

SECTION 5.0 DISTRICT USE REGULATIONS

5.1 DISTRICT USE REGULATIONS: RESIDENCE 1 (R-1)

5.1.1 Residential Uses

Permitted as a matter of right, subject to any other applicable conditions for the district and to such conditions as may be indicated below:

- (a) **Single-family dwelling**
- (b) **Customary accessory residential uses and structure shall include but are not limited to:** private dog houses, private greenhouses, private tool shed or storage building, private garage or carport, private children's playhouse, private tennis court, private laundry room, hobby room or mechanical room, membrane structures, private playground or recreation area, private garden or family day care home. Customary accessory residential uses and structures shall not include outdoor wood burning furnaces or metal storage containers. No accessory building or structure shall be used as a dwelling unit.

All individual accessory buildings and structures must meet the following standards: 1) a maximum height of 15 feet; and, 2) a maximum footprint of 900 square feet for lots up to 5 acres in size and 1,200 square feet for lots greater than 5 acres in size.

Any accessory building and structure, located entirely behind a plane established by the rear wall of the principal building on the lot may be located a minimum of ten (10) feet from side and rear property lines provided: 1) it is located behind all front yard setbacks; and, 2) it has a footprint no larger than 200 square feet. Otherwise, said buildings and structures shall meet the building line setbacks as specified in Section 6.1.

Accessory buildings and structures for Home Animal Agricultural Uses are as set forth in Sections 5.1.1 (j) and for Agricultural Uses as set forth in Section 5.1.2.

- (c) **Private garage or carport:** a combined total maximum of four (4) motor vehicles may be parked in a private garage and/or carport and such garage or carport shall not be used for residential or living purposes unless it is attached to the principal residence and is converted to habitable space for the use of the occupants of the principal residence.
- (d) **Parking of private commercial vehicle:** a maximum of one commercial vehicle may be parked on the lot, provided such commercial vehicle shall have a maximum capacity of one and one-half (1 1/2) tons, shall be owned by or assigned by his or her

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Section 5.1.1 Residential Uses (cont.)

employer to the owner or permanent resident of the property on which it is to be parked.

- (e) **Private parking or storage of boat (including the trailer for transporting the boat), trailer, or mobile home:** a maximum of two (2) such vehicles may be parked or stored outside on the lot, provided such vehicles are parked in the rear yard and are owned by the owner or permanent resident of the property on which such vehicle is parked. No such boat, trailer, or mobile home shall be occupied for living, sleeping or cooking purposes or for carrying on a business.
- (f) **Private boarding, rooming or lodging house.** Not more than two (2) boarders, roomers or lodgers.
- (g) **Private bathing or swimming pool and bath house:** the pool and bath house, if any, shall be located entirely behind a plane established by the rear wall of the principal building on the lot, a minimum of twenty (20) feet from any side or rear property line and in such a way as to minimize annoyance to adjacent properties and is located behind all front yard setbacks. Pools in full view from the public road, as determined by the Town Planner, shall be screened from public view by fencing or plantings.
- (h) **Private roadside stand:** a private roadside stand shall be used for the sale of produce or products grown or produced completely on the premises. Such stand shall have a maximum area of one hundred (100) square feet, shall be located a minimum distance of one hundred (100) feet from any street or road intersection and shall have a sight line of one hundred (100) feet in each direction on the street. Such roadside stand shall also abide by the side yard requirements for a principal building for the zone in which it is located and shall be removed within ten (10) days after its use is discontinued for that particular year.
- (i) **Use of residence for personal business purposes, provided that:**
 - (1) no business is conducted on premises except by mail or telephone
 - (2) no persons other than members of the family are employed on the premises
 - (3) no external evidence of the business is visible
 - (4) no business signs are erected
 - (5) no pedestrians or vehicular traffic other than that normally generated by a residence is generated

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Section 5.1.1 Residential Uses (cont.)

(j) Home Animal Agriculture

- (1) Home animal agriculture -- includes animals bred, raised or kept for non-commercial purposes including but not limited to horses, cattle, swine, sheep, goats, rabbits, poultry and fowl, bees, but excluding such common household pets, such as, but not limited to cats and dogs.
- (2) Home animal agriculture may be conducted in all residential districts once a zoning compliance permit has been obtained from the Zoning Enforcement Officer. Such permit shall be in effect for one year and may be renewed with the approval of the Zoning Enforcement Officer.

(3) Standards for Home Animal Agriculture

- 1. The minimum lot size on which animals may be kept shall be one acre.
- 2. The portion of the lot or parcel upon which the animals are to be kept shall meet or exceed the following specified minimum area per each animal.
 - (a) Horses, pony, mule, donkey 1 acre
 - (b) Dairy or beef cow 1 acre
 - (c) Sheep or goats 1/4 acre
 - (d) Pigs (excluding one litter under 3 months) 1/2 acre
 - (e) Other livestock 1 acre
 - (f) Total number of poultry plus fowl kept on any lot shall not exceed eight (8).

For all animals including but not limited to horses, ponies, mules, donkeys, cows, sheep and goats, poultry and fowl, the entire portion of the lot or parcel upon which the animal is to be kept shall:

- (a) Not include any areas within 75 feet of the street line or within 20 feet of any side or rear property line,
 - (b) Not include any slopes in excess of 15%, any wetlands, areas over septic systems,
 - (c) Not contain excessive bedrock outcroppings, large boulders, or other natural or man-made obstructions, and,
 - (d) Not be located within 50 feet of any well.
3. Each animal will have free access to shelter, which will provide shade and protection from wind, rain and snow. This building will have an attached or adjacent enclosure to which all cleanings will be confined. This shelter will be a minimum of 100 feet from any dwelling on an

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Section 5.1.1 Residential Uses (cont.)

adjacent property. At the discretion of the Zoning Enforcement Officer, the portion of the lot or parcel upon which animals are kept shall be surrounded by a fence conforming to these Regulations.

4. Fence standards: Electric fences will not be used unless approved by the Building Inspector. Fences will be of sufficient height, strength, pole diameter, gage of wire, and density to assure that such animals shall not escape.
5. There will be no outside storage of feed, grain, hay, animal excrements, or other hazardous or insect breeding material.

(4) Advisory Opinions

The Zoning Enforcement Officer may refer the application to the University of Connecticut Cooperative Extension Service or any other applicable organization for review and advisory opinion.

(5) Application for home animal agriculture permit.

The owner of the land on which the animals are to be kept shall submit to the Zoning Enforcement Officer the following:

1. A sketch map showing:
 - a. the boundaries of the property on which the animals are to be kept and the names of the abutting owners;
 - b. location of existing structures including dwellings on abutting properties, on site wells, sewage disposal systems;
 - c. location of proposed animal shelter and keeping areas, including design standards for fences;
 - d. number and type of animals to be kept;
 - e. location of watercourses, waterbodies and wetlands;
 - f. areas of slope in excess of 15%; U.S.G.S. quadrangle topographic data may be used to determine slope.
2. A narrative describing:
 - a. the total acreage of the lot on which the animal is to be kept;
 - b. the total area of the portion of the lot on which the animal is to be kept;
 - c. provisions for the storage of feed, grain, hay and animal excrements.

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Section 5.1.1 Residential Uses (cont.)

- (k) **Structures for ground mounted alternative energy sources:** shall be located entirely within the building setback lines.
- (l) **Accessory Apartments,** as defined by these Regulations, shall be permitted in R-1, R-2 and HG Zones, subject to the following requirements:
 - 1. The owner of the property must reside on the premises.
 - 2. Accessory apartments shall be permitted in single-family dwellings, and shall meet the requirements for a single-family dwelling as determined by the Connecticut State Building Code, and located on lots meeting the minimum lot area and lot frontage requirements of the applicable zone. Only one (1) accessory apartment shall be permitted per principal dwelling.
 - 3. The principal dwelling and the accessory apartment shall be subject to the approval by the Town Sanitarian for use of private water and septic systems, or from the WPCA for connection into the public sewer system.
 - 4. An accessory apartment may be established by construction of an addition to the principal structure, provided that:
 - a. the single-family character of the dwelling and the surrounding neighborhood is not changed.
 - b. the maximum permitted lot coverage is not exceeded.
 - c. a dormer does not extend above the existing roof ridge line and does not extend in depth beyond the first floor exterior front wall.
 - d. the addition shall not be constructed into the existing front yard.
 - e. the character of the neighborhood shall not be negatively impacted.
 - 5. The accessory apartment shall be a minimum four hundred (400) square feet of floor area but not more than eight hundred (800) square feet of floor area as defined in Section 4.15. The floor area of the principal dwelling shall not be reduced to less than nine hundred (900) square feet.
 - 6. The primary access to the accessory apartment shall be from the principal dwelling through habitable spaces as defined by the Connecticut State Building Code.
 - 7. An accessory apartment shall contain not more than two (2) bedrooms.
 - 8. A total minimum of three (3) off street parking spaces shall be provided: Two (2) spaces per principal dwelling and one (1) space per accessory apartment. Such parking shall be adequately drained and suitably screened from adjacent residences.

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Section 5.1.1 Residential Uses (cont.)

9. An accessory apartment may be permitted within a cellar or basement providing that one wall allows access to grade. Said access shall not be to the front yard.
10. The resulting two (2) dwelling units shall have common utilities and shall have no separate metering devices for the same.
11. No accessory building shall be used or created for the purpose of accommodating an accessory apartment.
12. Permit Procedures: Applications for a building permit and certificate of zoning compliance shall be reviewed by the Building Official and Town Planner respectively and shall be accompanied by the following:
 - a. an affidavit of ownership signed by the owner of the premises and affirming the intent of an owner to occupy either the principal dwelling or accessory apartment;
 - b. a report prepared by and bearing the seal of a professional engineer verifying the adequacy of the sewage disposal and water supply systems for both dwelling units and approved by the Town Sanitarian and;
 - c. in lieu of a Site Plan and Architectural Plans, sufficient building drawings and/or clear photographs to show the exterior/ interior building alterations proposed.
13. The owner and occupier of the premises shall initially, and if subsequently requested by the Town Planner or Zoning Agent for verification purposes, execute and file an affidavit with the Town Clerk stating that said premises is occupied by the owner, or his or her spouse.

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5.1.2 Agricultural Uses

Permitted as a matter of right, subject to any other applicable conditions for the district and to such conditions as may be indicated below:

- (a) **Agriculture**
- (b) **Farm**
- (c) **Accessory agricultural uses and structures:** Roadside stands, buildings or structures used for the storing, processing and manufacture of agriculture and forestry products produced on the property, necessary motor vehicles and equipment used thereon, and the buildings or structures used for the storage of such vehicles and equipment, buildings used for the housing of farm animals and poultry.
- (d) **Roadside farm stand:** Roadside stands, shall be located on the premises of the farm and shall have a maximum area of two hundred (200) square feet, shall be located a minimum distance of twenty-five (25) feet from any street line and one hundred (100) feet from any street or road intersection and shall have a sight line of one hundred (100) feet in each direction on the street. Such roadside stand shall also abide by the side yard requirements for a principal building for the district in which it is located and shall be removed within twenty (20) days after its use is discontinued for that particular year.

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5.1.3 Special Permit Uses Requiring Site Plan Design Review

A Special Permit from the Planning and Zoning Commission is required for the following uses, which must comply with the procedures and requirements set forth in Section 8.1 (Site Plan and Design Review) of these Regulations:

- (a) Business, civic, social, private, religious, or fraternal clubs (nonprofit)
- (b) Community centers
- (c) Day care center, child (*Must comply with Section 8.12*)
- (d) Day care home, group
- (e) Golf course
- (f) Governmental services
- (g) Library
- (h) Museum or planetarium
- (i) Orphanage or children's home (nonprofit)
- (j) Place of worship
- (k) Recreation uses (nonprofit)
- (l) Religious quarters
- (m) Schools (public, private and parochial, university, college, junior college, professional)
- (n) Sewage and solid waste disposal
- (o) Transmitting, exchange or receiving station
- (p) Utility -- electric, gas, water
- (q) Cemetery
- (r) Tourist home

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Section 5.1.3 Special Permit Uses Requiring Site Plan Design Review (cont.)

