

# HEBRON

## Zoning Regulations



**Hebron Planning and Zoning Commission**



# TOWN OF HEBRON, CONNECTICUT

## ZONING REGULATIONS

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### EFFECTIVE DATE

April 9, 2018

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## **APPENDIX A – Guidelines for Community Site and Architectural Design**

### **GUIDELINES FOR COMMUNITY SITE AND ARCHITECTURAL DESIGN**

## **APPENDIX B – Application Checklists**

**APPLICATION FOR ZONING PERMIT**

**SIGN PERMIT APPLICATION**

**PRE-APPLICATION PLAN**

**SITE PLAN APPLICATION**

**SPECIAL PERMIT APPLICATION**

**MASTER CONCEPT PLAN**

**REGULATION CHANGE APPLICATION**

**ZONE CHANGE APPLICATION**

**POSSIBLE ADDITIONAL REQUIREMENTS**

# SECTION 1 GETTING STARTED

## 1.A. OVERVIEW

1. The Zoning Map, which is part of these Regulations, divides Hebron into different zoning districts.
2. These Zoning Regulations identify what is permitted within the different zoning districts.
3. The uses and activities permitted in the different zoning districts and other commonly sought information may be found by determining what zone a specific property is in (see the maps in the Appendix of these Regulations) and then referring to the provisions for the specific district (Sections 2 - 4 of the Regulations).
4. Some activities will be subject to the Standards sections in the Regulations and these requirements or limitations may be found there (Sections 5 - 6).
5. If a permit or approval is required, the application requirements can be found in the Procedures section of the Regulations (Section 7).
6. Regulatory language and definitions of terms used in the Regulations are located in the back of the Regulations (Sections 8 - 9).



## Section 1.B

### GETTING STARTED

#### KEY CONCEPTS

### 1.B. KEY CONCEPTS

1. The Regulations have been adopted to promote the public health, safety, comfort, convenience and general welfare of the community.
2. The Regulations are constructed so that, if something is not clearly permitted, it is prohibited.
3. The Regulations generally establish minimum requirements although they can also establish maximum limitations.
4. If there is any question about whether something is permitted, the Director of Planning can provide guidance. If necessary, an informal discussion with the Planning and Zoning Commission as provided in Section 7.B may be requested through the Director of Planning.

**From the Zoning Map, identify the zoning district for the property you are interested in.**

**Then, go the section of the Zoning Regulations related to that district to learn about applicable provisions.**

**Maps showing the location of different zoning districts are contained in the Appendix. In addition, the Zoning Map is available on-line at:**

**[www.hebronct.com](http://www.hebronct.com)**

## SECTION 2 RESIDENCE DISTRICTS & USES

### 2.A. PURPOSES

1. The various residential districts are intended to provide suitable areas for residential use and development appropriate to the environmental characteristics of the land (such as soil types, terrain, and infrastructure capacity) and the character of the area.
2. The differentiation among the residential districts is intended to provide for variety in the size and density of residential neighborhoods and a diversity of housing opportunities after consideration of soil types, terrain, and infrastructure capacity.
3. The residential districts may allow for certain non-residential uses when it can be demonstrated that they will be appropriate for the location proposed in accordance with the standards contained in these Regulations.
4. In addition, the Amston Lake district contains special requirements intended to manage development in the drainage basin in order to protect Amston Lake from environmental and ecological deterioration. These requirements are the result of various studies conducted by the Town and are considered necessary to protect public health and welfare and manage development in an environmentally sensitive area.



## Section 2.B

### RESIDENCE DISTRICTS & USES DEVELOPMENT PATTERN

## 2.B. DEVELOPMENT PATTERN

2.B.1. LAND DIVISION	R-1	R-2	AL
1. Conservation development in accordance with Section 2.G.1.	Permitted	Permitted	Permitted
2. Conventional subdivision on a parcel which is located: <ul style="list-style-type: none"><li>• within the Hebron Sewer Service District and is less than ten (10) acres; or</li><li>• outside the Hebron Sewer Service District and is less than twenty (20) acres.</li></ul>	Permitted	Permitted	Permitted
3. Conventional subdivision on a parcel which is located: <ul style="list-style-type: none"><li>• within the Hebron Sewer Service District and is ten (10) or more acres; or</li><li>• outside the Hebron Sewer Service District and is twenty (20) or more acres.</li></ul>	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)

## 2.C. PRINCIPAL USES AND STRUCTURES

2.C.1. RESIDENTIAL USES	R-1	R-2	AL
1. Single-family dwelling in the R-1 or R-2 Districts.	Zoning Permit (Staff)	Zoning Permit (Staff)	x
2. Existing seasonal single-family dwellings in the AL District in accordance with Section 2.F.1.1.	x	x	Zoning Permit (Staff)
3. Conversion from seasonal dwellings to year-round dwellings in the Amston Lake (AL) District in accordance with Section 2.F.1.2.	x	x	Zoning Permit (Staff)
4. New single-family dwellings in the Amston Lake (AL) District in accordance with Section 2.F.1.3.	x	x	Special Permit (PZC)
5. Rear lot in accordance with Section 2.F.2.	Special Permit (PZC)	Special Permit (PZC)	x
6. Housing for the Elderly in accordance with Section 2.F.3.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
7. Planned residential development in accordance with Section 2.F.4.	Special Permit (PZC)	x	x



**Section 2.C**  
**RESIDENCE DISTRICTS & USES**  
**PRINCIPAL USES AND STRUCTURES**

<b>2.C.2. AGRICULTURAL USES</b>	<b>R-1</b>	<b>R-2</b>	<b>AL</b>
1. Farming and/or agricultural uses in accordance with generally accepted agricultural practices as established by the Connecticut Department of Agriculture.	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
2. Commercial Horse Operations in accordance with Section 2.G.5.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)

<b>2.C.3. RECREATIONAL USES</b>	<b>R-1</b>	<b>R-2</b>	<b>AL</b>
1. Golf course including related accessory buildings and structures.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
2. Non-illuminated golf driving range.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
3. Swim club (membership).	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
4. Non-profit camps, fairgrounds, or similar facilities.	Special Permit (PZC)	Special Permit (PZC)	x
5. Civic, social, private, religious, or fraternal clubs (nonprofit).	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)

<b>2.C.4. INSTITUTIONAL USES</b>	<b>R-1</b>	<b>R-2</b>	<b>AL</b>
1. Governmental facilities and services.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
2. Schools (public, private and parochial, university, college, junior college, professional).	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
3. Community centers.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
4. Library.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
5. Place of worship.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
6. Museum or planetarium.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
7. Religious quarters.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)

## Section 2.C

### RESIDENCE DISTRICTS & USES

#### PRINCIPAL USES AND STRUCTURES

2.C.5. OTHER PRINCIPAL USES	R-1	R-2	AL
1. Day care center (child or adult) as a principal use of property provided: a. the property is located on an arterial street; b. the residential character of the area will be maintained; and c. the use is in accordance with Section 2.G.4.	Special Permit (PZC)	Special Permit (PZC)	x
2. Veterinarian services as a principal use of property provided: a. the property is located on an arterial street; and b. the residential character of the area will be maintained.	Special Permit (PZC)	Special Permit (PZC)	x
3. Grooming of dogs and cats as a principal use of property provided: a. the property is located on an arterial street; and b. the residential character of the area will be maintained.	Special Permit (PZC)	Special Permit (PZC)	x
4. Adaptive re-use of an existing residential building as a principal use in accordance with Section 2.G.10.	Special Permit (PZC)	Special Permit (PZC)	x
5. Cemetery.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
6. Utility facilities, infrastructure facilities, and related facilities as a principal use.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
7. Rural Business Uses in accordance with Section 6.B.3.7.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
8. Excavation and/or filling of earth products as a principal use (not associated with construction otherwise authorized by a valid zoning approval) in accordance with Section 5.M.	Special Permit (PZC)	Special Permit (PZC)	x



## 2.D. ACCESSORY USES AND STRUCTURES

2.D.1. GENERAL	R-1	R-2	AL
1. Except for accessory uses otherwise specified within this Section 2.D, accessory uses which are customary, subordinate, and incidental to a permitted principal use.	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
2. Structures less than 200 SF in area which are not on a permanent foundation and when accessory to a permitted principal use, specifically excluding: <ul style="list-style-type: none"> <li>• outdoor wood burning furnaces;</li> <li>• metal storage containers; and</li> <li>• any accessory structure used as a dwelling unit.</li> </ul>	Zoning Permit (Staff)	Zoning Permit (Staff)	Zoning Permit (Staff)
3. Except for accessory structures otherwise specified within this Section 2.D, accessory structures which are customary, subordinate, and incidental to a permitted principal use and are: <ol style="list-style-type: none"> <li>200 SF or larger in area; or</li> <li>on a permanent foundation.</li> </ol>	Zoning Permit (Staff)	Zoning Permit (Staff)	Zoning Permit (Staff)

2.D.2. GARAGE / CARPORT See Note A below.	R-1	R-2	AL
1. Attached garage(s) or carport(s).	Zoning Permit (Staff)	Zoning Permit (Staff)	Zoning Permit (Staff)
2. Detached garage(s) or carport(s) less than or equal to the coverage limitation in Section 2.E.8.	Zoning Permit (Staff)	Zoning Permit (Staff)	Zoning Permit (Staff)
3. Detached garage(s) and/or carport(s) larger than the coverage limitation in Section 2.E.8.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)

Note - The total combined garaging facilities in connection with a single-family dwelling shall not exceed the number of bedrooms and shall not exceed 1,200 square feet in area. The Commission may issue a Special Permit to permit the construction of more garage space than the maximum herein allowed.

