements.

9:40 a.m. – 10:10 a.m.

Zoning Commissions

Atty. David M. Royston, Old Saybrook

This session will cover enabling legislation, powers of zoning commissions and proper purposes and goals of zoning, the comprehensive plan, proper notices of hearings, designating and amending zoning districts, spot zoning, floating zones, the uniformity requirement, dependence upon other governmental agency action, rendering decisions, and publications of notices of decisions.

10:10 a.m. – 10:20 a.m.

Break

10:20 a.m. – 10:50 a.m.

Non-Conforming Uses

Atty. Christopher J. Smith, Hartford

This session will entail a general discussion of the origin, scope, and problems of non-conforming uses.

10:50 a.m. – 11:20 a.m.

Special Permit and Site Plan Review

Atty. Brian R. Smith, Hartford

This session will cover statutory requirements and the distinction between special permit and site plan review, and appeals from decisions on applications for special permit and site plan approval.

11:20 a.m. – 11:50 a.m.

Zoning Board of Appeals

Atty. Dorian R. Famiglietti, Vernon

This session will cover functions of zoning boards of appeal, variances, legal requisites for hardship, including issues of confiscation and self-created hardships, other statutory duties of the ZBA, and hearing procedures.

12:00 p.m. – 12:30 p.m.

The 2020 ZiPLeR Awards

Atty. Dwight H. Merriam, FAICP, CRE, Weatogue

12:30 p.m. – 1:00 p.m.

Wetlands Law and Procedure

Atty. Michael A. Zizka, Hartford

This session will cover a review of procedures of municipal inland wetlands and watercourse agencies, and how wetlands law impacts the zoning and planning process.

1:00 p.m. – 1:30 p.m.

Conflict of Interest and Predisposition

Atty. Richard P. Roberts, Hartford

This session will cover statutory provisions on conflict of interest, rules governing predisposition and predetermination, court decisions on conflict of interest, drawing the line between cases where disqualification applies and does not apply, and procedural problems when a question of conflict arises.

1:30 p.m. – 2:00 p.m.

Procedural Issues in the Municipal Land Use Process

Atty. Peter S. Olson, Bethel

This session will cover a review of statutory provisions and case law concerning administrative process, applications; conducting a public hearing; creating the administrative record, and making appropriate findings and conclusions to support decisions.

2:00 p.m. – 2:10 p.m.

Break

2:10 p.m. – 2:40 p.m.

Affordable Housing: The Municipal Perspective

Atty. Ira W. Bloom, Westport

This session will cover a review of an application filed under Section 8-30g of the General Statutes from the Planning & Zoning Commission perspective, including practical advice and a review of the relevant case law.

2:40 p.m. – 3:10 p.m.

Things to Watch out For:

Fair Housing Act, Religious Land Use and Institutionalized Persons Act (RLUIPA)

Atty. Marjorie F. Shansky, New Haven

This session will cover a review of the implications of federal legislation on local zoning, particularly the Fair Housing Act and the Religious Land Use and Institutionalized Persons Act (RLUIPA) as well as state law considerations regarding religious expression and free speech issues.

3:10 p.m. – 3:40 p.m.

Enforcement

Atty. Charles R. Andres, New Haven

This session will cover analysis and discussion of Connecticut law concerning enforcement through the zoning, planning, and wetlands process.

3:40 p.m. – 4:10 p.m.

Environmental Interventions

Atty. Janet P. Brooks, East Berlin

This session will cover interventions under Conn. Gen. Stat. Section 22a-19 for the purpose of raising environmental issues: what they are, what they do, and what you have to do when you get one.

4:10 p.m. - 4:30 p.m.

Questions

Please Note:

This program is available only to members of municipal land use agencies and their support staff.

Refunds of seminar fees will not be granted for cancellations after the course material is mailed out.

To receive your printed course material, in a timely manner, please register by February 15th.

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This is a virtual meeting and will be accessible via Zoom. Zoom is a cloud-based platform for video and audio conferencing. It can be accessed through a browser on any device, or the Zoom app.

Registration Form

Connecticut Land Use Law Seminar

Saturday, March 6, 2021

To Register

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- Visit ctbar.org/LandUse2021 to register online
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- Fax the completed form to (860)223-4488
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