- (s) Towers, transmitting and relay, microwave antennas or any other equipment attached thereto.
- (t) Veterinarian services
- (u) Grooming dogs and cats provided that such use is located on an arterial street as defined in the Hebron Subdivision Regulations.
- (v) Nursery, Plant provided that such use is located on an arterial street as defined in the Hebron Subdivision Regulations. Other street-type locations may be acceptable to the Commission based upon evidence presented in a traffic engineers report and a finding of compatible surrounding land uses.
- (w) Rural Business Uses (approved under Section 7.1.2 B)
- (x) Farm Brewery provided the Commission find that:
 - 1) it is located on a parcel of land that is part of a working farm;
 - 2) the overall size of the working farm is a minimum of 50 acres in size including all parcels under the same ownership as the parcel on which the farm brewery is located;
 - 3) a portion of the ingredients are grown on site or on the farm property under the same ownership located within the Town of Hebron;
 - 4) adequate provisions have been made for parking, loading and interior storage of all products; and,
 - 5) the application is found to be in compliance with the Special Permit provisions of Section 8.1.

The Commission may also approve as accessory uses, in an area not to exceed 25% of the area of the structure, tasting rooms, accessory food sales related to beer tasting, sale of beer(s) produced on-site to the public for consumption off the premise, sales of novelty items relating to the brewery and the farm. Promotional events and guided tours may also be permitted. There is no limitation on the hours of operation of the manufacturing process, however, the hours of operation of the consumption of alcohol by the public, as well as the area open to the public for sales of related items, shall be determined by the Commission with each application in consideration of the compatibility to the surrounding neighborhood.

5.1.4 Other Special Permit Uses

A Special Permit from the Planning and Zoning Commission is required for the following uses, which must comply with, in addition the requirements of Section 8.1, such procedures and requirements as are set forth below:

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Section 5.1.4 Other Special Permit Uses (cont.)

- (a) Housing for the elderly: *Must comply with Section 8.8 of these Regulations.*
- (b) Excavation, filling, or removal of earth products: *Must comply with Section 8.9.*
- (c) Special Accessory Uses: *Must comply with Section 8.11.*
- (d) Sale of alcoholic beverages: Permitted only as accessory use to one of special permit uses listed in Section 5.1.3, and *must comply with Section 8.4;* and, Temporary Liquor Permit associated with a Recreational Facility subject to the requirements of Section 8.4.6.
- (e) Mini Estate Subdivision. *Must comply with Section 8.17.*
- (f) Open Space Subdivision. *Must comply with Section 8.18.*
- (g) Neighborhood Retirement Housing. *Must comply with Section 8.19.*
- (h) Commercial Horse Stables. *Must comply with Section 8.20.*

5.2 DISTRICT USE REGULATIONS: RESIDENCE 2 (R-2)

The same use Regulations apply as in the Residence 1 (R-1) zone.

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5.3 DISTRICT USE REGULATIONS: AMSTON LAKE (AL)

5.3.1 Statement of Intent

The Amston Lake district is intended to protect the public health and welfare from further over development in the Amston Lake drainage basin which has aged and contains substandard septic systems, high concentration of private wells and evidence of advancing atrophied conditions of the lake. In addition, these Regulations are intended to deter further environmental and ecological deterioration of Amston Lake and its drainage area; to lessen congestion in the streets; to allow development in accordance with the Intent and Purpose of these Regulations; to properly regulate development in an environmentally sensitive area, as determined by various studies conducted by the Town; to avoid undue concentration of population; to ensure that new development is consistent with the established character of the District, to conserve and preserve natural resources and amenities in the AL district; to facilitate the adequate provision for traffic circulation, emergency service accessibility, water, sewage, drainage and open space, and to improve the overall quality of life.

5.3.2 Except as provided below, the same use Regulations apply as in the Residence 1 (R-1) Zone.

5.3.3 Seasonal Single-Family Dwellings

- (a) All lawfully existing seasonal single-family dwellings established prior to the effective date of this Section 5.3.3 (March 2, 1992) and located upon a Lot of Record, which does not contain the minimum lot area, or frontage required by these Regulations, shall be considered nonconforming uses. See Section 7.0 of these Regulations.
- (b) Seasonal Dwellings shall be occupied exclusively during the 154-day period extending from May 15 to October 15.
- (c) New Seasonal Dwellings shall be permitted only by Special Permit in accordance with Section 8.1 of these Regulations, and, in addition to the criteria set forth in that Section, in compliance with the criteria of Section 5.3.4 herein below. In addition, all new Seasonal Dwellings shall be located on a Lot meeting the minimum area and frontage requirements of these Regulations, notwithstanding the provisions of Section 7.4.2 concerning the use of nonconforming Lots. All such Seasonal Dwellings shall be served by public sanitary sewers and by a seasonal or year-round community water system operating under the authority of the Connecticut Department of Public Utility Control.

No application for Special Permit shall be deemed complete without the submission of a permit to discharge from the Hebron Water Pollution Control Authority authorizing the connection of the proposed Dwelling for public sanitary sewers. The burying of oil tanks shall be prohibited for all new Seasonal Dwellings.

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.3 District Use Regulations: Amston Lake (AL) (cont.)

- (d) **Conversions:** The converting of a seasonal dwelling to a year-round use shall be permitted only by Special Permit in accordance with Section 8.1 of these Regulations, and, in addition to the criteria set forth in that Section, in compliance with the following criteria:
1. The Lot and Dwelling will be brought into conformance with all applicable provisions of the current Public Health and Building Codes.
 2. Any existing septic system shall be permanently discontinued in use, and the Dwelling connected to public sanitary sewers, in accordance with the requirements of the Hebron Water Pollution Control Authority. No application for Special Permit shall be deemed complete without the submission of a permit to discharge from the Hebron Water Pollution Control Authority authorizing the connection of the proposed conversion Dwelling to public sanitary sewers. The date that the Dwelling is connected to the public sewer system, and made fully operational, shall be deemed to be the date of abandonment of such septic system.
 3. No well shall be dug or drilled until at least six (6) months (180 days) following the date of abandonment of the preexisting septic system, as set forth in the preceding paragraph, except in those cases where certification that well location is not within 75 feet of any preexisting septic systems is provided.
 4. All existing plumbing fixtures shall be replaced with, and all new plumbing fixtures shall be, low-flow water conservation fixtures, as specified by the Hebron Building Official.
 5. All Seasonal Dwellings to be converted to Year-Round Dwellings shall comply with the current yard, height and coverage requirements of Section 6.1 of these Regulations unless a variance has been obtained from the Zoning Board of Appeals.
 6. Reasonable efforts shall be undertaken by the applicant to prevent and control potential adverse impacts of storm water runoff, erosion, and loss of existing on-site vegetation.

5.3.4 Year-Round Single-Family Dwellings

- A. All new year-round single-family dwellings shall be permitted only by Special Permit in accordance with Section 8.1 of these Regulations. The intent of this section of the Regulations is to allow reasonable development of new year-round single family dwellings in the District provided that the new construction is not detrimental to the existing character of the District in particular as to building size, height, bulk and style and, are developed in a way that is compatible to the existing natural features of the site.

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.3 District Use Regulations: Amston Lake (AL) (cont.)

Architectural Drawings and Site Plan drawings will be reviewed to ensure compatibility to the District and compatibility to the site's natural features

In addition to the criteria set forth in Section 8.1, the Special Permit application must be found to be in compliance with the following criteria:

- (a) Said uses shall conform to the area, frontage, coverage, height and yard requirements for the Amston Lake District and shall be represented upon a certified A-2 survey map showing:
 1. Certification by a Professional Engineer that the plan is suitable for well and sanitary sewer connections.
 2. Lot size, lot and house numbers, and subdivision map references, if applicable.
 3. Two (2) bench marks must be placed on lot and located on plan.
 4. Two (2) foot contour intervals shall be shown for the entire lot.
 5. Location of proposed foundation or curtain drains and relationship to abutting wells, existing/abandoned septic systems and property boundaries.
 6. Location and distance arc of well in relationship to potential source of contamination and certification that said location is not within 75 feet of possible source of contamination.
 7. Location of house and distances from: existing/abandoned septic systems; well locations; side, front and rear property lines; and buried oil tanks.
 8. Dimensions of house; number of bathrooms and bedrooms; proposed decks, garages, bulk heads, piers, driveway, cellar or basement floor area and elevation.
 9. Certification by a professional engineer or architect that the lowest habitable floor is elevated at or above the base 100 year flood elevation as per Section 8.10 of these Regulations.
 10. Foundation and roof drains, as applicable.
 11. Location of any ponds, brooks, inland wetlands as certified by a registered soils scientist.

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.3 District Use Regulations: Amston Lake (AL) (cont.)

12. Building heights shown by stories and linear feet.
 13. Two (2) off-street parking spaces, with a driveway and driveway apron conforming to the standards contained in the Town of Hebron Subdivision Regulations.
- (b) The burying of oil tanks shall be prohibited.
- (c) A storm water management plan shall be considered for all new development sites. Such a plan may include the following features:
1. Preservation of all wetlands, which provide temporary storage and gradual release of storm water runoff and provide for the retention of phosphorus, sediments, and other pollutants.
 2. Installation of storm sewers with sediment traps at catch basins and points of discharge. Such traps shall be cleaned on a regular basis to maintain their effectiveness.
 3. Storm water control measures should be incorporated into the site plan so that the runoff rate from the developed site is the same as it had been prior to development. Such methods might include: temporary storage in open spaces; temporary storage in underground structures and the use of permeable pavements or surfaces.
- (d) An erosion control plan shall be submitted in accordance with the Connecticut Guideline for Soil Erosion and Sediment Control (1985) as amended. Such plan will contain a plan for temporary and final site stabilization of the site.
- (e) All new plumbing systems shall include low-flow water conservation fixtures, as specified by the Hebron Building Official.
- (f) Any Year-round Single Family Dwelling proposed on a lot having less area than that required in the R-1 Zone, shall be connected to public sanitary sewers, and no application for Special Permit shall be deemed complete without the submission of a permit to discharge from the Hebron Water Pollution Control Authority authorizing the connection of the proposed Dwelling to such sewers.
- (g) Architectural drawings shall be submitted showing all exterior building elevations identifying material, color and texture. Information shall be provided to the Commission demonstrating that the proposed construction would be compatible to the existing character of the District and would be consistent to the height, bulk, size and style of existing construction within 500 feet of the proposed site.

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.3 District Use Regulations: Amston Lake (AL) (cont.)

- (h) The required Site Plan shall provide all necessary information required in Section 8.1 and shall be reviewed by the Commission to determine that the proposed site improvements, such as site grading and vegetation removal, is done in a manner compatible to the existing natural features of the site to the greatest extent possible.
 - (i) A Site Restoration and Landscaping Plan shall be provided showing all existing vegetation to remain and all newly proposed landscaping. The plan as a minimum shall include street trees as required in the Town of Hebron Subdivision Regulations, foundation plantings and buffer screening where necessary due to proximity of neighboring houses.
 - (j) If existing site conditions result in the exposed basement wall being more than four (4) feet above the natural grade, only a one (1) story house above the basement shall be permitted.
 - (k) As set forth in Section 6.1, the maximum building height is 1-½ stories. The ½ story shall be the upper level of the house and shall have a living area (whether finished or unfinished) no greater than 60% of the living area of the first floor. For the purposes of this section, only the living area greater than 7 feet in height on the upper level shall be calculated to determine compliance with this section. Generally, the garage space shall not constitute living area of the first floor; however, the Commission may modify this requirement and include the garage space in the calculations of floor area on the basis of exceptional architectural design that is clearly compatible to the character of the surrounding neighborhood. The application shall include detailed floor plans with dimensions that will demonstrate compliance to this Section.
- B. The Commission, through a Site Plan Application, shall approve all modifications to Existing Year Round Single family dwellings that modify or add a second story to the building.