## Section 2.D

### RESIDENCE DISTRICTS & USES

#### ACCESSORY USES AND STRUCTURES

<b>2.D.3. PARKING</b>	<b>R-1</b>	<b>R-2</b>	<b>AL</b>
1. Parking of personal passenger vehicles on a lot when accessory to a permitted principal use.	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
2. Inside parking of commercial vehicle(s) as defined in these Regulations on a lot when accessory to a permitted principal use and for the personal use of the owner of the property.	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
3. Outside parking of one (1) commercial vehicle as defined in these Regulations on a lot when accessory to a permitted principal use provided such commercial vehicle shall be owned or leased by the owner or permanent resident of the property or assigned by his or her employer to such person:	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
4. Outside parking of a second commercial vehicle as defined in these Regulations on a lot when accessory to a permitted principal use and in compliance with Subsection 2.D.3.3 above provided such commercial vehicle shall be visually screened from the street and from neighboring properties.	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
5. Outside parking of a commercial vehicle on a lot when: a. such vehicle does not comply with Subsection 2 and/or Subsection 3 above; and/or b. such parking would result in more than two (2) commercial vehicles on the lot.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
6. Outside parking of construction equipment on a lot when being used in conjunction with a bona fide construction project that is underway.	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
7. Outside parking of construction equipment on a lot which does not comply with Subsection 5 above.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)

<b>2.D.4. HOUSING</b>	<b>R-1</b>	<b>R-2</b>	<b>AL</b>
1. Up to two (2) boarders, roomers or lodgers residing in an owner-occupied dwelling.	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
2. Temporary Housing For Dwelling Under Construction in accordance with Section 2.G.8.2.	Zoning Permit (Staff)	Zoning Permit (Staff)	x
3. Housing For Aged Persons in accordance with Section 2.G.8.1.	Zoning Permit (Staff)	Zoning Permit (Staff)	x
4. An accessory apartment in accordance with Section 2.G.5.	Zoning Permit (Staff)	Zoning Permit (Staff)	x

**Section 2.D**  
**RESIDENCE DISTRICTS & USES**  
**ACCESSORY USES AND STRUCTURES**

<b>2.D.5. RECREATIONAL EQUIPMENT</b>	<b>R-1</b>	<b>R-2</b>	<b>AL</b>
<p>1. Inside parking or storage of one or more recreational vehicles, camping or other trailers, snowmobiles, or similar types of recreational vehicles or equipment on a lot provided that:</p> <ul style="list-style-type: none"> <li>a. such vehicle and/or equipment is owned by the owner or permanent resident of the property on which it is located; and</li> <li>b. no such vehicle or equipment shall be occupied for living, sleeping or cooking purposes or for carrying on a business.</li> </ul>	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
<p>2. Outside parking or storage of one or more recreational vehicles, camping or other trailers, snowmobiles, or similar types of recreational vehicles or equipment on a lot provided that:</p> <ul style="list-style-type: none"> <li>a. such vehicle and/or equipment is owned by the owner or permanent resident of the property on which it is located;</li> <li>b. such vehicles and/or equipment are located in the rear yard at least 40 feet from any lot line;</li> <li>c. when there are two or more such vehicles and/or equipment on a lot, such vehicles and equipment shall be screened from the street and adjacent properties to the reasonable satisfaction of the Director of Planning; and</li> <li>d. no such vehicle or equipment shall be occupied for living, sleeping or cooking purposes or for carrying on a business.</li> </ul>	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
<p>3. Outside parking or storage of a recreational vehicle, camping or other trailer, snowmobile, or other type of recreational equipment on a lot when such vehicle does not comply with Subsection 2 above.</p>	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
<p>4. One visiting travel trailer, recreational vehicle, or motor coach used for living purposes may be parked on the rear of a lot occupied by a detached single family dwelling and at least 40 feet from any lot line for a period of not more than four weeks in any calendar year.</p>	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required

## Section 2.D

### RESIDENCE DISTRICTS & USES

#### ACCESSORY USES AND STRUCTURES

2.D.6. FARMING	R-1	R-2	AL
1. When accessory to a farm, the storing, processing and manufacture of agriculture and forestry products produced on a farm and/or forest property.	No Zoning Permit Required	No Zoning Permit Required	x
2. When accessory to a farm, the storing of motor vehicles and equipment used for agriculture and forestry operations on a farm and/or forest property.	No Zoning Permit Required	No Zoning Permit Required	x
3. When accessory to a farm, buildings or structures used for: <ul style="list-style-type: none"> <li>a. the storing, processing and manufacture of agriculture and forestry products produced on the property;</li> <li>b. buildings or structures used for the storage of vehicles and equipment; and/or</li> <li>c. buildings used for the housing of farm animals or poultry.</li> </ul>	Zoning Permit (Staff)	Zoning Permit (Staff)	Zoning Permit (Staff)
4. When accessory to a farm, roadside stands located on the premises of the farm provided the farm stand shall: <ul style="list-style-type: none"> <li>a. have a maximum of two hundred (200) square feet of floor area;</li> <li>b. be located on the farm property;</li> <li>c. comply with the side yard setback requirements for a principal building for the district in which it is located (no front yard setback is required provided the location does not create an unsafe condition);</li> <li>d. be located at least one hundred (100) feet from any street intersection or road intersection;</li> <li>e. have a sight line of at least one hundred (100) feet in each direction on the street; and</li> <li>f. have a safe pull-off area for at least four (4) cars.</li> </ul>	Zoning Permit (Staff)	Zoning Permit (Staff)	Zoning Permit (Staff)
5. When accessory to a farm, a Farm Brewery in accordance with Section 2.G.10.	Special Permit (PZC)	Special Permit (PZC)	x
6. When accessory to a farm, a Farmers Market in accordance with Section 2.G.11.	Special Permit (PZC)	Special Permit (PZC)	x
7. When accessory to a farm, Housing Of Farm Help in accordance with Section 2.G.8.3.	Special Permit (PZC)	Special Permit (PZC)	x
8. To the extent approved by the Commission, the retail sale of plant materials and garden supplies when located on an arterial or collector street and when accessory to plant nursery/farming operation.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)

**Section 2.D**  
**RESIDENCE DISTRICTS & USES**  
**ACCESSORY USES AND STRUCTURES**

<b>2.D.7. KEEPING OF ANIMALS</b>	<b>R-1</b>	<b>R-2</b>	<b>AL</b>
1. For a farm with less than ten (10) acres, the keeping of animals on a farm in accordance with Section 2.G.2.4.	No Zoning Permit Required	No Zoning Permit Required	x
2. For a farm with ten (10) or more acres, the keeping of animals on a farm in accordance with generally accepted agricultural practices as established by the Connecticut Department of Agriculture.	No Zoning Permit Required	No Zoning Permit Required	x
3. When accessory to a residential use, keeping of common household pets, such as, but not limited to cats and dogs.	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
4. When accessory to a residential use, keeping of other animals below the number threshold identified in Section 2.G.2.	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
5. When accessory to a residential use, keeping of other animals above the number threshold identified in Section 2.G.2.	Zoning Permit (Staff)	Zoning Permit (Staff)	Zoning Permit (Staff)
6. When accessory to a residential use, buildings and structures for keeping of animals as set forth in Section 2.G.2.	Zoning Permit (Staff)	Zoning Permit (Staff)	Zoning Permit (Staff)
7. Keeping of bees when accessory to a farm use or residential use provided: a. such bee colonies shall be maintained in movable-frame hives appropriately sized for the colony; and b. all colonies are registered in accordance with CGS Section 22-89.	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required

<b>2.D.8. DAY CARE</b>	<b>R-1</b>	<b>R-2</b>	<b>AL</b>
1. Family child care home when accessory to a residential use.	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
2. Group child care home when accessory to a residential use.	Zoning Permit (Staff)	Zoning Permit (Staff)	Zoning Permit (Staff)
3. Day care center (child or adult) when an accessory use of an institutional facility and in accordance with Section 2.G.4.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)

## Section 2.D

### RESIDENCE DISTRICTS & USES

#### ACCESSORY USES AND STRUCTURES

2.D.9. HOME-BASED BUSINESS	R-1	R-2	AL
1. Use of a residence for business purposes by the resident occupant(s) when: a. no persons other than members of the family are employed on the premises; b. no pedestrians or vehicular traffic other than that normally generated by a residence is generated; and c. no external evidence of the business (including a sign) is visible.	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
2. Use of residence for business purposes by the resident occupant(s) when such home-based business does not comply with Subsection 2.D.9.1 above provided such business will be operated in accordance with Section 2.G.3.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
3. A professional office provided that: a. the total area dedicated to the use, not including hallways, utility areas and storage areas, shall not exceed twenty five percent (25%) of the gross floor area of such dwelling unit. If the use is located in a permitted accessory building, it may occupy all of the floor area of said accessory building; b. there shall not be displayed or advertised outside any commodity or product for sale or rental on the premises; and c. the standards in Section 2.G.3 are complied with.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)

<b>2.D.10. RECREATIONAL FACILITIES</b>	<b>R-1</b>	<b>R-2</b>	<b>AL</b>
<p>1. Private tennis court, paddle tennis court, swimming pool (including any accessory bathhouse) or similar recreational facility provided:</p> <ul style="list-style-type: none"> <li>a. it shall be located entirely behind a plane established by the rear wall of the principal building;</li> <li>b. it shall be located behind all front yard setbacks;</li> <li>c. it shall be located a minimum of twenty (20) feet from any side or rear property line; and</li> <li>d. it shall be located in such a way as to minimize annoyance to adjacent properties.</li> </ul> <p>Alternatively, for rear lots, lots larger than five (5) acres, or lots where the house is located 500 feet or more from the street, such facility may be located to the side or to the front of the house provided that it is located:</p> <ul style="list-style-type: none"> <li>• no closer to the road than ½ the existing distance from the street to the house;</li> <li>• no closer than 250 feet from the street; and</li> <li>• at least 100 feet from a neighbor's house.</li> </ul> <p>Any such facility shall be screened from neighbor views and/or public views by the use of fencing, evergreen screening, or similar method acceptable to the Director of Planning.</p>	Zoning Permit (Staff)	Zoning Permit (Staff)	Zoning Permit (Staff)
<p>2. Private tennis court, paddle tennis court, swimming pool (including any accessory bathhouse) or similar recreational facility where, in the opinion of the Commission:</p> <ul style="list-style-type: none"> <li>• unique conditions exist that limit the ability to place such facility behind the plane established by the rear wall of the principal building on the lot; and</li> <li>• placement of such facility in another location on the lot would result in it not being generally visible from the street, nor create an annoyance to adjacent neighbors.</li> </ul> <p>Any such facility shall be screened from neighbor views and/or public views by the use of fencing, evergreen screening, or similar method acceptable to the Commission.</p>	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)