5.3.5 Transfer of Development Rights

The Amston Lake district shall be considered a Sending Area as defined by these Regulations, for the purposes of conveying transferable development rights to a Receiving Area as specified by the provisions of Section 8.21, Transfer of Development Rights.

- (a) All vacant conforming or nonconforming parcels of land which are separately described in a deed of record, with the exception of such parcels fronting directly on Amston Lake, shall be considered eligible for one (1) development credit which is the equivalent of one (1) dwelling unit, upon certification by the Commission in accordance with Section 8.21 of these Regulations for transfer to a parcel located within the Receiving Area. For the purposes of this Section only, each component parcel of any merged Lot

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Section 5.3 District Use Regulations: Amston Lake (AL) (cont.)

of Record shall be eligible for one (1) development credit, irrespective of the merger provisions of Section 7.4 of these Regulations.

- (b) All vacant conforming or nonconforming parcels of land which are separately described in a deed of record which front directly on Amston Lake, shall be considered eligible for two (2) development credits which is the equivalent of two (2) dwelling units, upon certification by the Commission in accordance with Section 8.21 of these Regulations for transfer to a parcel located within the Receiving Area. For the purposes of this Section only, each component parcel of any merged Lot of Record shall be eligible for two (2) development credits, irrespective of the merger provisions of Section 7.4 of these Regulations.
- (c) As part of the transfer certification process, as specified in Section 8.21, the sending parcel shall be left with one of the following dispositions:

The adjoining property owner agrees to take ownership of the entire sending parcel; or

The sending parcel is divided into parts for conveyance to adjoining property owners; or

The sending parcel is conveyed to a land trust or other organization willing to assume responsibility for the property; or

The property owner retains ownership and assumes responsibility for the property and shall prevent it from becoming a public nuisance or a health hazard.

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5.4 DISTRICT USE REGULATIONS: NEIGHBORHOOD CONVENIENCE (NC)

5.4.1 Statement of Intent

The Neighborhood Convenience district is intended to provide limited, low-intensity convenience uses to serve concentrations of residents in the immediate vicinity. It is not intended that this district provide for general business activities on a town wide scale or for business activities, which are compatible with central business area functions. Generally, uses requiring excessive vehicular trips or trucking or uses operating in late hours shall be considered incompatible with this district.

5.4.2 Permitted Uses

All uses require a special permit from the Planning and Zoning Commission. All uses must comply with the procedures and requirements set forth in Section 8.1 and any other requirements as may be specified below.

- (a) Barber shop
- (b) Beauty shop
- (c) Drug store
- (d) Laundry and dry cleaners. Pickup and delivery service only.
- (e) Gasoline station. Retail sale of gasoline only. No repair service or motor vehicle sales.
- (f) Grocery store
- (g) Package store. *Must also comply with Section 8.4.*
- (h) Public utility or service building and/or substation. No service yards or outside storage or supplies.
- (i) Restaurant. *Must also comply with Section 8.6.*
- (j) Sale of alcoholic liquors, as an accessory use to grocery store or restaurant. *Must comply with Section 8.4.*
- (k) Parking lot. An accessory use to any permitted uses.
- (l) Customary accessory uses for any of the above permitted uses.
- (m) Day care center, child (*Must comply with Section 8.12*)
- (n) Bicycle Shop
- (o) Offices – professional and medical

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.4 District Use Regulations: Neighborhood Convenience (NC) (cont.)

- (p) Other uses, which in the opinion of the Commission, is similar to and compatible to the list of uses listed in this Section.

5.4.3 Performance Standards

- (a) Hours of operation shall be limited to the period 6:00 AM to 10:00 PM.
- (b) To insure limited, low-intensity uses consistent with the intent of this district, no building in this district shall have a gross floor area in excess of five thousand (5,000) square feet with a maximum of 2 buildings per lot.
- (c) Notwithstanding Section 5.4.3(b) above, the Commission may approve a building in excess of 5,000 square feet and more than two (2) buildings per lot by Special Permit, provided that the Commission shall find that the resulting Site Plan, building design and building placement do not negatively impact the surrounding neighborhood when taking into consideration the Special Permit criteria found in Section 8 as well as the following specific considerations:
 - i. the overall use, building location(s) and building design are compatible with the surrounding neighborhood;
 - ii. type and intensity of proposed use;
 - iii. proximity and sufficient buffering to residential neighbors;
 - iv. conformance of the proposed architectural design to the “Guidelines for Community Site and Architectural Design, November 2013” as contained in Appendix I of these Zoning Regulations, and where such design is found to lessen impact of the building’s size with respect to its compatibility to the neighborhood; and,
 - v. quality of site design and landscaping.
- (d) Uses must comply with the statement of intent on Section 5.4.1.
- (e) All uses must comply with the provisions of Section 4.34 (Hazardous Materials).
- (f) No outside storage is permitted.

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5.5 DISTRICT USE REGULATIONS: GENERAL BUSINESS (GB)

5.5.1 Statement of Intent

The General Business district is intended to provide for general business activities on a town wide scale and for business activities, which are compatible with central business area functions. Development of an integrated group of stores and/or establishments planned and built as a unit is to be encouraged. Strip development of any kind is incompatible with the intent of this district. High water uses shall be required to submit a report under Section 5.5.3 prior to any approval to identify any possible impacts to wells on adjacent properties based on geological conditions and local water demands.

5.5.2 Permitted Uses

All uses require a special permit from the Planning and Zoning Commission. All uses must comply with the procedures and requirements set forth in Section 8.1 and any other requirements as may be specified below.

- (a) Business services
- (b) Governmental services
- (c) Offices -- General and Professional
- (d) Professional services
- (e) Retail trade -- except eating and drinking
- (f) Day care center, child (*Must comply with Section 8.12*)
- (g) Florist
- (h) Shoe repair
- (i) Parks -- public and private
- (j) (Section deleted.)
- (k) Restaurants
- (l) Package store (*must comply with Section 8.4*)
- (m) Gasoline station (*must comply with Section 8.5*)

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.5 District Use Regulations: General Business (GB) (cont.)

- (n) Motor vehicle repair (*must comply with Section 8.5*)
- (o) Facilities for instruction including health and fitness, dance, gymnastics, martial arts, musical and theatrical. (*Subject to provisions of 8.3.3(u).*)
- (p) Beauty and Barber Shop
- (q) Motel
- (r) Dry cleaners, provided that such use complies with the Federal Clean Air Act, as amended, and Best Management Practices issued by the Connecticut Department of Environmental Protection.
- (s) Laundry, commercial, provided that no phosphate detergents are utilized; low flow water conservation fixtures are implemented; and that no industrial or commercial clients shall be serviced under this use.
- (t) Amusement Arcade
- (u) Car Wash (Must comply with Section 8.5.3)
- (v) Any use, not specifically mentioned in Section 5.2.2 but, which, in the judgment of the Commission, is determined to be similar to or compatible with the category of uses mentioned above, may be permitted by the Commission under the Special Permit procedures, provided however, any such use:
 - 1) meets the Performance Standards of Sections 5.5.3 and 5.6.3, and,
 - 2) where the architectural appearance of the building(s) housing such use is entirely compatible with the architecture of the buildings in the immediate vicinity.

5.5.3 Performance Standards

- (a) All uses must comply with statement on intent (Section 5.5.1).
- (b) Operation of water supply and waste disposal systems shall conform to the requirements of State Health, State DEP and Hebron Health Department. On site testing must be coordinated with Hebron Health Department.
- (c) All uses must comply with provisions of Section 4.34 (Hazardous Materials).
- (d) All applications for uses which have an anticipated water use to exceed 1,000 gallons per day (such as full service restaurants, car washes, etc.) shall be accompanied by a report from a professional engineer estimating the water needs of the proposed facility,

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.5 District Use Regulations: General Business (GB) (cont.)

an analysis of the adequacy of the site to support a well providing this amount of water supply, identification of wells on adjoining properties, information on the water requirements of uses on the adjoining properties, and the identification of any possible impacts to wells on adjacent properties based on geologic conditions and local water demands.

- (e) No outside storage is permitted.

SECTION 5.0 DISTRICT USE REGULATIONS

5.6 DISTRICT USE REGULATIONS: COMMERCIAL INDUSTRIAL (CI)

5.6.1 Statement of Intent

The Commercial Industrial district is intended to provide for commercial uses to which higher development standards are customarily applied and for low-intensity industrial uses with minimal capability for polluting the air or contaminating any body of water or aquifer; to provide for such uses in well designed buildings and attractively landscaped sites; to promote and maintain a well-balanced land use pattern; and to provide employment and an appropriate tax base for the Town of Hebron.

The location of Hebron’s only CI District is located in close proximity to the Jeremy River, a stream containing high water quality and designated a watercourse of State-wide significance. In addition, the Jeremy River is in close proximity to an underground aquifer. Accordingly, this zone is considered to be a light industrial / office / research district with high site development standards with particular emphasis of stormwater runoff, water quality treatment and significant protective buffers to the Jeremy River.

5.6.2 Allowed Uses

A. Permitted Uses

Permitted as a matter of right, subject to any other applicable conditions for the district:

- (a) Agriculture;
- (b) Farms; and,
- (c) Recreation and open space.

B. Special Permit Uses

All of the following uses require a special permit from the Planning and Zoning Commission. Uses may be permitted if found to comply with the procedures and requirements set forth in Section 8 of these Regulations and any other additional requirements:

- (a) Business services;
- (b) Construction services except salvage and wrecking services;
- (c) Day care center, child (*Must comply with Section 8.12*);

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.6 District Use Regulations: Commercial Industrial (CI) (cont.)

- (d) Governmental service;
- (e) Manufacture and assembly of miscellaneous goods;
- (f) Office, general and/or professional;
- (g) Professional services;
- (h) Research Facilities;
- (i) Retail trade;
- (j) Utility -- electric, gas, water;
- (k) Warehousing and storage; and,
- (l) Wholesale trade;

provided, however, that any such use must be found to have no potential environmental or safety hazard as determined by the Planning and Zoning Commission.

5.6.3 Performance Standards:

The use of land or buildings shall be in conformance with the Special Use Permit Criteria found in Sections 8.1, 8.1.5 and 8.1.6 and with the following criteria:

- (a) The use shall be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no exposure hazard to adjacent property, and the storage of all flammable or explosive materials shall be in a manner approved by the Fire Marshal of the Town of Hebron;
- (b) The use shall emit no offensive odors perceptible from any property line of the lot on which the operation is located, and shall emit no obnoxious, toxic, or corrosive fumes or gases;
- (c) The use shall not exhaust, or emit waste into the air, dust created by any industrial operation in excess of one cubic centimeter of settled matter per cubic meter of air, or produce heat or glare perceptible from any property line of the lot on which the operation is located for a period exceeding three continuous minutes;
- (d) All exterior lighting shall be full cut-off lighting and shall not produce glare on public highways or neighboring property, or conflict with any traffic signals;

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.6 District Use Regulations: Commercial Industrial (CI) (cont.)

- (e) Smoke or other air contaminant shall not be discharged into the atmosphere from any single source of emission for a period or periods aggregating more than three minutes in any one hour, which is as dark or darker in shade than as designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or which is of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke designated as No. 2 on the Ringelmann Chart;
- (f) The use shall be operated in conformance with the following performance standards governing noise, and no sound pressure level shall exceed the decibel levels shown below. Sound levels shall be measured at the zone boundary line within which the subject use is located and with a sound level meter conforming to the operational specifications of the American National Standards Institute using the A-weighting network and designated db(A) or dBA:

Maximum Permitted Sound Level in Decibels

Maximum Decibel Reading Where Abutting Residence Zones		Maximum Decibel Reading Where Abutting Other Zones
Day	Night	
60 db(A)	50 db(A)	65 db(A)

- (g) Uses must comply with the statement of intent for the zone;
- (h) Stormwater treatment measures shall be designed and maintained in accord with the State of CT Stormwater Quality Manuel (2004) and the Town of Hebron's Stormwater Management Plan Regulations in Section 8.24 of these Regulations;
- (i) Maximum impervious coverage allowed on any site is 40%;
- (j) Minimum separation distance of impervious surface to the Jeremy River and associated wetlands shall be 100 feet;
- (k) Minimum undisturbed buffer to the Jeremy River and associated wetlands shall be 50 feet; and,
- (l) The Commission may permit outside storage, as an accessory use, behind the rear wall of the principal building, if appropriate screening, acceptable to the Commission, is provided to screen such storage from view from public rights-of-way, the AirLine Trail, and neighboring properties.

SECTION 5.0 DISTRICT USE REGULATIONS

5.7 DISTRICT USE REGULATIONS: HEBRON GREEN (HG)

5.7.1 Statement of Intent

The purpose of the Hebron Green district is to provide for appropriate and compatible mixed uses within the Town's historic center, which do not disrupt the scale, charm or general architectural character of the area. This district is further intended to preserve the functional and economical vitality of the area while maintaining and enhancing its significant historical and cultural resources.

5.7.2 Permitted Uses

All uses require a Special Permit from the Planning and Zoning Commission except for single family dwelling, which is an as-of-right use. All uses must comply with the procedures and requirements set forth in Section 8.1 and any other requirements as may be specified below.

- (a) Dwelling, single family
 - 1. Two (2) Family Dwelling, provided however, that both dwellings are contained within a single building, and that there shall be at least one-half (1/2) acre of land for each Two (2) Family Dwelling; and,
 - 2. Residential units that are attached to or within non-residential buildings.
- (b) Business Services
- (c) Club, nonprofit
- (d) Day care center, child (*Must comply with Section 8.12*)
- (e) Funeral home
- (f) Governmental services
- (g) Library
- (h) Museum and galleries
- (i) Offices – general, medical, financial and professional
- (j) Place of Worship
- (k) Professional services

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.7 District Use Regulations: Hebron Green District (HG) (cont.)

- (l) Small scale retail shops, arts and crafts shops, and antique shops – limited to 1,000 square feet of gross floor area per lot
- (m) Beauty and Barber Shop
- (n) Coffee shop
- (o) Bed and Breakfast establishment as per Section 8.11.2C.
- (p) Restaurant, provided that there shall be at least one (1) acre of land for such use. The term "Restaurant" shall not include establishments that are generally recognized as fast food restaurants.
- (q) Interior Design Shop provided that there shall be no storage of home furnishing products to be sold at retail other than for display or layouts.
- (r) Additional uses may be permitted as a Special Use that are considered by the Commission to be similar and compatible to the uses listed above when compared to scale, traffic generation, hours of operation, and other similar standards.

5.7.3 Performance Standards:

- (a) All uses must comply with statement of intent.
- (b) All uses must comply with provisions of Section 4.34 (Hazardous Materials).
- (c) All new uses and structures shall relate to and be compatible with existing height, scale, massing, directional expression, roof shapes, and window and door openings of surrounding properties. Also see Sections 8.15 and 8.16.
- (d) See special parking provisions within Sections 8.3.4(c) and 8.3.5(e).
- (e) All permitted uses that require a special permit/site plan review shall be referred to the Hebron Historical Properties Commission for review and comment.
- (f) All new construction or renovations to existing structures shall not remove, demolish, alter, enclose or otherwise eliminate any existing porches without the approval of the Historical Commission.
- (g) In considering any Special Permit Application for residential units under Sections 5.7.2 (b) 1 or 2, the Commission shall find that the following suitability criteria are satisfied:

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.7 District Use Regulations: Hebron Green District (HG) (cont.)

1. The proposed application for residential uses furthers the Intent of the Hebron Green District by providing for a mixed use environment but in a district that is primarily business;
2. The proposed residential uses will not disrupt the pedestrian activity along Main Street in the Hebron Green District;
3. The architectural details of the proposed residential building are found to be compatible with the prevailing scale, charm and architectural detail of surrounding Hebron Green properties; and the applicant shall provide details of the architecture of surrounding buildings and the proposed architecture for the Commission deliberations;
4. The proposed residential units will not be located on the first floor of the building facing Main Street where pedestrian oriented, retail and similar store-front business uses are strongly encouraged; and,
5. The residential units shall be provided with individual outdoor private space (for example: patio, deck, or yard).

SECTION 5.0 DISTRICT USE REGULATIONS

5.8 DISTRICT USE REGULATIONS: AQUIFER PROTECTION DISTRICT (AP)

5.8.1 Statement of Intent

Within this district lies an extensive deposit of coarse grained, stratified drift. The U.S. Geologic Survey notes a portion of this area has a saturated thickness of greater than forty (40) feet, indicative of high water yielding conditions. Creation of this district is deemed essential to protect this significant water supply source for the Town. As ground waters have been shown to be easily, and in many cases, irrevocably contaminated by many common land uses, it is imperative all reasonable controls over land use, waste disposal and material storage be conscientiously exercised.

5.8.2 Establishment of District

The Aquifer Protection District is herein established as an overlay district. The boundaries of this District are those shown on a map entitled, "Aquifer Protection" in Section 2 of these Zoning Regulations. The District includes the entire coarse grained stratified drift deposit with a saturated thickness of greater than forty (40) feet and all land directly upgradient.

Where the bounds of this District are in doubt or dispute, the burden of proof shall be upon the owners of the land in question to show where they should be located. Such proof shall be in the form of a map, prepared by a professional engineer and land surveyor, at a scale of 1 inch to forty feet, with two feet contours, showing the existing district boundary and that proposed.

5.8.3 Permitted Uses

Within this District the requirements of the underlying districts continue to apply, except that notwithstanding the requirements of the underlying district, no uses indicated by an "N" in the following schedule shall be established subsequent to the effective date of these Regulations, nor shall any uses indicated by an "SP" in the following schedule be established subsequent to the effective date of these Regulations without first receiving a special permit subject to the criteria set forth in Section 5.8.4. Single family dwellings are exempt from these aquifer protection regulations.

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.8 District Use Regulations: Aquifer Protection District (AP) (cont.)

PROHIBITED USES

- N (a) Manufacture, use, storage, transport or disposal of hazardous materials as a principal activity.
- N (b) Sanitary landfill, septage lagoon, waste water treatment facility for municipal or industrial wastes.
- N (c) Road salt storage.
- N (d) Junkyard, salvage yard, truck terminal.
- N (e) Gasoline station, car wash, auto repair or auto body shop.
- SP (f) Excavation, filling or removal of earth materials.

ACCESSORY USES

- N (g) Underground storage of hazardous materials.
- SP (h) Above ground storage of hazardous materials in quantities greater than associated with normal use, other than fuel storage for residential space heating.

5.8.4 Special Permit Criteria

Special permits required under Section 5.8.3 shall be granted only if the Planning and Zoning Commission determines the ground water quality resulting from on-site wastewater disposal or other operations on-site shall not cause degradation of ground waters outside any authorized zone of influence which would result in a condition which renders the ground waters unsuitable for direct human consumption. If existing ground water quality is not now suitable for drinking water purposes, on-site disposal or operations on-site shall cause no further deterioration.

5.8.5 Submittals

In applying for a Special Permit under this Section, the PZC may require, in addition to that required under Section 8, all or some of the following information:

- (a) A complete list of all chemicals, pesticides, fuels or other potentially hazardous materials to be used or stored on the premises in quantities greater than associated with normal household use. Information on the measures proposed to protect all storage containers from vandalism, corrosion, leakage and spillage and for control of spilled materials may also be requested.

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.8 District Use Regulations: Aquifer Protection District (AP) (cont.)

- (b) A description of all potentially hazardous wastes to be generated, including provision for storage and disposal measures as described in part (a) above.
- (c) For above ground storage of hazardous materials or waste, evidence of qualified professional supervision of the design and installation of such storage facilities or containers.
- (d) For areas with an impervious surface greater than 30% of total lot areas, a showing of runoff water disposal plans. Dry wells shall be used only where other methods are infeasible and shall be preceded by oil, grease and sediment traps designed to remove contaminants. A schedule for maintenance of such traps may also be required.
- (e) For on-site disposal of sewage in quantities in excess of 2000 gpd, documentation from the wastewater discharge permit granting authority that such system meets all applicable codes and regulations.

SECTION 5.0 DISTRICT USE REGULATIONS

5.9 DISTRICT USE REGULATIONS: AMSTON VILLAGE (AV)

5.9.1 Statement of Intent

It is recognized that the area included in the Amston Village district has historically been a village center with mixed residential, commercial and manufacturing uses. It is also recognized that this area is environmentally sensitive, comprising substantial amounts of flood-prone land and impinging on the largest stratified drift aquifer in the Town of Hebron.

The intent of this zoning district is to permit continuation of long-standing mixed uses; and discourage establishment of new uses, which are incompatible with the unique environmental characteristics of the area.

5.9.2 Permitted Uses

All uses require a special permit from the Planning and Zoning Commission except for single family dwelling, which is an as-of-right use.

- (a) Dwelling, single family
- (b) Agriculture
- (c) Business Services
- (d) Cafe (*must comply with Section 8.4*)
- (e) Day care center, child (*Must comply with Section 8.12*)
- (f) Day care home, group
- (g) Farm
- (h) Governmental Services
- (i) Historic and monument
- (j) Kennel
- (k) Offices, general and professional
- (l) Parks, public and private
- (m) Professional Services

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.9 District Use Regulations: Amston Village (AV) (cont.)

- (n) Recreation uses, nonprofit
- (o) Retail trade
- (p) Utility -- electric, gas, water
- (q) Warehouse and storage
- (r) Wholesale trade
- (s) Manufacturing, provided such use was lawfully in existence on the effective date of these Regulations. Expansion or intensification of such use requires a special permit, the criteria for which shall be as follows (in addition to the criteria set forth in Section 8.1):
 - (1) No interior floor drains shall be directed to any stream, storm drain, or subsurface leaching field.
 - (2) Chemical containment tanks located outside shall have containment dikes or berms surrounding them. Containment dikes for most chemicals shall be coated with concrete or coated metal, and shall be of adequate holding capacity to retain at least 100% of the largest tank's capacity. The tank and the dike shall be protected from rain water accumulation with a permanent roof, or the dike shall have a drain valve, which will allow clear storm water to be manually released as needed. Tanks shall be supplied with a mechanical type level gauge, not a sight tube, and may have a top vent pipe or overflow pipe which is directed to the inside of the containment area.
 - (3) Drum storage areas shall be contained within a dike or berm, with a concrete or bituminous base. All drums shall be sealed or covered. A roofed structure is best; however rainwater may be handled in a similar manner as for storage tanks. For uncovered drum storage areas, which will accumulate substantial amounts of rainwater, a drain system and storage tank to receive the rainwater shall be provided.
 - (4) Dumpsters which are to be used to store industrial or commercial wastes shall be covered or located within a roofed area and shall have drain plugs intact.
 - (5) No sludge of any type shall be placed outside on the ground surface or on paved areas where it can be affected by storm runoff. The DEP Water Compliance Unit and/or the Hazardous Materials Management Unit must approve all sludge storage and disposal areas.

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.9 District Use Regulations: Amston Village (AV) (cont.)