## Section 2.D

### RESIDENCE DISTRICTS & USES

#### ACCESSORY USES AND STRUCTURES

2.D.11. TEMPORARY STORAGE	R-1	R-2	AL
1. Provided that such structure shall be placed on the driveway and shall not be located in a required yard setback: a. one (1) temporary storage structure of up to 8' x 8' x 16' for a period of up to 90 days total in any twelve month period; or b. two (2) temporary storage structures of up to 8' x 8' x 16' each for a period of up to 30 days total in any twelve month period.	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
2. Provided that such structure shall be placed on the driveway and shall not be located in a required yard setback: a. one (1) temporary storage structure of up to 8' x 8' x 16' for a period of up to 180 days total in any twelve month period; or b. two (2) temporary storage structures of up to 8' x 8' x 16' each for a period of up to 60 days total in any twelve month period.	Zoning Permit (Staff)	Zoning Permit (Staff)	Zoning Permit (Staff)
3. Temporary storage structure(s) if not in accordance with the above.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)

2.D.12. ENERGY / MECHANICAL EQUIPMENT	R-1	R-2	AL
1. <b>Solar Energy</b> – Solar panels when attached to a wall or roof and project no more than twelve inches (12") from the wall or roof.	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
2. <b>Solar Energy</b> - Solar panels when not attached to a wall or roof or when project more than twelve inches (12") from a wall or roof.	Zoning Permit (Staff)	Zoning Permit (Staff)	Zoning Permit (Staff)
3. <b>Wind Energy</b> – A wind turbine with rated capacity of one hundred (100) kW or less provided the total height does not exceed 100 feet and the tower is set back at least 100 feet from the nearest property line.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
4. <b>Mechanical Equipment</b> – Generator, air conditioning condenser, compressor, propane tank or similar equipment provided such equipment shall meet the yard setbacks for an accessory structure and shall be located closer to the dwelling unit it serves than to any other dwelling.	Zoning Permit (Staff)	Zoning Permit (Staff)	Zoning Permit (Staff)



**Section 2.D**  
**RESIDENCE DISTRICTS & USES**  
**ACCESSORY USES AND STRUCTURES**

<b>2.D.13. OTHER</b>	<b>R-1</b>	<b>R-2</b>	<b>AL</b>
1. Utility facilities, infrastructure facilities, and related facilities as an accessory use or a secondary use of a parcel.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
2. Temporary Construction Site Trailer in accordance with Section 6.C.1.	Zoning Permit (Staff)	Zoning Permit (Staff)	Zoning Permit (Staff)
3. When accessory to a residential use, a private roadside stand used for the sale of produce or products grown or produced completely on the premises provided the roadside stand shall: <ul style="list-style-type: none"> <li>a. have a maximum of 32 square feet of floor area;</li> <li>b. not have a permanent foundation;</li> <li>c. be located on the property;</li> <li>d. comply with the side yard setback requirements for a principal building for the district in which it is located (no front yard setback is required provided the location does not create an unsafe condition).</li> <li>e. be located at least one hundred (100) feet from any street intersection or road intersection;</li> <li>f. have a sight line of at least one hundred (100) feet in each direction on the street;</li> <li>g. have a safe pull-off area for at least two (2) cars;; and</li> <li>h. be removed within ten (10) days after its use is discontinued for that particular year.</li> </ul>	No Zoning Permit Required	No Zoning Permit Required	No Zoning Permit Required
4. Bed and Breakfast Establishment – A bed and breakfast establishment when in accordance with Section 2.G.6.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
5. Adaptive Use – Adaptive re-use of a residential property as an accessory use when in accordance with Section 2.G.10.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
6. Alcoholic Beverages as an accessory use in accordance with Section 5.O.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)

## Section 2.E

### RESIDENCE DISTRICTS & USES DIMENSIONAL STANDARDS

## 2.E. DIMENSIONAL STANDARDS

See Section 6.A for possible dimensional exceptions.

2.E.1. MINIMUM LOT AREA	Front Lot	Rear Lot
Residence 1 (R-1)	1.00 Acre	5.00 Acres  (excluding the area of the access strip)
Residence 2 (R-2)	2.00 Acres	
Amston Lake (AL) <ul style="list-style-type: none"><li>• Minimum area required for a lot of record or a merged lot to be considered buildable (1)</li><li>• New Lot With Sewer</li><li>• New Lot With Septic</li></ul>	10,000 SF  21,780 SF  1.00 Acre	

**Notes:**

1. For lots of record in the Amston Lake District, also see the lot merger provisions of Section 6.B.2.

**Section 2.E**  
**RESIDENCE DISTRICTS & USES**  
**DIMENSIONAL STANDARDS**

<b>2.E.2. MINIMUM BUILDABLE LAND (MBL) AREA</b>	<b>Front Lot</b>	<b>Rear Lot</b>
<b>Residence 1 (R-1)</b>	0.75 acres (32,670 SF)	0.75 acres (32,670 SF)
<b>Residence 2 (R-2)</b>	0.75 acres (32,670 SF)	0.75 acres (32,670 SF)
<b>Amston Lake (AL)</b>	n/a	n/a

1. Unless approved as a Conservation Development in accordance with Section 2.G.1, a Minimum Buildable Land (MBL) Area shall be required for each lot created in the R-1 and R-2 Residence Districts in accordance with the following requirements:
  - a. the MBL Area shall be a square or rectangle with the shortest side being no less than 125 linear feet;
  - b. the MBL Area shall not be located within the front yard setback area as prescribed for the Zoning District in which it is located but may be located within the side or rear yard setback areas;
  - c. the MBL area shall not include:
    - i. any soil with ground water within eighteen (18) inches of the naturally occurring ground surface, as determined by mottling or seasonal high ground water, whichever is higher;
    - ii. rock outcroppings;
    - iii. ledge rock within four (4) feet of the natural ground surface as observed during soil testing;
    - iv. wetland soil types, as defined by the Connecticut General Statutes and as determined by a professional soils scientist certified by the Society of Soils Scientists of Southern New England; or
    - v. any area within the 100-year flood boundary as identified on the National Flood Insurance Program, FIRM (Flood Insurance Rate Map) Town of Hebron, Connecticut, effective March 18, 1991, as amended.
  - d. no more than ten percent (10%) of the MBL Area shall consist of topography exceeding 20% slope calculated by measuring naturally occurring topography measured in 40-foot increments; and
  - e. rock outcroppings shall not be permitted within fifty feet (50') of a proposed primary or reserve leaching area.
2. To determine compliance with the Minimum Buildable Land Area requirements, there shall be at least four (4) test holes located in, and equally spaced throughout, each Minimum Buildable Land Area.

<b>2.E.3. MINIMUM LOT FRONTAGE REQUIREMENTS</b>	<b>Front Lot</b>	<b>Rear Lot</b>
<b>Residence 1 (R-1)</b>	175 Feet	40 Feet  (frontage of the accessway)
<b>Residence 2 (R-2)</b>	225 Feet	
<b>Amston Lake (AL):</b> <ul style="list-style-type: none"> <li>• <b>Lot of Record</b></li> <li>• <b>New Lot With Sewer</b></li> <li>• <b>New Lot With Septic</b></li> </ul>	50 Feet  75 Feet  175 Feet	

## Section 2.E

### RESIDENCE DISTRICTS & USES DIMENSIONAL STANDARDS

2.E.4. MINIMUM SETBACK REQUIREMENTS – PRINCIPAL BUILDINGS		Minimum Front Yard Setback (1)	Minimum Side Yard Setback (1)	Minimum Rear Yard Setback (1)
Residence 1 (R-1)		50 Feet	20 Feet	50 Feet
Residence 2 (R-2)		50 Feet	35 Feet	50 Feet
Amston Lake (AL):	<ul style="list-style-type: none"> <li>• Lot of Record</li> <li>• New Lot With Sewer</li> <li>• New Lot With Septic</li> </ul>	25 Feet 40 Feet 50 Feet	10 Feet 15 Feet 20 Feet	20 Feet 40 feet 50 Feet

**Notes:**

1. The setback requirements for rear lots shall be 150% of those indicated in the above table.

2.E.5. MINIMUM SETBACK REQUIREMENTS – ACCESSORY STRUCTURES		Minimum Front Yard Setback (1)	Minimum Side/Rear Yard Setback (1)	
			If located in rear yard and footprint is	
			200 square feet or less	More than 200 SF
Residence 1 (R-1)		50 Feet	10 Feet	Same as a principal building
Residence 2 (R-2)		50 Feet		
Amston Lake (AL):	<ul style="list-style-type: none"> <li>• Lot of Record</li> <li>• New Lot With Sewer</li> <li>• New Lot With Septic</li> </ul>	25 Feet 40 Feet 50 Feet	10 Feet	Same as a principal building

**Notes:**

1. The setback requirements for rear lots shall be 150% of those indicated in the above table.

2.E.6. MINIMUM SETBACK REQUIREMENTS – DRIVEWAYS	Minimum Setback
Unless modified by the Director of Planning for good cause shown, a new driveway shall be set back from any property line as follows: <ul style="list-style-type: none"> <li>• On a lot of one acre (1.0) or more</li> <li>• On a lot of less than one acre (1.0)</li> </ul>	10 Feet 5 Feet

**Section 2.E**  
**RESIDENCE DISTRICTS & USES**  
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<b>2.E.7. BUILDING HEIGHT LIMITATIONS</b>	<b>Principal Buildings</b>	<b>Accessory Buildings/ Structures (3)</b>
<b>Residence 1 (R-1)</b>	2 1/2 Stories	20 Feet
<b>Residence 2 (R-2)</b>	2 1/2 Stories	20 Feet
<b>Amston Lake (AL):</b> <b>(See notes 1 and 2)</b>	1 1/2 Stories or 20 feet, whichever is more restrictive	15 Feet

**Notes:**

1. A street-facing façade shall only be permitted to have an eye dormer. A façade not facing the street may have an eye dormer or a partial dormer.
2. Building height shall be limited to a one-story dwelling in those instances as set forth in Section 2.F.1.3.
3. The Commission may, by Special Permit, authorize a taller accessory building or structure than permitted above when such building is situated on the property in such a way as to minimize visibility from the street and to minimize any adverse impacts on neighboring properties.

<b>2.E.8. BUILDING COVERAGE LIMITATIONS</b>	<b>All Buildings / Structures</b>	<b>Accessory Buildings/ Structures (1)</b>
<b>Residence 1 (R-1)</b>	15%	900 square feet for lots up to 5 acres in size
<b>Residence 2 (R-2)</b>	10%	
<b>Amston Lake (AL):</b>	• <b>Lot of Record</b>	1,200 square feet for lots greater than 5 acres in size
	• <b>New Lot With Sewer</b>	
	• <b>New Lot With Septic</b>	

**Notes:**

1. The Commission may, by Special Permit, authorize an accessory building or structure with a greater floor area than permitted above when such building or structure is situated on the property in such a way as to minimize visibility from the street and to minimize any adverse impacts on neighboring properties.

## **2.F. SPECIAL STANDARDS**

### **2.F.1 AMSTON LAKE**

#### **2.F.1.1 STANDARDS FOR EXISTING SEASONAL DWELLINGS**

1. Seasonal dwellings shall only be occupied during the 154-day period extending from May 15 to October 15.
2. Underground oil tanks are prohibited.
3. All lawfully existing seasonal dwellings established prior to the effective date of this Subsection (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 a nonconforming use and subject to Section 6.B of these Regulations.

#### **2.F.1.2 STANDARDS FOR CONVERSION FROM SEASONAL TO YEAR-ROUND DWELLINGS**

The converting of a seasonal dwelling to a year-round use shall be permitted by the Director of Planning only in compliance with the following:

1. The dwelling shall be brought into conformance with all applicable provisions of the current Public Health and Building Codes and:
  - a. the dwelling shall be connected to public sanitary sewers;
  - b. the water supply for the dwelling must meet the requirements of the current Public Health Code; and
  - c. all plumbing fixtures in the dwelling shall be converted to low-flow water conservation fixtures, as specified by the Hebron Building Official.
2. Underground oil tanks are prohibited.
3. Applications for conversions to year-round dwellings shall be accompanied by:
  - a. a report by a licensed home inspector, architect or engineer, which shall include a report on the existing structural, electrical, plumbing and insulation components of the building and a finding of what improvements are required to bring the dwelling into compliance with current codes; and
  - b. a report on insect infestation and proof of treatment as appropriate.
4. For applications that propose building additions or improvements, architectural drawings and other information shall be submitted as follows:
  - a. showing all exterior building elevations identifying material, color and texture. Building height to final grade shall be included;
  - b. 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; and
  - c. a complete set of floor plans for the entire structure.

5. As part of the application, the following plans shall be submitted to demonstrate efforts to be undertaken by the applicant to prevent and control potential adverse impacts of storm water runoff, erosion, and loss of existing on-site vegetation:
  - a. a Soil Erosion and Sediment Control Plan in accordance with the provisions of Section 5.H of these Regulations;
  - b. a stormwater management plan indicating how stormwater runoff will be contained and controlled so as not to harm Amston Lake; and
  - c. a Site Restoration and Landscaping Plan shall be provided showing all existing vegetation to remain and all newly proposed landscaping.

#### **2.F.1.3 STANDARDS FOR NEW SINGLE-FAMILY DWELLINGS**

The construction of any new year-round dwelling or any modification to an existing year-round dwelling shall require approval by the Planning and Zoning Commission in compliance with the following:

1. The approval process shall be as follows:
  - a. construction of any new year-round dwelling shall require Special Permit approval by the Commission; and
  - b. modification to an existing year-round dwelling that modifies the building or adds an upper half-story to the building shall require Site Plan approval by the Commission.
2. New year-round dwellings shall be permitted provided that the new construction is:
  - a. not detrimental to the existing character of the District in particular as to building size, height, bulk and style; and
  - b. developed in a way that is compatible to the existing natural features of the site.
3. The dwelling shall be connected to public water and public sanitary sewers and all plumbing fixtures in the dwelling shall be low-flow water conservation fixtures, as specified by the Hebron Building Official.
4. Underground oil tanks are prohibited.
5. 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 for that distinct portion of the building.
6. When calculating compliance with the “half-story” limitation (see definition of half-story in these Regulations), the 60 percent limitation shall be calculated on the basis of the living area of the floor below. Garage space shall not constitute living area of the first floor unless the Director of Planning determines that, on the basis of exceptional architectural design, that the garage space and the space above 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.

## Section 2.F

### RESIDENCE DISTRICTS & USES

#### SPECIAL STANDARDS

7. Architectural drawings and other information shall be submitted:
  - a. showing all exterior building elevations identifying material, color and texture. Building height to final grade shall be included;
  - b. 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; and
  - c. A complete set of floor plans for the entire structure.
8. As part of the application, the following plans shall be submitted to demonstrate efforts to be undertaken by the applicant to prevent and control potential adverse impacts of storm water runoff, erosion, and loss of existing on-site vegetation:
  - a. a Soil Erosion and Sediment Control Plan in accordance with the provisions of Section 5.H of these Regulations;
  - b. a stormwater management plan indicating how stormwater runoff will be contained and controlled so as not to harm Amston Lake;
  - c. a Site Restoration and Landscaping Plan shall be provided showing all existing vegetation to remain and all newly proposed landscaping;
  - d. an A-2 Survey showing property boundaries, existing structures, existing utility connections, and off-street parking for a minimum of 2 motor vehicles;
  - e. The plan as a minimum shall include street trees as required in the Town of Hebron Subdivision Regulations;
  - f. flood plain elevation and lowest floor elevation; and
  - g. two foot (2') contours.



## **2.F.2 REAR LOTS**

### **2.F.2.1 PURPOSE**

It is the purpose of this Section of the Regulations to allow for the establishment of rear lots in situations where it may not be logical or feasible for the land area to be developed in a more conventional pattern and to ensure that the public's health, safety and welfare will be preserved.

### **2.F.2.2 STANDARDS**

1. A Special Permit for the establishment or creation of a rear lot shall be approved only if the Commission determines that there is no logical or feasible alternative for the lot to be properly served by an accepted Town road, street or highway in the foreseeable future.
2. No rear lot shall contain more than one single-family dwelling with permitted accessory buildings or uses.
3. No rear lot shall land lock another rear property by blocking or removing the most logical or feasible access to such other rear property, except that the Commission may modify this requirement due to unusual circumstances such as topography, present divisions of property and the like.
4. Any access strip serving a rear lot shall comply the following:
  - a. the access strip shall be part of the rear lot;
  - b. the measurement of lot area for the rear lot shall not include the area of the access strip; and
  - c. the access strip shall not be used for building purposes.
5. Not more than two access strips may be adjacent. When two access strips are adjacent, only one driveway opening onto a street is allowed having a paved surface 20 feet wide by 20 feet long conforming to Town driveway standards.
6. The Town of Hebron shall not be responsible for the maintenance or repair of any driveway or access road required or provided for a rear lot.
7. On a subdivision plan approved prior to November 9, 1981 where a future road or similar strip at least fifty feet (50') in width served as an access strip to a rear lot or adjacent parcel of land, the parcel may be re-subdivided up to a maximum of two (2) lots. Any lots created shall conform to Section 6.2.F Rear Lot Subdivision of the Subdivision Regulations, with the exception of the forty-foot (40') access strip requirement. The reserve access strip shall be divided equally between the two lots and a common driveway shall be provided.

#### **Dimensional Standards For Rear Lots (as per Section 2.E)**

<b>Minimum Lot Area</b>	5.00 Acres (excluding the area of the access strip)
<b>Minimum Buildable Land (MBL) Area</b>	0.75 acres (32,670 SF)
<b>Minimum Lot Frontage</b>	40 Feet (for the accessway)
<b>Minimum Setback Requirements</b>	150% of those indicated in Section 2.E.4 and /or Section 2.E.5

## Section 2.F

### RESIDENCE DISTRICTS & USES SPECIAL STANDARDS

#### 2.F.3 HOUSING FOR THE ELDERLY

##### 2.F.3.1 PURPOSE

This Section of the Regulations is intended to provide opportunities for elderly housing in Hebron developed by the Town or by non-profit entities in order to meet the housing needs of residents while preserving the residential character of the Town of Hebron and considering soil types, terrain, and infrastructure capacity.

##### 2.F.3.2 STANDARDS

1. **Dimensional Standards:** In the following table, “net land area” shall consist of parcel area minus:

- watercourses, waterbodies, ponds, streams;
- 100-year floodplains;
- wetlands; and
- areas with pre-development grades in excess of twenty percent (20%).

<b>Minimum Parcel Size</b>	8.0 acres of net land area
<b>Minimum Parcel Frontage</b>	50 feet at the street line of a public street
<b>Maximum Density</b>	Six (6) units per acre of net land area if on septic Eight (8) units per acre of net land area if on sewer
<b>Maximum Building Height</b>	22 feet
<b>Minimum Building Separation</b>	25 feet
<b>Minimum Front Yard Setback</b>	75 feet
<b>Minimum Side Yard Setback</b>	50 feet
<b>Minimum Rear Yard Setback</b>	50 feet

2. **Occupancy:** Occupancy of units shall be limited to elderly and/or handicapped persons in accordance with state and federal guidelines.

3. **Sewage disposal:** Prior to approval by the Commission, the development shall have received approval from:
  - a. the Town of Hebron Water Pollution Control Authority for connection into the public sewer system; or
  - b. the Town Sanitarian, Connecticut Department of Health Services, and/or the Department of Energy and Environmental Protection for use of a community septic system
4. **Storm drainage:** All storm drainage facilities must conform to the requirements of Section 5.E of these Regulations and any public improvement specifications of the Town of Hebron.
5. **Parking and driveways:** The following standards shall apply:
  - a. all parking and driveway surfaces shall be bituminous concrete with curbing to control water and traffic runoff;
  - b. all parking spaces shall be lined with painted stripes;
  - c. there shall be a minimum of one (1) parking space per dwelling unit;
  - d. no parking space or any portion of pavement shall be within ten (10) feet of any building except for loading and delivery areas;
  - e. the proper number of handicapped parking spaces shall be supplied as required by State of Connecticut regulations or statute;
  - f. parking areas or facilities must conform to general provisions of Section 5.C of these Regulations;
  - g. parking areas or facilities must be properly lighted in relation to their size, layout, and location. Lighting shall be reflected away from dwelling units or adjacent residential uses. Any lighting required or provided shall be compatible with the rest of the development and with the landscaping of the parking areas or facilities; and
  - h. there shall be a seventy-five (75) foot minimum separating distance between a parking area or facility and any existing or contemplated adjacent residential use.
6. **Landscaping:**
  - a. all disturbed areas not mulched or planted with trees, shrubs, or flowers shall be planted with grass; and
  - b. there shall be a landscape buffer area with a minimum width of fifty (50) feet between the area of development and any adjoining premises used or contemplated to be used for residential purposes and conforming to Section 5.D of these Regulations.
7. **Buildings:** All buildings shall be subject to Section 5.A Design Review.