5.9.3 Performance Standards:

The existing use of land or buildings shall not be changed nor expanded except in conformance with the following criteria:

- (a) The use shall be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no serious exposure hazard to adjacent property, and the storage of all flammable or explosive materials shall be in a manner approved by the Fire Marshal of the Town of Hebron.
- (b) The use shall emit no offensive odors perceptible from any property line of the lot on which the operation is located, and shall emit no noxious, toxic, or corrosive fumes or gases.
- (c) The use shall not exhaust, or waste into the air, dust created by any industrial operation in excess of one cubic centimeter of settled matter per cubic meter of air, or produce heat or glare perceptible from any property line of the lot on which the operation is located for a period exceeding three continuous minutes.
- (d) Industrial and exterior lighting shall not produce glare on public highways or neighboring property, or conflict with any traffic signals.
- (e) Smoke or other air contaminant shall not be discharged into the atmosphere from any single source of emission for a period or periods aggregating more than three minutes in any one hour, which is as dark or darker in shade than as designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or which is of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke designated as No. 2 on the Ringelmann Chart.
- (f) The use shall be operated in conformance with the following performance standards governing noise, and no sound pressure level shall exceed the decibel levels shown below. Sound levels shall be measured at the zone boundary line within which the subject use is located and with a sound level meter conforming to the operational specifications of the American National Standards Institute using the A-weighting network and designated db(A) or dBA:

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.9 District Use Regulations: Amston Village (AV) (cont.)

Maximum Permitted Sound Level in Decibels

Maximum Decibel Reading Where Abutting Residence Zones		Maximum Decibel Reading Where Abutting Other Zones
Day	Night	
60 db(A)	50 db(A)	65 db(A)

- (g) Uses must comply with the statement of intent for the zone.

SECTION 5.0 DISTRICT USE REGULATIONS

5.10 VILLAGE GREEN DISTRICT

5.10.1 Statement of Intent

The Village Green District is a unique zoning district promulgated to allow a diversity and integration of land uses in a planned design development using flexible design standards.

This Regulation is enacted to further the goals and objectives in the Plan of Conservation and Development to expand the business portion of the Town Center by permitting a mixed-use district having an integrated, tasteful environment with a defined village center. Such district is intended to be aesthetically pleasing and an attractive place to shop, transact business, establish new businesses, allow expansion of existing businesses, create jobs, provide recreation and residences, in a manner consistent with a New England traditional village pattern. Development in the District will be guided by an overall plan with an emphasis on broadening the tax base, promoting job creation, and allowing the delivery of desirable goods and services to the town.

The Village Green District will be designed to: promote efficient use of the land; respect and reinforce the historic development patterns that have occurred within the Hebron Green and Hebron Town Center; provide flexibility to meet changing needs, technologies, economics and consumer preferences; promote development patterns and a land use mix which encourages walking and bicycling while reducing transportation needs; protect and enhance natural resources, provide parks and open spaces; and provide a variety of compatible architectural styles, building forms and building relationships within a planned development.

5.10.2 Village Patterns

A Village Green District shall consist of three distinct components: Village Center; Village General; and, Village Edge. These shall be shown on the Master Concept Plan.

(a) **Village Center.** The Village Center serves as the focal point and gathering place of the village centered on a village green. The Village Center contains shops and services, civil uses and buildings, and other uses to meet the daily needs of village residents and convenience needs of town residents and may also contain residences. Retail, services and other active, pedestrian oriented, uses are encouraged on the first floor immediately proximate to the village green. Residential and service uses are encouraged on second floors or just outside the village green area.

(1) **Village Center Uses.** In the Village Center, the following uses are permitted, subject to Planning and Zoning Commission approval of design and location aspects, within the Master Concept Plan: small scale retail shops; restaurants; coffee shops; crafts and antiques shops; artisan shops; open air markets; professional offices; business offices; governmental offices; medical offices; financial services; business services; places of worship; community centers; day

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.10 Village Green District (cont.)

care centers; museums/galleries; small scale bed and breakfast establishments; attached residential units; and, open space areas. Additional uses may be permitted by the Commission as a Special Use as part of the Master Concept Plan that are considered similar and compatible to the uses listed above when compared to scale, traffic generation, hours of operation, and other similar standards which may be used by the Commission.

- (b) **Village General.** The Village General is an area where larger retail and office uses are permitted and where employment areas may be located while still containing design and locational elements that are compatible to the Village Center and to a traditional New England village. The Village General area contains retail/service and employment uses to serve the community-wide needs of Hebron, but shall not be of such a scale or size to serve any regional-wide shopping needs. The entire Village General area also is encouraged to integrate residential uses to the maximum extent possible to encourage a walkable, active environment.

- (1) **Village General – Retail/Service Uses.** In the Village General – Retail/Service area, the following uses are permitted, subject to Planning and Zoning Commission approval of design and location aspects, within the Master Concept Plan: retail, restaurants; professional offices; business offices; government offices; medical offices; financial services; business services; residence inns; indoor entertainment; theater; health club; funeral home; civic buildings and uses; places of worship; attached residential uses; and, open space areas. Additional uses may be permitted by the Commission as a Special Use as part of the Master Concept Plan that are considered similar and compatible to the uses listed above when compared to scale, traffic generation, hours of operation, and other similar standards which may be used by the Commission.

- (2) **Village General – Employment Uses.** In the Village General – Employment Areas, the following uses are permitted, subject to Planning and Zoning Commission approval of design and location aspects, within the Master Concept Plan: all uses listed in the Village General – Retail/Service area; research and development; assembly; packaging; small scale distribution; light manufacturing; and industrial incubator spaces for new business development and job creation. Additional uses may be permitted by the Commission as a Special Use as part of the Master Concept Plan that are considered similar and compatible to the uses listed above when compared to scale, traffic generation, hours of operation, and other similar standards which may be used by the Commission.

- (c) **Village Edge.** The Village Edge is the least dense area of the Village Green District. It serves primarily residential, civic, recreational and open space uses. It provides a discernible boundary for the Village Green District, preserves natural features, accommodates greenways as shown in the Plan of Conservation and Development,

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.10 Village Green District (cont.)

contains buffer areas along the edge of the District, and ensures compatibility with the surrounding uses in Hebron Center by serving as the transitional area of the Village Green District.

- (1) **Village Edge Uses.** In the Village Edge area, the following uses are permitted, subject to Planning and Zoning Commission approval of design and location aspects, within the Master Concept Plan: single family residential, Open Space Subdivisions/Sewer Service District, Planned Residential Developments, Housing for the Elderly, Neighborhood Retirement Housing and Congregate Care Elderly housing developments as per the standards set forth in Section 8 of these Regulations; civic buildings and uses; places of worship; open space; and recreational areas. Additional uses may be permitted by the Commission as a Special Use as part of the Master Concept Plan that are considered similar and compatible to the uses listed above when compared to scale, traffic generation, hours of operation, and other similar standards which may be used by the Commission

5.10.3 Development Standards

The following standards are intended for use in the applicant's preparation of the Master Concept Plan, as required in Section 5.10.4, and in the Commission's review and action of said plan. These standards shall be detailed in the proposed Master Concept Plan subject to approval by the Commission.

- (a) **Architectural Standards.** Architectural design shall be established in order to ensure compatibility of building design to the building traditions of the Hebron Green and to a traditional New England village character. The architectural design standards shall include:
 - (1) overall architectural compatibility;
 - (2) human scale design – street level openings such as doors and windows, window displays, a variety of interesting architectural features with staggered building setbacks, and areas designed for pedestrians to sit, browse and watch;
 - (3) a cohesive pattern of many separate buildings, or the appearance of many separate buildings, in the Village Center;
 - (4) integration of uses;
 - (5) encouragement of pedestrian activity;
 - (6) first floor, pedestrian oriented, retail and similar uses in the Village Center are strongly encouraged;

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.10 Village Green District (cont.)

- (7) buildings must relate to and be oriented to the street;
 - (8) predominantly two story building height in the Village Center;
 - (9) maximum of two and one-half story building height;
 - (10) use of awnings, pitched roofs, gable ends, gable dormers, porches, overhangs and similar features;
 - (11) screening of all mechanical and utility equipment, loading areas and storage areas by landscaping or architectural features;
 - (12) buildings at intersections or main entrances with special architectural features to emphasize the importance of its location; and,
 - (13) traditional New England village building design, using materials, colors and construction that are compatible to the historic buildings of Hebron.
- (b) **Design Standards.** Design Standards are those design elements other than building design that strive to unify the Village Green District as a planned development with a distinctive New England village character. The design standards shall include:
- (1) a complete village containing a definable center, a variety of housing types, retail, services, employment areas, recreation and open space areas;
 - (2) an interconnected network of streets and sidewalks and trails;
 - (3) an active street environment with all major and minor streets having walkways, street furniture, native species street trees, and pedestrian level lights;
 - (4) public spaces and places including streetscapes that invite and encourage pedestrian activity;
 - (5) usable and understandable pedestrian and vehicular links to the existing Town Center and Hebron Green;
 - (6) preservation of stone walls, hedgerows, specimen trees and barways;
 - (7) screening of all storage, loading and mechanical areas from view by means of landscaping or architectural features;
 - (8) buffers shall be incorporated along all edges of the District similar to buffers required for commercial districts as set forth in Sections 6.1 and 8.15 of these Regulations; and,

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.10 Village Green District (cont.)

- (9) use of native landscape materials throughout the village.
- (c) **Open Space Standards.** Open Space is a significant part of a Village Green District containing both formal and informal areas. Open Space serves as areas for community gatherings, landmarks, organizing elements of the village design as well as for the purpose of preserving significant natural and man made features. The Open Space standards shall include:
- (1) the open space shall consist of formal and informal areas including public spaces, public recreational areas and open space preservation/buffers, examples of which are shown on the Conceptual Plan of Development contained in the “Village Green District” section of the Plan of Conservation and Development;
 - (2) the Open Space shall be consistent with the Future Open Space Plan contained within the Plan of Conservation and Development;
 - (3) a Village Center shall contain a formal Open Space area in the form of a village green;
 - (4) overall design shall utilize open space squares and plazas and other civic places;
 - (5) Open Space shall provide active recreational opportunities;
 - (6) Open Space shall incorporate buffers to preserve natural resource corridors, protect and include watercourses and adjacent areas of wetland soils, provide buffers to adjacent uses and complement the Plan of Conservation and Development.
- (d) **Drainage Standards.** Due to the amount of land area and open space that is part of the village district, combined with a development pattern in which density generally decreases from the village center out to the village fringe, there is an opportunity to reduce storm water quality impacts on the receiving wetlands, watercourses and waterbodies. The drainage standards shall include:
- (1) post-development peak run-off rates leaving the development shall not exceed pre-construction rates;
 - (2) drainage design and planning shall consider the entire village green district;
 - (3) drainage system design and construction standards shall be as contained in the Town of Hebron Public Improvement Specifications;
 - (4) the drainage system shall be consistent with any overall drainage study conducted by the Town;

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Section 5.10 Village Green District (cont.)

- (5) drainage design shall include components to cleanse storm water prior to discharge into the natural system by means of vegetative ponds, bio-filters, and other similar methods; and,
 - (6) drainage control features shall be designed to be functional, environmentally sensitive and, where visible to the public view, shall be aesthetically designed.
- (e) **Streets and Parking Standards.** The street pattern creates the framework of the Village Green District and therefore is a prime planning consideration. The Master Concept Plan shall specify the appropriate hierarchy of streets. The Streets and Parking Standards shall include the following:
- (1) the street pattern shall generally be interconnected, discouraging dead-end streets and allowing a flow of vehicles and/or pedestrians between different level streets, to sidewalks, and to trails;
 - (2) streets shall be designed on a small grid pattern, creating smaller blocks, particularly in the Village Center;
 - (3) safe on-street parking shall be encouraged;
 - (4) traffic calming methods shall be employed to reduce speed and create a pedestrian friendly village;
 - (5) the width of streets shall be planned to accommodate their intended function as described in the Town of Hebron Public Improvement Specifications;
 - (6) roadway connections are encouraged between arterial roadways surrounding a village green district;
 - (7) street trees shall be planted along all streets, having a minimum 2 ½ inches caliper and planted at a maximum spacing of 50 feet on center using native landscape species;
 - (8) street lights shall be provided along all streets and parking areas and shall have a consistent design that complements the small town New England Village character;
 - (9) parking lots shall be located at the rear or at the sides of buildings and effectively screened from street view; and, in order to preserve a pedestrian friendly streetscape, no more than one-third of any street frontage shall be boarded by parking areas;
 - (10) shared parking among uses and between separate parcels of land is encouraged;

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Section 5.10 Village Green District (cont.)