#### **2.F.3.3 APPLICATION MATERIALS**

As part of any application under this Section of the Regulations, the applicant shall provide:

1. a Certificate of Need from the Hebron Housing Authority; and
2. a certified statement from a licensed architect or professional engineer that the project conforms to the requirements of the State of Connecticut and/or Federal programs providing for housing for the elderly.

## Section 2.F

### RESIDENCE DISTRICTS & USES SPECIAL STANDARDS

#### 2.F.4 PLANNED RESIDENTIAL DEVELOPMENT

##### 1.A.1.1 PURPOSE

This Section of the Regulations is intended to provide, through a Special Permit approval process, for housing opportunities in the R-1 District in Hebron in order to:

- meet the housing needs of residents;
- preserve the residential character of the Town of Hebron; and
- consider soil types, terrain, and infrastructure capacity.

A Planned Residential Development (PRD) would generally consist of housing units (detached units and/or multifamily buildings) on common land configured to:

- preserve areas of special environmental concern;
- preserve open space;
- enhance the appearance and beauty of the neighborhood and the Town;
- preserve farmland in active use or prime farmland as identified by the U.S. Department of Agriculture, and the U.S. Soil Conservation Service in Tolland County; and/or
- create affordable housing.

##### 2.F.4.1 LOCATIONAL REQUIREMENTS

1. Any PRD development shall be served by the Town's sewer service district provided the Hebron Water Pollution Control Authority has determined that adequate sewage capacity is available to serve the proposed project.
2. A PRD development may be located within the R-1 zone where it may serve as transitional land use between business areas and surrounding residential areas.
3. The location of a PRD development shall be consistent with the Hebron Plan of Conservation and Development.

##### 2.F.4.2 PERMITTED USES

1. Attached or detached dwelling units on a single parcel or on land owned in common under the Common Interest Ownership Act of the Connecticut General Statutes.
2. Accessory uses and structures which are:
  - a. customary, subordinate, and incidental to the principal residential use; and
  - b. approved by the Commission if representing a substantial change to the approved plans.

**2.F.4.3 PARCEL-RELATED STANDARDS**

**1. Minimum Parcel Requirements:**

<b>Minimum Parcel Size</b>	8.0 Acres
<b>Minimum Parcel Frontage</b>	50 feet of frontage on an arterial street, residential collector street, or residential sub-collector street as defined by the Hebron Subdivision Regulations.

**2. Maximum Density Limitations:** In the following table, “net land area” shall consist of parcel area minus:

- watercourses, waterbodies, ponds, streams;
- 100-year floodplains;
- wetlands; and
- areas with pre-development grades in excess of twenty percent (20%).

	<b>Not Age-Restricted</b>	<b>Age Restricted</b>
<b>Base Density</b>	2.5 dwelling units per acre of net land area	3.0 dwelling units per acre of net land area
<b>With 20% or more of units deed restricted as affordable housing as defined in these Regulations</b>	3.5 dwelling units per acre of net land area	4.0 dwelling units per acre of net land area
<b>With 40% or more of the parcel dedicated as open space</b>	4.5 dwelling units per acre of net land area	5.0 dwelling units per acre of net land area
<b>With 20% or more of units deed restricted as affordable housing as defined in these Regulations and 40% or more of the parcel dedicated as open space</b>	5.5 dwelling units per acre of net land area	6.0 dwelling units per acre of net land area

**3. Open Space Set Aside**

- a. At least 30% of the total area of land within the PRD shall be set aside and be dedicated as Open Space in order to accomplish the purposes as set forth in the Hebron Subdivision Regulations.
- b. All documents dedicating the land must be approved by the Town Attorney as to form and effect.

## Section 2.F

### RESIDENCE DISTRICTS & USES SPECIAL STANDARDS

#### 4. Minimum Setback Requirements:

	To A Business Zone	To A Residential Zone
Minimum Front Yard Setback	50 feet	100 feet
Minimum Side / Rear Yard Setback	25 feet	50 feet

#### 2.F.4.4 BUILDING-RELATED STANDARDS

<b>Maximum Building Height</b> <ul style="list-style-type: none"><li>• Residential Building</li><li>• Accessory Building</li></ul>	Two and one-half (2 1/2) stories or thirty-five (35) feet One and one-half (1 1/2) stories or twenty-five (25) feet.
<b>Minimum Building Separation</b>	Buildings shall be separated by a distance at least equal to the height of the taller building.
	Buildings and garages shall be set back at least 30 feet from the edge of the pavement of internal roadways to allow for sidewalks and the parking of cars in locations that do not interfere with the continuity or function of the sidewalk system.
<b>Dwelling units per building</b>	No building shall contain more than four (4) dwelling units, and not more than fifty percent (50%) of the total units shall be in four (4) unit buildings.
<b>Minimum Floor Area:</b>	Each dwelling unit shall contain a minimum of 750 square feet of floor space for living quarters.
<b>Building Coverage</b>	The aggregate land area covered by all buildings and other structures shall not exceed 20% of the total net land area of the parcel.
	No dwelling unit shall contain more than three (3) bedrooms and no more than fifty (50%) percent of the total number of dwelling units on the tract shall contain three (3) bedrooms.

**2.F.4.5 OTHER STANDARDS AND REQUIREMENTS**

1. **Architectural Design** - Architectural design shall provide for:
  - a. all buildings shall be subject to Section 5.A Design Review;
  - b. shielding of mechanical and utility devices;
  - c. utilization of building materials, which are typical of residential construction;
  - d. in buildings containing two or more units, the facades of such units shall be staggered or offset a minimum of five (5) feet unless an alternative arrangement is approved by the Commission;
  - e. a separate entrance directly from the outside for each dwelling unit; and
  - f. design, which minimizes windows which directly face other windows.
2. **Landscaping:** Landscaping and Buffers shall be provided in accordance with Section 5.D Landscape and Buffer Regulations, in addition to the requirements below:
  - a. all disturbed areas not mulched or planted with trees, shrubs, or flowers shall be planted with grass;
  - b. trees and shrubs shall be planted around foundations and between structures in a manner approved by the Commission;
  - c. street tree plantings shall be provided along streets and common drives where existing trees are sparse or nonexistent at a rate of two (2) trees for every 50 linear feet of road or drive;
  - d. Each such tree shall have a minimum caliper of three (3) inches and shall survive two (2) growing seasons or be replaced; and
  - e. there shall be a landscaped or natural buffer area of a minimum of fifteen (15) feet between the development and any adjoining premises.
3. **Parking and Driveways**
  - a. There shall be a minimum of two (2) parking spaces per dwelling unit with an additional one-half space per dwelling for visitor parking.
  - b. At least one (1) required resident space must be located in an enclosed garage.
  - c. Parking spaces located in front of garages shall not be permitted to fulfill the total parking requirement;
  - d. All garages shall have automatic door openers.
  - e. Visitor parking spaces shall be located within 200 feet from the farthest dwelling unit to be served if the average topographical grade between the spaces and dwelling units is less than 5% and, if such grade is 5% or greater, then such parking shall be located within 75 feet of the farthest dwelling unit to be served.
  - f. One (1) parking space must be provided for each 200 square feet of recreational building floor area and located within 200 feet of the building.
  - g. No parking shall necessitate the backing out onto a through street as its only means of egress although such parking off of cul-de-sacs may be permitted at the discretion of the Commission in instances where it would not present a safety hazard.
  - h. In connection with parking, adequate, unobstructed space shall be provided for snow storage and clearance.
  - i. All parking and driveway surfaces shall be bituminous concrete.

## Section 2.F

### RESIDENCE DISTRICTS & USES SPECIAL STANDARDS

#### 4. Internal Roadways

- a. Streets and roadways within a PRD shall be privately owned by the association and designed to discourage through traffic.
- b. All roadways within a PRD shall be constructed to Town road standards as set forth in the Hebron Subdivision Regulations, except as may be permitted under these PRD Regulations.
- c. In the case of cul-de-sac roads, the Commission may permit narrower pavement widths where the Commission finds that density, length of road, projected traffic volumes, available parking and other relevant factors justify such reduction.

#### 5. Pedestrian Walkways

- a. Pedestrian walkways, a minimum of four (4) feet in width, shall be provided along one side of all streets, between buildings, and between buildings and roadways in a system so as to discourage the use of driveways and roadways by pedestrians unless the Commission determines that such sidewalks do not enhance the safety of the residents, do not facilitate pedestrian accessibility, or where physical conditions make such sidewalk construction unfeasible or undesirable.

#### 6. Storm Drainage

- a. All storm drainage facilities must conform to Section 5.E of these Regulations and, if applicable, to the Hebron Public Improvement Specifications.
- b. Drainage calculations shall be submitted as part of the application.

#### 7. Outdoor Lighting

- a. All outdoor lighting shall be designed to prevent light from intruding directly into residential units and no exterior light shall be placed so as to shine directly outside of the PRD area.
- b. Street lighting shall be designed to complement the overall design concept and shall be limited in intensity to that required for safety of vehicular and/or pedestrian circulation.
- c. A street light shall be placed at all road intersections.

#### 8. Signs

- a. No permanent or temporary identification signs may be placed within the right-of-way of project roadways.
- b. One (1) small sign per entrance (maximum 20 sq. ft.) announcing the project may be placed outside the public or private right-of-way at no more than two (2) entrances to the development. This requirement shall supersede provisions of Section 5.B of the Zoning Regulations.
- c. All signs shall be designed as an integral part of the PRD design concept. All buildings or groups of buildings shall have a comprehensive identification scheme through alpha-numerical designations or thematic naming program. Such an identification system shall be approved by the Fire Marshal and Tax Assessor.
- d. All individual dwellings or groups of dwellings shall display a clearly visible unit number and shall be four (4) to six (6) inches in height.

#### 9. Utilities

- a. With regard to utilities, the technical standards of the Hebron Subdivision Regulations shall be complied with.
- b. All utility transmission and service lines shall be underground, except when determined to be unfeasible by the Commission due to site conditions such as severe soil limitations.



**2.F.4.6      MANAGEMENT AND MAINTENANCE REQUIREMENTS**

1. When the PRD will be under single ownership with dwelling units to be rented, the owner will be responsible for maintenance of site improvements and for maintaining the provisions of the approved Special Permit and Site Plan within the PRD.
2. When the dwelling units in the PRD will be sold:
  - a. the responsibility for maintenance of public improvements and for maintaining the provisions of the approved Special Permit and Site Plan within the PRD shall be vested in the Homeowners Association pursuant to the Connecticut Common Interest Ownership Act;
  - b. documentation as to the organization and incorporation of applicable ownership associations shall be submitted to the Commission to confirm that appropriate legal structures are in place for ownership and management of common properties and facilities, open space and utility systems, including provision for financing and maintenance;
  - c. the Commission may require the recording of a Caveat on the Land Records providing for enforcement by the Town of Hebron; and
  - d. the owner will be responsible for maintenance of site improvements and for maintaining the provisions of the approved Special Permit and Site Plan within the PRD.
3. As a condition of approval for all PRDs, the developer shall provide:
  - a. the Town with an Emergency Response Plan for the entire development and such a plan shall include, but not be limited to basic information regarding the location of master controls for all water, sewerage, electric, and security systems; and
  - b. the Town's Fire Marshal with all necessary keys to respond to emergencies.

## Section 2.F

### RESIDENCE DISTRICTS & USES SPECIAL STANDARDS

#### 2.F.4.7 AFFORDABLE HOUSING REQUIREMENTS

Where a PRD contains Affordable Housing as defined in these Regulations, the following provisions shall apply:

1. all such affordable housing units shall be evenly distributed throughout the development;
2. the mixture of dwelling unit types shall be limited so that the overall development results in an average of two (2) bedrooms per unit unless modified by the Commission. For the purpose of these Regulations, any rooms other than kitchens, dining rooms, bathrooms, utility rooms, living rooms, and family rooms shall be considered bedrooms;
3. proper documentation shall be provided to affirm the availability of Affordable Housing dwelling units for sale to or lease agreement by families that qualify under the U.S. Department of Housing and Urban Development income limits by family size for the Hartford Primary Metropolitan Statistical Area (PMSA), as updated annually. Such documentation is subject to the approval of the Commission and, in the case of rental units, may consist of contracts between the applicant and the Housing Authority of the Town of Hebron or other appropriate governmental agency;
4. any development containing Affordable Housing shall submit an “affordability plan” complying with the Affordable Housing policy as adopted by the Hebron Board of Selectmen, as may be amended and any other applicable provisions of the Connecticut General Statutes or the Regulations of Connecticut State Agencies.

## **2.G. USE-RELATED PROVISIONS**

### **2.G.1 CONSERVATION DEVELOPMENT**

#### **2.G.1.1 PURPOSE AND INTENT**

Conservation Development patterns for residential subdivisions are encouraged in Hebron in order to:

- encourage preservation of open space, farmland and farmland soils, and community character;
- encourage variation in residential developments that would not otherwise be possible;
- encourage or require the use of flexible site design so that development will be constructed in harmony with natural resources and the natural capability of the land; and
- permit residential developments that are sensitive to parcel configuration, topography, natural resources, historic resources, character resources, solar access, and the surrounding area.

#### **2.G.1.2 DETERMINATION OF MAXIMUM NUMBER OF LOTS**

The maximum number of lots that may be approved in a Conservation Development shall be determined by one of the following methods:

**1. Mathematical Approach (Septic)**

- a. Determine “net land area” which shall be the parcel area minus:
  - watercourses, waterbodies, ponds, streams;
  - 100-year floodplains;
  - wetlands; and
  - areas with pre-development grades in excess of twenty percent (20%).
- b. Divide the net land area by the minimum lot size required in the zoning district.
- c. Multiply this result by 0.75 to reflect the open space set-aside requirement, the amount of area required for road access, and for configurational loss in a conventional subdivision.
- d. The result of this calculation, rounded to the nearest whole number, shall represent the maximum number of lots permitted in the Conservation Development.

**2. Mathematical Approach (Sewer)**

- a. Determine “net land area” which shall be the parcel area minus:
  - watercourses, waterbodies, ponds, streams;
  - 100-year floodplains;
  - wetlands; and
  - areas with pre-development grades in excess of twenty percent (20%).
- b. Multiply the net land area by 2.5 units/acre.
- c. The result of this calculation, rounded to the nearest whole number, shall represent the maximum number of lots permitted in the Conservation Development.

- 3. Site Suitability** - Alternatively, the developer may conduct on-site soil testing and prepare a sketch plan demonstrating the permissible number of lots in a conventional subdivision design for review by the Commission to establish the maximum number of lots permitted in the Conservation Development.

## Section 2.G

### RESIDENCE DISTRICTS & USES USE-RELATED PROVISIONS

#### 2.G.1.3 OVERALL DESIGN OF DEVELOPMENT

1. In accordance with Section 7.B of these Regulations, pre-application reviews are strongly encouraged for Conservation Developments.
2. Any application for a Conservation Development shall include a site inventory / analysis map prepared by a landscape architect, civil engineer, or surveyor licensed to practice in Connecticut unless determined by the Commission to be unnecessary for:
  - a. a very low density development (such as one unit per four acres of total parcel area).
  - b. a plan where a significant portion of the property will be dedicated as open space.
3. Such site inventory / analysis map shall identify for the area of the proposed development and adjoin areas within 300 feet:
  - a. **Primary Conservation Areas** – important environmental resources such as:
    - Watercourses;
    - wetlands,
    - vernal pools;
    - steep slopes (20 percent or more); and
    - 100-year floodplain.
  - b. **Secondary Conservation Areas** - environmental, scenic, and cultural resources such as:
    - prime farmland soils and farmland soils of statewide significance;
    - existing farm fields and farm structures;
    - areas within 100 feet of existing streets or roads (including State highways);
    - areas within 50 feet of a wetland or within 100 feet of a watercourse or vernal pool;
    - 500-year floodplain;
    - ridgelines, scenic views and vistas from the public roadway(s);
    - significant geologic formations, including ledge and rock outcroppings and cliffs;
    - Natural Diversity Database sites or wildlife corridors;
    - Identified historic structures or historic resources;
    - notable individual trees (>18" diameter) and/or mature woodlands;
    - stone walls and /or farm hedgerows; and
    - possible open space and trail connections between conservation areas on the site and adjacent protected and unprotected open space.
4. The Commission may hire a landscape architect, civil engineer, or surveyor licensed to practice in Connecticut to evaluate or augment the analysis if it determines that such technical assistance is necessary considering the complexity and/or sufficiency of the plan submitted by the applicant. The applicant shall be required to pay the cost of such services as a fee for processing the application in accordance with the fee provisions to the extent authorized by any Town Ordinance. An application for which such payment has not be made is incomplete and shall be denied.
5. To assist with its consideration of a Conservation Development, the Commission may refer the plan to any department, agency or official it deems appropriate, to review and comment upon those technical matters which are the concern or responsibility of such department, agency or official.

**2.G.1.4 DEVELOPMENT STANDARDS**

1. The overall layout plan for the Conservation Development shall reflect the site inventory / analysis map and areas of the site which are considered Primary Conservation Areas or Secondary Conservation Areas shall be considered for permanent protection which may include preservation as open space deeded to the Town, a land trust or other conservation organization, or a homeowners association if acceptable to the Commission.
2. It is anticipated and intended that a significant portion of the parcel being subdivided will be preserved as open space in perpetuity by being deeded to the Town, a land trust or other conservation organization, or a homeowners association or other arrangement acceptable to the Commission.
3. Areas of the site which are not considered Primary Conservation Areas or Secondary Conservation Areas may be considered potential development areas and lots, streets, trails, and other improvements may be sited in these areas.
4. Any lot created as part of a Conservation Development shall comply with the following requirements:

<b>ZONE</b>	<b>R-2</b>	<b>R-1 (Septic System)</b>	<b>R-1 (Sewer Service District)</b>
<b>Minimum Lot Size</b>	40,000 SF	20,000 SF	15,000 SF
<b>Minimum Buffer (Perimeter of Conservation Development Parcel)</b>	25'	25'	25'
<b>Minimum Lot Frontage (on a public street or a private street maintained by a homeowner's association)</b>	100'	100'	50'
<b>Minimum Front Yard Setback</b>	50'	40'	30'
<b>Minimum Side Yard Setback</b>	20'	15'	15'
<b>Minimum Rear Yard Setback</b>	50'	40'	30'
<b>Maximum Building Coverage</b>	15%	20%	20%
<b>Maximum Building Height</b>	2 ½ stories	2 ½ stories	2 ½ stories

5. All lots shall contain a square having a minimum dimension of 80 feet wide per side and such square shall not include any area designated as a Primary Conservation Area or a Secondary Conservation Area.
6. All lots created in a Conservation Development shall meet all the requirements of the Public Health Code.

## Section 2.G

### RESIDENCE DISTRICTS & USES

#### USE-RELATED PROVISIONS

##### 2.G.1.5 ROAD AND DRAINAGE STANDARDS

1. Roads within the Conservation Development may be public or private.
2. The road system serving a Conservation Development shall be designed in conformance with the Hebron Subdivision Road Standards.
3. Public roads shall be built to Town Road Standards.
4. Private roads are permitted under these Regulations conforming to the standards set forth in Section 5.4.E of the Subdivision Regulations. For very low density developments (an average lot size of six (6) acres and no lot having less than three (3) acres in total land area), private roads may be built to the standards as specified in Section 6.4 I of the Subdivision Regulations.
5. Drainage shall be constructed in accordance with these Regulations and other Town specifications and requirements.

## **2.G.2 KEEPING OF ANIMALS**

### **2.G.2.1 PURPOSE**

It is the purpose of this Section of the Regulations to promote the preservation of agricultural land and support agriculture within Hebron and allow for the keeping of animals subject to certain minimum standards so as to preserve the public's health, safety and welfare.

### **2.G.2.2 KEEPING OF ANIMALS ON A FARM**

1. For a farm on a parcel of less than ten (10) acres, the keeping of animals on the farm shall be in accordance with the provisions of Section 2.G.2.4.
2. For a bona fide farm, as determined by the Zoning Enforcement Officer in consultation with the Tax Assessor, on a parcel of ten (10) or more acres and enrolled in the PA-490 Farm Assessment Program, the keeping of animals on the farm (including pheasants and roosters) is allowed with no Zoning Permit required provided the keeping of animals on the farm shall be in accordance with generally accepted agricultural practices as established by the Commissioner of Agriculture.

### **2.G.2.3 KEEPING OF CUSTOMARY PETS**

1. Keeping of customary pets (cats, dogs, fish, etc.) within a residential dwelling and/or on a residential property as an accessory use is permitted.
2. The keeping of animals other than customary pets accessory to a residential use shall be in accordance with Subsection 2.G.2.4.