- (11) parking shall be provided as specified in Section 8 of these Regulations provided a 20% reduction may be permitted by the Commission if such areas are shared by various uses, and if pedestrian walkways connect said parking areas to nearby roads, open space and commercial uses. The Commission may reduce parking requirements by an additional 25% provided adjacent land is set aside for use by a place of worship, community use of formal village green which is adjacent to on street parking. Any such reduction shall be considered only upon receipt of a parking plan analysis justifying any such reductions and which also shall include a plan for managing any shared parking area.
- (f) **Sign Standards.** Signs shall be consistent and compatible with the Village Patterns as noted in Section 5.10.2, as well as the scale, design and character of a traditional New England Village center. A Unified Sign Proposal, subject to approval by the Commission, shall include an overall sign plan, containing an example of each type of proposed sign, provide standards for design, placement, size, material, color, lighting and landscaping, and shall be provided by the applicant with each Special Permit application. Each sign shall be found to be proportional to and compatible with the buildings and/or streetscapes where such sign is located. Such Unified Sign Proposal shall adhere to the following standards:
- (1) a free-standing project identification sign, containing architectural details compatible with the architecture of the District, may be located at the District's major entrance, shall contain the project name and may contain the address and a major tenant (up to twenty feet in height and up to fifty square feet in area);
 - (2) signs permitted throughout the Village Center shall include wall signs, window signs, building projecting or hanging signs, and awning signs (up to a maximum of one square foot of sign area per each foot of frontage of tenant space) as traditional signs in a New England village district; and, a traditional colonial freestanding hanging sign using a single post and cross-arm may be permitted as approved by the Commission for significant uses in the Center (where the message area does not exceed eight feet in height and nine square feet in area);
 - (3) signs permitted within the remainder of the District may include signs permitted in the Village Center area and may also include a low-profile identification sign on a lot where identification beyond what is permitted in sub-section (2) above is necessary and where building setbacks and site conditions warrant (maximum of five feet in height and twenty-four square feet in area);
 - (4) the Unified Sign Proposal shall adhere to the General Sign Regulations contained in Section 8.2.3 of these Regulations.

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Section 5.10 Village Green District (cont.)

5.10.4 Application Process

Prior to any use within the Village Green District, a Special Use Permit application shall be made in accordance with Section 8.0 of these Regulations and the following sections:

- (a) **Pre-application Conference.** Any potential applicant may submit a preliminary Master Plan to the Commission for an informal review and consideration prior to the submittal of a formal application. The preliminary Master Plan must show sufficient information to enable the staff and Commission to make a general planning review. The applicant shall first submit a sufficient number of copies to staff for an informal staff review. After such review a discussion will be held with the Commission at a regular meeting. Minutes of the discussion will be entered into the public hearing record on any subsequent application. Review and comments by the staff or Commission or its members will in no way be binding on the Commission or its members or imply approval of any part of the preliminary Master Plan.
- (b) **Review and Referral.** The Commission may hire, at the applicant's expense, outside experts to supplement review by the Town staff and regular consultants.
- (c) **Special Permit Application and Master Plan.** A Special Permit Application for the Village Green District shall include a Master Plan. The standards and requirements contained in Section 5.10 for Village Green District developments shall supercede similar standards that may be found in other sections of the Zoning or Subdivision Regulations. If certain standards or requirements are not specifically contained in Section 5.10, the Master Plan will conform to the applicable sections of the Zoning or Subdivision Regulations.

The Master Plan submission will include: (1) Existing Conditions; (2) Master Concept Plan; (3) Standards; (4) Impact Statements; and (5) other plans and details as may be submitted by the applicant or as may be requested by the Commission to illustrate the size, impact and appropriateness of the application and its relation to the surrounding neighborhood and districts. An engineer, surveyor, architect or landscape architect will prepare the graphic plans, unless otherwise indicated. Each Master Plan at a minimum will contain or be accompanied by, in writing, the following elements:

- (1) **Existing Conditions.** The following conditions shall be shown for the entire area included in the Master Concept Plan:
 - a. Existing topography map with two-foot contours showing structures, roads and rights-of-way, major topographic features (including edge of wooded areas, free-standing specimen trees, barways, stonewalls, ledge outcrops and soils types), field delineated edge of all inland wetland soils, watercourses and floodplains;

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.10 Village Green District (cont.)

- b. All existing utilities located within or along the periphery of the development;
- c. Land uses and zoning district boundaries within 500 feet of the site;
- d. A-2 property survey of the land in question;
- e. Names and addresses of all abutting property owners as listed on the assessor's records keyed to an appropriate map; and
- f. A summary of significant historic features of the area of the proposed development

(2) **Master Concept Plan.** The following elements shall be shown on the Master Concept Plan for the entire area of the project (minimum scale of 1"=100'). Some information, as allowed by the Commission, may be submitted in illustrative and conceptual form provided the Commission can determine compliance with the Regulations.

- a. The proposed uses, their proposed locations, and their approximate gross floor areas, densities, numbers of units and other data as appropriate will be provided.
- b. The Village Patterns will be identified as required in Section 5.10.2 showing approximate boundaries of the Village Center, Village General (Retail and Employment) and Village Edge.
- c. The Plan shall show the shape, size and location of proposed public or private streets, walkways, parking areas, easements, planted and treed areas, buffers, signage, lighting and lighting methods and patterns, drainage methods and patterns, open space areas, access locations from abutting roads, driveways within the site to the existing and proposed road system, and amenities such as parks, meeting places, bike paths, and pedestrian trails.
- d. Illustrative renderings of all architectural and structural improvements, including a narrative describing style and design of these improvements, typical for each unique area of the village will be provided and shall serve as guides for future development in these areas.
- e. Proposed plan for public dedication, such as streets, parks and open spaces and a plan of development for such areas. And,

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Section 5.10 Village Green District (cont.)

- f. Date, revision dates, scale, north arrow, name and address of owner and developer, name and seal of appropriate design professionals.
- (3) **Standards.** The following information shall be submitted in either a text form or included as a narrative, table or graphic within the Master Concept Plan:
- a. Methods to be used to determine the division of parcels and ownership of parcels within the District;
 - b. A description of: proposed development phasing; types of ownership of improvements (including streets, parking areas, open spaces and other community areas), buildings, building clusters and utility systems; any proposed common interest communities; and, any proposed reciprocal easement agreements;
 - c. A description will be included of the areas of the site (by ratio, location, square footage, etc.) proposed for each land use type;
 - d. Bulk and density standards for the above parcels, including: (1) minimum setbacks; (2) maximum building and impervious coverage of each lot or parcel; (3) maximum and minimum building height; and, (4) specifications for allocation and minimum number of parking and loading spaces to specific uses; the standards contained within Section 6.1 of these Regulations for the HG District shall be applicable to the Village Center area, and the standards contained within Section 6.1 of these Regulations for the GB District shall be applicable to the Village General area unless modified standards are proposed within the Master Plan and found by the Commission to more appropriately satisfy the Statement of Intent (Section 5.10.1);
 - e. Proposed standards for public and private streets and walkways specifying conformance to the Town of Hebron Public Improvement Specifications, or providing sufficient justification, agreeable to the Commission, of any variation from such standards;
 - f. Narrative or graphic descriptions of the architectural style and character;
 - g. Signage plan, including a unifying theme or style;
 - h. Lighting design (including general types and location of poles and fixtures), light patterns and illumination level standards;

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.10 Village Green District (cont.)

- i. A narrative explaining how the Plan addresses issues identified in any Environmental Review Team report prepared for that area of the Town; and,
 - j. A landscape plan, including landscaping of parking lots, streetscape plantings and buffer areas.
- (4) **Impact Statements.** All Special Use Permit applications shall include at a minimum the following impact statements as well as any additional statements or other information deemed necessary by the Commission:
- a. Municipal Financial Impact Statement. An appraiser, certified by the Appraisal Institute as an MAI Appraiser, will prepare and submit a statement covering the following items (i. through iv.). This statement shall be forwarded to the Town Manager and the Tax Assessor who may prepare a report to the Commission in response to said statement.
 - i. property and other municipal tax and fee revenue that may be generated;
 - ii. municipal expenses and burdens that may be generated;
 - iii. anticipated number of school-aged children with the impact on existing and planned schools; and,
 - iv. impact of ancillary business to be generated in existing business centers by the population of and visitors to the project, and the demand for ancillary development to be generated.
 - b. Public Safety and Traffic Impact Statement. A licensed professional engineer specializing in traffic will prepare and submit a statement covering the following items (i. through v.). This statement shall be forwarded to the Town Manager, the Town Engineer, the Fire Marshal, the Fire Chief and the Public Works Superintendent who may prepare reports to the Commission in response to said statement.
 - i. A description of background traffic and projected traffic from the development on existing and proposed streets including a capacity analysis of intersections;
 - ii. An analysis of the capability of the existing and proposed street system and intersections to carry the projected traffic without undue congestion, and any safety considerations for vehicular and pedestrian traffic;

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Section 5.10 Village Green District (cont.)

- iii. A description of necessary transportation improvements, which may be needed to accommodate projected traffic;
 - iv. An analysis of the impact of the project on public safety and the need for additional police; and,
 - v. An analysis of the impact on fire safety and the need for other or specialized equipment to be used for fire fighting at the project.
- c. Public Works Impact Statement. A licensed professional engineer specializing in engineering, drainage, and the design of municipal roads, highways, infrastructure and improvements will prepare and submit a statement covering the following issues (i. through iv.). This statement shall be forwarded to the Fire Marshal, the Fire Chief, the Town Engineer, the Town Sanitarian, the Public Works Superintendent, the Water Pollution Control Authority Administrator and any utility companies as indicated by the Commission who may prepare reports to the Commission in response to said statement.
- i. the design and impact of the storm water drainage systems proposed within the development utilizing at a minimum the standards contained in the Zoning and Subdivision Regulations;
 - ii. the design, style, locations, intensity and impact of proposed lighting;
 - iii. the design and layout of parking and its feasibility and safety for use by the public; and,
 - iv. the capacity of the wastewater, water and other utility systems proposed to be built and used by the project.
- d. Cultural, Aesthetic or Heritage Impact. A licensed architect or landscape architect will prepare and submit a statement covering the following factors (i. through vii.). This statement shall be forwarded to the Town Planner and other staff or consultant chosen by the Commission and the Historic Properties Commission who may prepare a report to the Commission in response to said statement.
- i. the design and placement of buildings, pedestrian walks and landscaping;
 - ii. the provision of public amenities and the impact on heritage and character of the Town;

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Section 5.10 Village Green District (cont.)

- iii. the compatibility with public views and character of the surrounding neighborhood;
 - iv. the reinforcement of existing street and building massing patterns and open space patterns, in the vicinity of the development;
 - v. protection of and compatibility with locally significant or historic sites, vistas or natural features;
 - vi. archeologically significant resources;
 - vii. the compatibility of the development with the traditional neighborhood development standards of Section 5.10.4(d). (10) below.
- e. Natural Resources Impact Statement. A licensed or certified professional specializing in environmental topics will prepare and submit a statement covering the following factors (i. through vi.). This statement shall be forwarded to the Town Engineer, the Conservation Commission, and the Wetland Agent who may prepare reports to the Commission in response to said statement.
- i. Preservation and/or creation of views and view sheds;
 - ii. Protection and/or enhancement of wetlands, and watercourses including any proposed modifications or mitigation efforts;
 - iii. Protection of trees, hedgerows, endangered or critical plant species or woodland habitats;
 - iv. Protection of endangered or critical animals and natural habitats;
 - v. Compatibility to existing land forms, slopes and soils; and
 - vi. Impacts to air quality.
- (d) **Findings.** The Commission may approve, approve with modifications or deny the Special Permit application within the Village Green District and the Master Plan with findings derived from the Application and supporting materials, the proposed Master Concept Plan and Standards and the facts described in the public hearing. When deciding upon the Application, the Commission will make the findings that:
- (1) The application is in conformance with the general purpose of these Village Green District Regulations as well as the Special Permit criteria of Section 8;

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Section 5.10 Village Green District (cont.)