### **2.G.2.4 KEEPING OF OTHER ANIMALS ACCESSORY TO A RESIDENCE**

1. Animals may be kept in accordance with the following table provided that:
  - a. the land area considered available to support the animal(s) ("available acre") shall be determined by subtracting the area of any wetlands and watercourses from the gross parcel area and then subtracting an additional acre for the house site;
  - b. each available acre may only be used one time in determining the number of animals permitted (i.e. – the same available acre cannot be used to support multiple animal categories);
  - c. offspring shall not be counted until after weaning; and
  - d. any animal not listed below shall be categorized by considering its adult weight compared to the referenced animals.

## Section 2.G

### RESIDENCE DISTRICTS & USES USE-RELATED PROVISIONS

	No Zoning Permit Required	Animal Management Plan And Zoning Permit Required
Horse, pony, mule, donkey, burro, cow, bull, steer	Up to one (1) per available acre	More than one (1) per available acre
Llamas, alpacas, ostriches, emus, pigs	Up to two (2) per available acre	More than two (2) per available acre
Goats, sheep	Up to three (3) per available acre	More than three (3) per available acre
Ducks, geese	Up to four (4) per available acre	More than four (4) per available acre
Chickens, rabbits	Up to eight (8) per available acre	More than eight (8) per available acre
<b>Special Situations</b>		
Pheasants	Not permitted	Animal Management Plan And Special Permit Required
Roosters	Not permitted	Not permitted

2. Notwithstanding the above, any combination of up to eight (8) chickens or rabbits may be kept on any residential property provided that such animals are contained within an enclosure that complies with required setbacks.
3. Where an “animal management plan” is required:
  - a. the “animal management plan” shall consist of a map of the site and its immediate environs drawn to scale based on an aerial photograph or other source sketch;
  - b. the “animal management plan” shall show the extent of the proposed operations, approximate slopes and drainage patterns, general location of streams, wetlands, buildings, fence lines, and roadways, and shall be accompanied by a written description which explains in detail how the operations shall be conducted, parties responsible, and demonstrates sound animal management practices; and
  - c. when satisfied that the animal management plan demonstrates that no adverse impact will result to the site or adjacent area, the Zoning Enforcement Officer may approve the Zoning Permit with conditions required to protect the environment of the site.

*(see example of an animal management plan on the following page)*

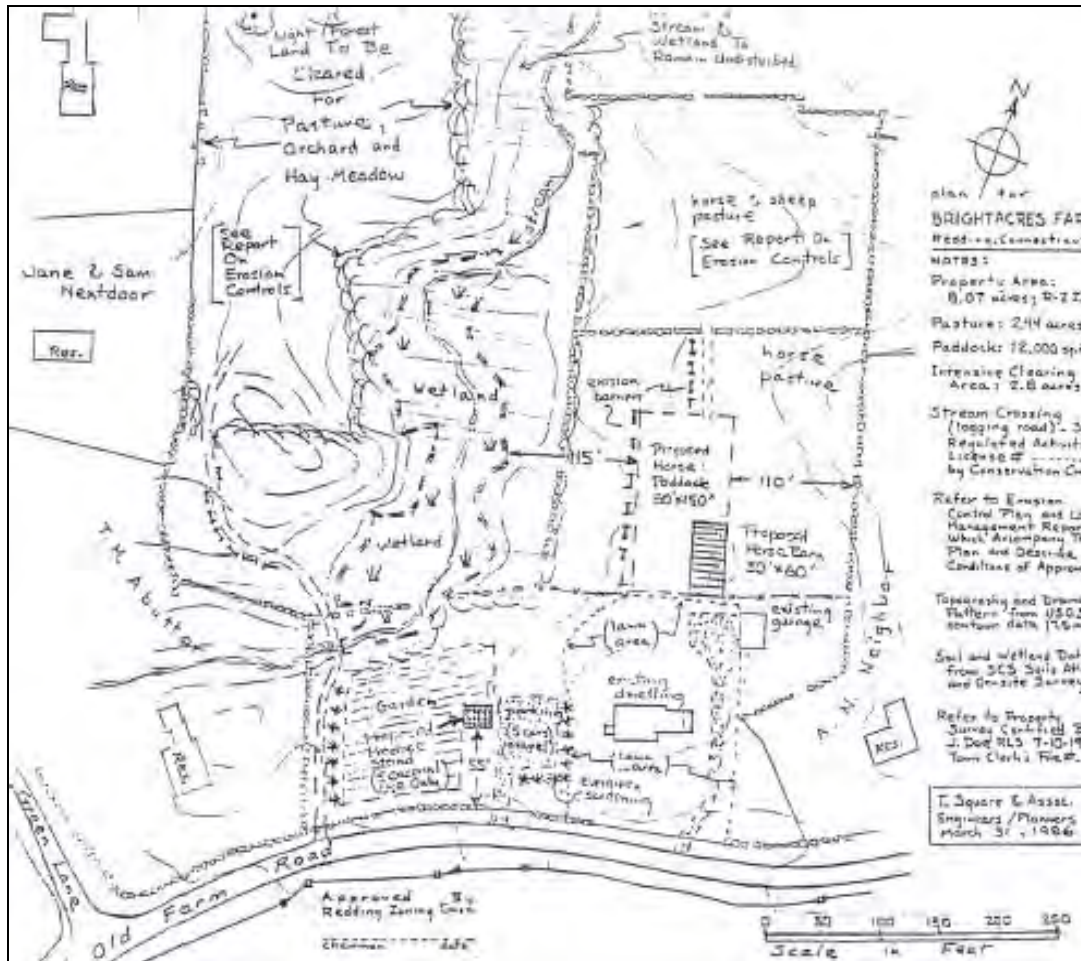
4. Any such animal(s) shall be contained within an appropriate enclosure (fencing) located in compliance with the requirements of these Regulations.
5. Barns, coops, stables, and other structures for shelter, housing or close confinement of animals or birds shall comply with the minimum yard setback requirements and shall be set back at least 50 feet from any watercourse.
6. Manure piles shall be set back at least 100 feet from any property line and from all watercourses.
7. Generally accepted agricultural practices as established by the Commissioner of Agriculture shall be utilized at all times, especially with regard to manure storage and management.



**2.G.2.5 ADVISORY OPINIONS**

The Zoning Enforcement Officer may refer the application to the Department of Agriculture, the University of Connecticut Cooperative Extension Service, or any other organization for review and advisory opinion as to whether the keeping of animals will be in accordance with the purposes of this Section and/or generally accepted agricultural practices.

**Example of an Animal Management Plan from Another Community**



Zoning Regulations, Redding, CT

## Section 2.G

### RESIDENCE DISTRICTS & USES USE-RELATED PROVISIONS

#### 2.G.3 HOME-BASED BUSINESSES

##### 2.G.3.1 PURPOSE

It is the purpose of this Section of the Regulations to establish minimum standards for certain home-based businesses so as to preserve the public's health, safety and welfare. These Regulations are further intended to provide economic opportunities to residents of the Town in such a manner that will not negatively impact traffic circulation, Town infrastructure, the natural environment, and the existing character of surrounding land uses.

##### 2.G.3.2 STANDARDS

1. All such uses subject to this Section of the Regulations shall be carried on entirely within the dwelling unit or within a completely enclosed permitted accessory building on the same lot as the dwelling unit except that the Commission may permit certain appropriate activities (such as classes or nature walks and discussions) to occur outside where it is deemed to be compatible to the site and the neighborhood.
2. All such uses subject to this Section of the Regulations shall be carried on by the inhabitants of such dwelling unit and shall involve the employment on the premises only of any member of the immediate family residing in such dwelling unit plus one person, full or part time, not residing in such dwelling unit.
3. All such uses shall be clearly incidental and secondary to the use of such dwelling unit and lot for residential purposes.
4. The use shall not change the residential character of such dwelling unit and lot, nor shall it generate traffic substantially in excess of that normally generated by a residential dwelling unit in the neighborhood.
5. There shall be no storage of any materials or products on the premises outside of the dwelling unit or the permitted accessory building in which the use is located.
6. No offensive emissions from the property including noise, vibration, smoke, dust, odors, heat, or glare shall be produced; no health or safety hazard shall be created; no interference with any communications medium including radio or television reception in the neighborhood shall be produced.
7. Any sign associated with the use shall be approved by the Commission and shall be limited to one professional identification sign per dwelling unit, such sign not to exceed two (2) square feet in area.
8. Parking adequate to meet the needs of the use, as specified in Section 5.C, shall be provided.
9. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes as determined by the Town Sanitarian, in non-public sewered areas.

**2.G.3.3 PERMIT**

1. A permit granted under this Section shall be valid for a period of two (2) years unless renewed as provided herein.
2. The Zoning Enforcement Officer is hereby authorized to renew a permit for additional periods of two (2) years each, provided the requirements and intent of this Section have been continually met. The Director of Planning may refer any application to the Commission for review.
3. A permit under this Section shall not be renewed by the Zoning Enforcement Officer and an outstanding permit may be revoked by the Commission if the use no longer complies with the requirements of this Section.
4. In the event of non-renewal, or revocation, a new application may be made to the Director of Planning or the Commission as required by these Regulations.

**2.G.3.4 PROHIBITED USES**

Notwithstanding any other provision of these Regulations, home based businesses shall not be construed to include in purpose or intent restaurants or other eating and drinking places, automotive repairs, small engine repair, or any form of retail sales except those involving goods assembled on the premises, hand-crafted items produced on the premises, or as specifically approved by the Commission.

## Section 2.G

### RESIDENCE DISTRICTS & USES

#### USE-RELATED PROVISIONS

#### 2.G.4 DAY CARE CENTER

##### 2.G.4.1 PURPOSE

It is the purpose of this Section of the Regulations to allow for the establishment of day care for children or adult persons in appropriate locations in Hebron to help address the current and future needs of the community while protecting the public's health, safety and welfare.

##### 2.G.4.2 STANDARDS

1. Any day care center shall provide and maintain a fenced outdoor area:
  - a. providing a minimum of 75 square feet per person admitted into the outdoor area at a given time; and
  - b. directly abutting the building and directly accessible from an exterior door of the day care center.
2. There shall be at least four (4) parking places provided and reserved for people dropping off or picking up a client and such parking spaces shall be immediately adjacent to the pedestrian walkway into the building.
3. In addition to any other application material required by these Regulations, an application to establish a day care center shall include a statement declaring:
  - a. the maximum capacity (number of clients) of the day care center; and
  - b. the ages of the clients to be cared for.