- (2) The Application is in accordance with Goals and Objectives contained in the Plan of Conservation and Development;
- (3) The Master Concept Plan and Standards include certification from the appropriate water company, that a satisfactory system of water supply will be made available and operative to the proposed land uses;
- (4) The Master Concept Plan and Standards will include certification from a licensed professional engineer that a satisfactory system of sewage treatment may be made available and operative to the proposed land uses;
- (5) The Master Concept Plan and Standards will include a preliminary traffic analysis prepared by a professional traffic engineer estimating the traffic generated by the proposed development and traffic impacts on receiving streets. The preliminary analysis will show that the design and road patterns of the development and surrounding neighborhood can adequately handle the proposed traffic;
- (6) The Master Concept Plan and Standards will certify that the design and construction of the drainage, utility and other systems for the development following approval will not negatively impact the receiving wetland and watercourses;
- (7) The Master Concept Plan and Standards will appropriately reflect and protect the environment, land and vegetation and unique character of the Village Green District;
- (8) The Master Concept Plan and Standards will show a positive economic impact to the community and promote compatible economic development;
- (9) The application demonstrates compliance to the Development Standards in Section 5.10.3, including Architectural Standards, Design Standards, Open Space Standards, Drainage Standards, Street and Parking Standards and Sign Standards.
- (10) The Master Concept Plan and Standards will conform to the character of a traditional neighborhood development in that:
 - a. buildings and site layouts conform to the historic architectural character of Hebron;
 - b. the site provides for a mixture of uses that provide for local shopping, employment, recreation, community gathering places, pedestrian ways and amenities for a range of ages and interests;

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Section 5.10 Village Green District (cont.)

- c. the development will provide for a variety of housing types;
 - d. the automobile is de-emphasized by: specifying street pavements that are narrow, allowing on-street parking; limiting parking lots from in front of buildings; and requiring “traffic calming” designs; and,
 - e. main street designs will incorporate sidewalks and native street trees, reduced building setbacks along said streets shall be encouraged; appropriate fencing shall be incorporated along right-of-ways and introduction of “greens”, “parks” or “commons” acceptable to the Commission will be provided.
- (e) **Amendments To The Master Concept Plan and Standards.** Any substantive amendment to the Master Concept Plan and Standards, as determined by the Commission, will be adopted in the same manner as the adoption of the original Master Concept Plan and Standards. However, minor changes to the Master Concept Plan and Standards may be permitted by the Commission as an administrative interpretation provided the Commission finds that the general intent and scope of the approved Master Concept Plan and Standards has not been changed.
- (f) **Site Plan Review Application Process.** Following approval of the Master Concept Plan and Standards, and the subsequent filing of the plan, standards, and Special Permit Certification in the Town Clerk’s Office, the following application process shall be required. For non-residential development, the owner/applicant shall proceed with a Site Plan Review application process, as set forth in Section 8 of these Regulations, for individual phases or individual buildings prior to the issuance of a building permit. For residential development within the Village Fringe area, the applicant shall follow the application process as set forth in Section 8 of these Regulations.
- (g) **Subdivision Application Process.** Following approval of the Master Concept Plan and Standards, and the subsequent filing of the plan, standards, and Special Use Permit Certification in the Town Clerk’s Office, the owner/applicant shall proceed with a Subdivision Application process as set forth in the Town of Hebron Subdivision Regulations for any subdivision of parcels or any construction of roadways. The requirements for construction, inspection, bonding and dedication of such improvements are contained in these Regulations.

5.11 PLANNED RESIDENTIAL DEVELOPMENT (PDR)

For purposes of organizational clarity SECTION 5.10 PLANNED RESIDENTIAL DEVELOPMENT (PRD) shall be codified under SECTION 8.22 SPECIAL REGULATIONS, PLANNED RESIDENTIAL DEVELOPMENT (PRD), although it could be properly placed within the DISTRICT USE REGULATIONS.

Section 5.12 MIXED USE OVERLAY DISTRICT (MUOD)**5.12.1 Statement of Intent**

One of the unintended consequences of traditional zoning has been to separate residential uses from village centers, in direct conflict with traditional New England villages where homes and business coexisted alongside each other and at densities that are higher than the surrounding rural landscape. The result has been to isolate those for whom proximity to commercial services and products are either necessary or just desirable, and to deprive local businesses of “feet on the street” that form a reliable core of patrons. Those who live in residential zones must drive to Hebron Center, or other business districts, for the most basic shopping and service needs, while those areas are deprived of the vitality that residency could provide. Traditional zoning separated residential and commercial uses due to a perceived incompatibility, which can often be the case. However, good design can assure that residential and commercial uses can co-exist in harmony, reinforcing each other rather than detracting from each other. The Mixed Use Overlay District is intended to allow the integration of a variety of housing into the Town Center, and other business districts, in village-style development in keeping with the scale and character of the Town, under design standards that minimize conflict and enhance synergy between the various types of land uses.

5.12.2 Establishment of District

The Mixed Use Overlay District is herein established as an overlay district. The boundaries of this District are those shown on maps entitled, "Mixed-Use Overlay District" in Section 2 of these Zoning Regulations. The District overlays portions of the General Business District, the Hebron Green District, the Neighborhood Convenience District and the Amston Village District. The purpose of this Overlay District is to continue to allow all the existing uses in the various Underlying Districts, but to offer alternative forms of development, including mixed use development and including multi-family dwellings and attached housing in different patterns.

5.12.3 Allowed Uses

Within this Overlay District the requirements of the underlying districts continue to apply, except that notwithstanding the requirements of the underlying district, the following additional uses shall be allowed:

5.12.3.1 Uses Permitted as of Right

None.

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.12 Mixed Use Overlay District (cont.)

5.12.3.2 Uses Permitted by Special Permit

The following uses are permitted by Special Permit from the Planning and Zoning Commission but only when they are a component of a Mixed Use development, as defined in these regulations:

- (a) Multi-family dwellings
- (b) Two-family dwellings
- (c) Single-family dwellings
- (d) Uses permitted in the underlying zoning district as of right or by special permit.

The Commission may allow the preceding residential uses where: (a) the densities set forth in Section 5.12.4 (j) can be reasonably achieved on the subject parcel; (b) the mixed-use and higher density development can be located on the specific parcel in a manner that is compatible to the surrounding neighborhood; (c) the residential and mixed-uses will enhance the design of the buildings or the site; (d) the Commission finds that the proposed design and layout meets the intent of the “Community Guidelines for Site and Architectural Design” (Design Guidelines) which are part of these Regulations, and, (e) the Commission finds that the requirements of this Section of the regulations, and the Special Permit standards and criteria of Section 8.1 are satisfied in accordance with the intent of the underlying District.

5.12.3.3 Permitted Accessory Uses

The following uses are permitted as accessory uses to permitted principal uses in the district following the same approval process for the primary use to which it relates:

- (a) Private Garage
- (b) Recreational facilities for residents of the site or the general public
- (c) Use of Residence for Personal Business Purposes, per Section 5.1.1 (i).
- (d) Other customary and incidental Accessory Uses.

5.12.4 Special Permit Criteria

Special Permits for uses permitted under Section 5.13.3.2 shall be granted only if the Planning and Zoning Commission finds compliance with the criteria of Section 8.1 of these Regulations, and, in addition, the following:

- a) District Specific Design Standards:

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.12 Mixed Use Overlay District (cont.)

- i. General Business District: There shall be no residential uses located at the ground level of any building which is located within one hundred and fifty (150) feet of the Street Lot Line. In addition, residential uses may be approved elsewhere on the first floor of any building, provided that the Commission finds and the applicant can demonstrate that the: (1) site and building plans foster a true, functionally-integrated mixed use concept, rather than the mere location of residential and commercial buildings in the same development; and (2) residential uses are augmenting, and not displacing, the commercial uses for which the Town Center, and other business districts, should be primarily dedicated and reserved; and, (3) the safety and quality of life for residents will be enhanced by the use of first floor levels for residential use. Also, except for cluster-type developments of sufficient scale to be oriented to an internal system of private roads, drives, parking and pedestrian amenities, all new buildings shall be located no more than 25 feet from the street line; however, when, considering the standards of Section 8.1, the site conditions or the design of the integrated mixed-use plan warrants, the Commission may allow buildings to be located up to 50 feet from the street line.
 - ii. Hebron Green District: (1) In addition to complying with the Design Standards in the Regulations, any new building and additions to existing buildings shall be compatible in scale, size, height and architectural style to other buildings in the Hebron Green District within 200 feet of the site in question; provided, however that in no event shall any building exceed a footprint of 3,000 square feet; (2) Pedestrian access shall be provided to connect with adjacent Hebron Green District uses and buildings and to the Hebron Green itself. Also, except for cluster type developments of sufficient scale to be oriented to an internal system of private roads, drives, parking and pedestrian amenities, all new buildings shall be located no more than 25 feet from the street line; however, when, considering the standards of Section 8.1, the site conditions or the design of the integrated mixed-use plan warrants, the Commission may allow buildings to be located up to 50 feet from the street line.
 - iii. Neighborhood Convenience District: The Site Development plan shall provide direct pedestrian access to the business uses in the District.
 - iv. Amston Village District: Any new construction or modifications to existing buildings, in this District shall be compatible to any historic mill buildings existing on the site, as applicable, at the time of application; otherwise, new construction and modification to existing buildings shall be done in adherence to the Design Standards in these Regulations.
- b) Provisions shall be made for parking spaces reserved for residents so that customers of commercial uses on the site do not occupy parking spaces that are most convenient to residential access points.

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.12 Mixed Use Overlay District (cont.)

- c) The development plan shall integrate residential and non-residential uses so that they share the site in harmony and so that parking areas, landscaped areas, and other site amenities benefit all the uses on the site.
- d) Massing of residential buildings to the rear of the site and non-residential buildings to the front of the site is not “mixed use,” and merely creates an apartment block behind a strip commercial center. Mixed use should involve designing the site so that the residential and non-residential components are part of a common design that allows the various uses to function together.
- e) Yard areas shall be as specified in Section 6.0 of these Regulations; however, when, considering the standards of Section 8.1, the site conditions or the design of the integrated mixed-use plan warrants, the Commission may reduce any required yard area by a 2/3 vote of the entire membership of the Commission.
- f) As the intent of this Overlay District is to provide for a mixture of land uses and flexibility in regulations to encourage the long term sustainability of these developments, in lieu of the parking requirements found in Section 8.3, all mixed use developments shall provide parking at the rate of 5 spaces per 1,000 s.f. and 2 spaces per residential dwelling unit. In addition, the parking requirements may be reduced by 25% when in the opinion of the Commission the applicant: i) demonstrates exemplary pedestrian connections within the site and to adjacent business and public facilities; ii) where shared access and parking is provided; and iii) where sufficient evidence is supplied as to parking demands of the potential uses.
- g) Shared Parking may be permitted by the Commission where a finding is made by the Commission that individual uses such as residential, office, and retail will experience peak parking demands at different times. In such cases the Commission may authorize a reduction in parking spaces by recognizing the opportunity to share common parking spaces, including off-street public parking spaces, in accordance with the general methodology entitled: “Shared Parking”, published by the Urban Land Institute in 1983, as amended and updated. Shared parking may be considered for multiple uses on individual parcels as well as between two or more parcels, subject to the Commission approval of a suitable parking management plan and legal agreement, recorded on the land records, assuring the continued availability of the shared parking spaces on the affected properties for the life of the proposed development or use.
- h). Parking lots shall be designed to interconnect with existing or future parking lots on adjacent sites.
- i) Driveways onto Streets shall be minimized, and shall be designed to serve existing or future uses on adjacent sites.
- j) Maximum residential density shall be first determined by the limiting factors of this regulation such as required parking, landscaping, buffers, the bulk zoning requirements of

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.12 Mixed Use Overlay District (cont.)

Section 6.1, and adherence to the “Community Guidelines for Site and Architectural Design” (Design Guidelines) which are part of these Regulations. In addition maximum residential density is controlled with the required residential to commercial floor area ratio contained in this Section.

- k) Landscape buffers shall be provided as part of the site design where a development approved under this Section abuts property in a residential district. Such buffer shall consist of a preserved existing year round vegetated buffer or a planted year round buffer meeting the requirements of Section 8.15.5 of these Regulations as well as the Design Guidelines.
- l) Each residential unit shall have direct access to a private outdoor balcony, porch or patio space.
- m) Each residential units shall have unobstructed direct access to the outside separate from any business activity.
- n) Soundproofing shall be designed and installed to isolate the normal sounds of business activity from the residential uses.
- o) In no case shall the net floor area of all residential units combined exceed 75% of the net floor area within the entire proposed MUOD development as determined by the Commission.
- p) A minimum of 80% of the residential units shall consist of a combination of efficiency, one-bedroom and two-bedroom units within the entire proposed MUOD development.
- q) Except for the specific standards for the HG zone as stated is Section 5.12.4 a. ii. of these Regulations, the maximum square foot size for any building proposed in the MUOD shall be 20,000 s.f. unless the Commission finds that a larger square foot building: i.) better creates a street presence essential to a Main Street; or, ii.) the design of the building meets the design guidelines for large scale buildings by breaking up mass, articulating the façade and by incorporating elements that add interest and human scale; or iii.) amenities have been provided to the site design which enhances the pedestrian environment in connection with the building.
- r) Two story buildings are encouraged in the MUOD. The Commission may approve a cluster development with a mix of building of various heights, provided the Commission finds that the overall plan complies with the design guidelines found in the Hebron Zoning Regulations, and that such variation is essential to the overall design theme of the development. The Commission may require a higher first floor height for single-story development to create a compatibility of façade heights where a mix of one and two-story buildings occur in proximity to each other in a unified development.

SECTION 5.0 DISTRICT USE REGULATIONS

Section 5.12 Mixed Use Overlay District (cont.)

5.12.5 Application Requirements, Procedures and Submittals

A MUOD Development Application shall be a Special Permit Application following the application steps, and complying with the submission requirements, contained in this Section.

- (a). **Informal Discussions:** Prior to any formal application, the applicant is encouraged to discuss the development concept in detail with the Director of Planning and Development and other Town staff as appropriate. Following those discussions, the applicant is encouraged to schedule an informal discussion with the Planning and Zoning Commission through the Director of Planning and Development. A request for an Informal Discussion with the Commission should be accompanied by a Narrative describing the development concept as well as a conceptual sketch plan.
- (b). **Preliminary Development Plan Approval:** Preliminary Development Plan Approval for a MUOD Development shall require a Special Use application. The Commission may grant approval of the Preliminary Development Plan only when it finds that the plan conforms to the purposes and qualifying standards of this Section of the Regulations as well as the Special Permit standards in Section 8. All Preliminary Development Plan Applications shall contain the following minimum level of information, except that the Commission may waive the submission of certain items depending on the unique aspects of an individual site where they find that such information is not needed to adequately evaluate the application:
 - (1) A **Key Map** at a scale of one (1) inch equals 1000 feet showing the general location of the parcel in the Town of Hebron.
 - (2) A **Neighborhood Map** at a scale of one (1) inch equals 100 feet or less showing sufficient area surrounding the proposed MUOD to demonstrate the relationship to adjoining uses, both existing and proposed. Other information shall include, but not be limited to surrounding densities, building heights, building materials, the boundaries of the parcel in question, and parcels within 500 feet. Said map shall show the zoning, general topography highlighting areas exceeding 20% slope, inland wetlands, flood zones, general soil type boundaries, heavily wooded areas, and other significant natural or artificial features of the land. The map shall also show existing streets, buildings, parking spaces, drive aisles and other physical improvements.
 - (3) A **Narrative** outlining the reasons why the applicant believes that the purpose and standards of this Regulation would be satisfied by development as a MUOD. Additional information shall be included as follows:
 - (a) A statement of the present and anticipated future ownership and maintenance of all land included within the MUOD.

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- (b) Proposed types, and quantities of residential units including square footage, number of bedrooms and densities for individual sections or phases of the development as well as for the MUOD as a whole.
 - (c) Proposed businesses uses including use types, square footage and ownership pattern.
 - (d) A description of proposed product types for the residential and business and mixed-use buildings, typical lot and/or building layouts and elevations of all buildings (front, back, and both sides) showing proposed textures, materials and colors. Identical buildings will not require multiple elevations.
 - (e) A written report by a professional engineer, licensed in the State of Connecticut, evaluating the impact of the MUOD on the existing traffic circulation, including the amount of traffic projected within and for the proposed development and the adequacy of the surrounding streets and traffic controls to accommodate existing traffic, projected traffic from the proposed development, and projected traffic from other proposed developments in the area.
 - (f) A description of the existing and proposed pedestrian circulation system including its interrelationships with the vehicular circulation system, open space system, and other areas of common use.
 - (g) A report discussing projected demands for potable water and sanitary sewer and evidence that an undue burden will not be placed on these resources or services by the proposed development. The public sewer report shall be made by a professional engineer, licensed in the State of Connecticut, and shall use the most current data available from the administrator of the WPCA.
- (4) **Preliminary Development Plan.**

The Special Permit Application shall be accompanied by a Preliminary Development Plan showing, at a minimum, the following information:

- a. Existing topography map with two-foot contours showing structures, roads and rights-of-way, major topographic features (including edge of wooded areas, free-standing specimen trees, barways, stonewalls, ledge outcrops and soils types), field delineated edge of all inland wetland soils, watercourses and floodplains;
- b. All existing utilities located within or along the periphery of the development;

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- c. A-2 property survey of the land in question;
- d. The proposed uses, their proposed locations, and their approximate gross floor areas, densities, numbers of units and other data as appropriate will be provided.
- e. The Preliminary Development Plan shall show, at a scale appropriate to the site that will adequately explain the proposal to the Commission, a general grading plan, the shape, size and location of proposed public or private streets, walkways, parking areas, easements, a general landscaping plan and plans to preserve existing treed areas, buffers, signage, lighting, general drainage patterns and stormwater quality methods, open space areas, access locations from abutting roads, driveways within the site to the existing and proposed road system, and amenities such as parks, meeting places, bike paths, and pedestrian trails and private outdoor areas for each residential use.
- f. Illustrative renderings of all architectural and structural improvements.
- g. Proposed plan for public improvements such as streets, stormwater management facilities, parks and open spaces.
- h. Date, revision dates, scale, north arrow, name and address of owner and developer, name and seal of appropriate design professionals.
- i. Methods to be used to determine the division of parcels and ownership of parcels within the MUOD;
- j. A description of: proposed development phasing; types of ownership of improvements (including streets, parking areas, open spaces and other community areas and public improvements), buildings, building clusters and utility systems; any proposed common interest communities; and, any proposed conveyance and easement agreements;
- k. Bulk and density standards for the above parcels, including: (1) minimum setbacks; (2) maximum building and impervious coverage of each lot or parcel; (3) maximum and minimum building height; and, (4) specifications for allocation and minimum number of parking and loading spaces to specific uses; the standards contained within Section 6.1 of these Regulations for the HG District shall be applicable to the Village Center area, and the standards contained within Section 6.1 of these Regulations for the GB District shall be applicable to the Village General area unless modified standards are proposed within the Master

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Section 5.12 Mixed Use Overlay District (cont.)

Plan and found by the Commission to more appropriately satisfy the Statement of Intent (Section 5.10.1);

- l. Proposed standards for public and private streets and walkways specifying conformance to the Town of Hebron Public Improvement Specifications, or providing sufficient justification, agreeable to the Commission, of any variation from such standards;
 - m. Narrative or graphic descriptions of the architectural style and character;
 - n. Signage plan, including a unifying theme or style;
 - o. Lighting design (including general types and location of poles and fixtures), light patterns and illumination level standards;
 - p. A landscape plan, including landscaping of parking lots, streetscape plantings and buffer areas.
- (5) Twelve (12) copies of the above materials shall accompany the Special Permit application and application fee.
 - (6) All MUOD applications are Special Permit applications and shall follow the procedures and requirements of Special Permit applications under Section 8 of these Regulations.

(c) **Findings**

In order to approve a MUOD Special Permit Application for a Preliminary Development Plan Approval submitted under these Regulations, the Commission shall first make the following findings:

- (1) The purposes specified in Section 5.12.1 have been substantially met.
- (2) The standards within Section 5.12.3.2, and the District Specific Design Standards of Section 5.12.4, and the Special Permit requirements in Section 8.1 have been met.
- (3) The application, in particular the Narrative and Preliminary Development Plan, demonstrates that the proposed mixed-use development will allow the integration of a variety of housing into the Town Center or other business districts, in village-style development in keeping with the scale and character of the Town, under design standards that minimize conflict between varying uses and enhances synergy between the various types of land uses.

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Section 5.12 Mixed Use Overlay District (cont.)

- (4) The applications materials demonstrate to the satisfaction of the Commission that the proposal is in compliance with the Design Standards contained within these Zoning Regulations.
 - (5) Provisions for traffic, water, sewerage, stormwater and open space are adequate, do not overburden existing streets, water, sewer and stormwater drainage facilities both on-site and off-site and will not create on-site or off-site flooding or undue concentration of stormwater.
 - (6) No congestion in the streets surrounding the site will result from the proposed development and the design will not require upgrading of the street system of the Town of Hebron. This requirement can only be waived if the Commission elects to permit the necessary upgrading at the applicant's expense. To make the necessary analysis, the applicant may be required to provide additional information, plans and data at his/her expense.
 - (7) The need exists within the Town for a different type of housing unit than is permitted under conventional zoning and there is a documented need for the number and type of market rate and/or affordable housing units suggested.
 - (8) The proposed development will not have a significant adverse effect on the environment and, in particular, wetland and watercourse areas. In making this finding, the recommendations of the Conservation Commission regarding the development will be taken into consideration.
 - (9) Where appropriate, the applicant has provided for continuing maintenance of private improvements, such as: roads, parking areas, stormwater drainage facilities, open space, and other amenities.
- (d) **Final Site Plan Approval:** An applicant shall submit a Site Plan Application in accordance with Sections 8.1 of these Regulations within twelve (12) months from the approval of the Special Permit approval for the Preliminary Development Plan. The Commission, in its discretion and for cause, may extend this period for up to one (1) additional year.
- (e) **Additional requirements:**
- (1) The MUOD regulation is intended to result in a mixed-use development during all phase of development. Therefore the following staging of development shall apply to all MUOD development:
 - (a) Building permits for more than 50% of the residential units in the approved MUOD development may not be issued unless building

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Section 5.12 Mixed Use Overlay District (cont.)

permits have been issued for at least 40% of the total non-residential gross floor area;

- (b) Certificates of Occupancy for more than 50% of the residential units in the approved MUOD development may not be issued unless Certificates of Occupancy have been issued for at least 40% of the total non-residential gross floor area;
- (c) Certificates of Occupancy for the full number of residential units in the approved MUOD development may not be issued unless Certificates of Occupancy have been issued for at least 60% of the total non-residential gross floor area;
- (d) Certificates of Occupancy for uses in the approved MUOD development shall only be issued in proportion to the overall completion of required site improvements including utilities, parking, landscaping, and other amenities.