## **2.G.5 COMMERCIAL HORSE OPERATIONS**

### **2.G.5.1 PURPOSE**

It is the purpose of this Section of these Regulations to permit commercial horse operations within residential districts in a way that is compatible with the overall character of existing residential areas and so as to not degrade the natural environment or negatively impact the public health, safety, and property values. These Regulations are intended to set the minimum necessary standards for the keeping of horses for commercial purposes that are consistent with generally accepted agricultural practices for such animals.

### **2.G.5.2 INCLUDED USES**

1. For the purposes of this Section of the Regulations, commercial horse operations shall be considered to include:
  - a. commercial horse stables;
  - b. riding academies;
  - c. livery and boarding stables;
  - d. animal and convalescent stables;
  - e. breeding stock farms; and/or
  - f. private club riding stables.

### **2.G.5.3 STANDARDS**

1. **Minimum Lot Area**
  - a. Any proposed uses included in this Section of these Regulations shall require a minimum lot area of fifteen (15) acres.
  - b. Any land used to satisfy this requirement shall be owned or leased by the applicant, or have a contract to purchase the same, and shall be continued to be owned or leased for the duration of any permit issued.
  - c. Any existing or proposed residence on the property(ies) shall discount one (1) acre (R-1) or two (2) acres (R-2) from the area calculation depending upon the appropriate district that is applicable.
2. **Maximum Number of Horses Permitted and Minimum Area for Keeping of Horses**
  - a. There shall be at least one-half ( $1/2$ ) acre of land per proposed horse.
  - b. The areas where the horses shall be generally kept (which includes barns, stalls, paddocks, and rings), shall consist of land area not less than  $1/8$  acre per horse and such area shall not exceed 20% slope, contain wetland soils or have poorly drained soils.
  - c. This keeping area shall be included within the minimum lot requirement cited above.
  - d. On-site septic systems shall not be located within the paddock, corrals, or riding ring areas or otherwise be included in the keeping area calculation.
3. **Minimum Lot Frontage** - All proposed uses permitted by these Regulations shall require a minimum lot frontage of fifty (50) feet to be located on a public or private road.

## Section 2.G

### RESIDENCE DISTRICTS & USES

#### USE-RELATED PROVISIONS

##### 4. **Minimum Setbacks**

- a. All buildings or structures used for the keeping of horses shall be located at least one hundred (100) feet from any adjoining residences.
- b. Any proposed riding rings, paddocks, corrals, and horse trailers shall be located at least fifty (50) feet from any property line and shall not be located within wetland areas.
- c. There shall be no storage of horse excrements or bedding materials within seventy-five (75) feet of any well, wetland, or septic system or within 100 feet of a property line.

##### 5. **Parking**

- a. There shall be five (5) off-street parking spaces plus one (1) space for each five (5) proposed horse stalls.
- b. All parking shall be located at least fifty (50) feet from any property line.
- c. The access drives for entering and leaving the property shall be a minimum width of fifteen (15) feet and be located in such a manner so as to not create a hazard for pedestrian or vehicular traffic.
- d. The travel surface shall be of a dustless material.

##### 6. **Waste Management**

- a. Horse manure, urine, or used bedding material storage shall not create a health hazard to the Town or surrounding neighborhood.
- b. The stabling of horses shall conform to all State and local laws, regulations, and codes.
- c. Sanitary facilities shall be provided for employees, patrons, and visitors in accordance with State and local health requirements for normal operations as well as for horse shows and similar activities.
- d. All waste management activities shall meet with the approval of the Town Sanitarian.

##### 7. **Outside Storage** - There will be no outside storage of feed, grain, hay, animal excrements, or other hazardous or insect breeding material.

##### 8. **Shelter** -

- a. Each animal will have free access to shelter, which will provide shade and protection from wind, rain, and snow.
- b. Such shelter shall have an attached or adjacent area with an impervious cover to which all animal waste cleanings shall be confined.

##### 9. **Lighting** - There shall be no external floodlighting that transmits beyond the property boundaries.

##### 10. **Noise and Duration of Use** -

- a. The use of Public Address Systems, the conduct of the instruction of riders with use of public address system, and the spectator participation in competition shall be modulated and continuously controlled in order to avoid becoming a nuisance to the surrounding neighbors.
- b. The above activities shall cease at 8:00 P.M. and shall not begin prior to 7:00 A.M., unless permission for such activity is specifically granted by the Planning and Zoning Commission.
- c. The use shall be operated in conformance with performance standards governing noise as specified under Section 5.M of the Hebron Zoning Regulations and as measured at the property boundary lines.

##### 11. **Safety** - Adequate fencing shall be installed and maintained to reasonably contain the horses within the property.

##### 12. **Fire** - Fire control facilities for the barns, buildings, and other amenities used for normal operations as well as for horse shows and similar activities shall be approved by the Town Fire Marshal.

## **2.G.6 BED AND BREAKFAST ESTABLISHMENT**

### **2.G.6.1 PURPOSE**

It is the purpose of this Section of the Regulations to allow for the establishment of bed and breakfast operations in appropriate locations in Hebron to help provide for lodging and hospitality for visitors to the community and the area while protecting the public's health, safety and welfare.

### **2.G.6.2 STANDARDS**

1. A bed and breakfast may only be established in an owner occupied dwelling and the owner shall be on site whenever the bed and breakfast is in operation.
2. A bed and breakfast shall only be used to provide or offer overnight accommodations to transient guests for compensation. Such accommodations may include the provision of breakfast and private meals for guests.
3. No accessory building shall be used for the provision of guest rooms.
4. No guest shall use such establishment as his or her place of residence and no guest shall stay at such establishment for longer than seven (7) consecutive nights.
5. The operators of such establishment shall comply with all applicable State and local health, fire safety and building regulations, and shall obtain all required permits prior to commencement of operation.
6. The application for a Bed and Breakfast establishment shall include a preliminary report from the Town Sanitarian or the Water Pollution Control Authority Administrator as applicable.
7. The lot shall be adequate size and shape to accommodate one parking space for each guest room and such parking spaces shall be located to the rear of the building where possible.
8. The Commission may require additional landscaped buffers where necessary to meet the stated purpose of these Regulations.

Note that any situation where overnight accommodations for transient guests is offered or provided for compensation (including AirBnB or similar on-line or other service) is considered a bed and breakfast.

## Section 2.G

### RESIDENCE DISTRICTS & USES USE-RELATED PROVISIONS

#### 2.G.7 ACCESSORY APARTMENTS

##### 2.G.7.1 PURPOSE

It is the purpose of this Section of the Regulations to allow for the establishment of accessory apartments in appropriate locations in Hebron to help address the current and future housing needs of the community while protecting the public's health, safety and welfare.

##### 2.G.7.2 STANDARDS

1. Accessory apartments shall:
  - a. be permitted in single-family detached dwellings;
  - b. shall meet the requirements for a single-family dwelling as determined by the Connecticut State Building Code; and
  - c. be located on a lot meeting the minimum lot area requirement of the applicable zone.
2. Only one (1) accessory apartment shall be permitted per property.
3. The owner of the property must reside on the premises.
4. The principal dwelling unit and the accessory apartment shall be connected by an operable door on a common wall and shall not constitute a two-family dwelling as defined by the Connecticut State Building Code.
5. 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 Town of Hebron Water Pollution Control Authority for connection into the public sewer system.
6. 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 building 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; and
  - e. the character of the neighborhood shall not be negatively impacted.
7. The accessory apartment shall be a minimum four hundred (400) square feet of floor area but not more than thirty-five percent (35%) of the total floor area.
8. An accessory apartment shall not contain more than two (2) bedrooms.
9. A total minimum of three (3) off street parking spaces shall be provided: Two (2) spaces per principal dwelling and one (1) space for the accessory apartment. Such parking shall be adequately drained and suitably screened from adjacent residences.



10. 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.
11. Both dwelling units shall share all utility services and shall not have separate metering devices for utility services.
12. No accessory building shall be used or created for the purpose of accommodating an accessory apartment.
13. An affidavit shall be filed on the land records specifying that the property owner shall reside on the premises in order for the accessory apartment to be valid.

#### **2.G.7.3 PERMIT PROCEDURES**

1. Applications for a Building Permit and Certificate of Zoning Compliance shall be reviewed by the Building Official and Director of Planning respectively and shall be accompanied by the following:
  - a. an affidavit of ownership signed by the owner of the premises;
  - b. an affidavit signed by the owner of the premises affirming the intent of an owner to occupy either the principal dwelling or accessory apartment;
  - c. 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
  - d. in lieu of a Site Plan and Architectural Plans, sufficient building drawings and/or clear photographs to show the exterior/ interior building alterations proposed.
2. If subsequently requested by the Director of Planning or Zoning Enforcement Officer, the owner of the premises shall, for verification purposes, execute and provide a sworn affidavit to such officer stating that said premises is occupied by the owner or by his or her spouse.

## Section 2.G

### RESIDENCE DISTRICTS & USES USE-RELATED PROVISIONS

#### 2.G.8 TEMPORARY ACCESSORY ACCOMMODATIONS

##### 2.G.8.1 HOUSING FOR ELDERLY FAMILY MEMBER (STAFF)

In the Residence (R-1) or (R-2) District only, the use of a trailer for the housing of elderly family members closely related by blood or marriage to a legal inhabitant of a dwelling on the same property is allowed provided:

1. The trailer is parked on a lot containing a legal dwelling.
2. The trailer in question shall:
  - a. contain at least two hundred and forty (240) square feet of living area;
  - b. not be over ten (10) years old;
  - c. have an adequate supply of potable water, and shall contain a flush toilet in working order, which toilet shall be connected to an approved and completed sewage disposal system; and
  - d. be located a minimum of 150 feet from the nearest public highway or road, which may be reduced to 100 feet if the trailer is not easily visible.
3. **Permit requirements and limitations -**
  - a. Occupancy permits for residential purposes can only be issued to the owner(s) of the premises where the trailer will be parked.
  - b. Prior to the issuance of an occupancy permit for residential use of a trailer or a mobile home, written approval of the Town Health Officer certifying compliance with the sanitary regulations of the State of Connecticut and the Town of Hebron must be obtained by the applicant and presented to the Zoning Enforcement Officer.
  - c. A one year temporary permit to park and use a trailer for such family housing shall be issued.
  - d. The occupancy permit shall state:
    - the location at which the trailer is to be parked;
    - the purpose for which it is to be used;
    - the term for which occupancy is allowed; and
    - the number of occupants.
  - e. Such permit shall be renewed annually.

**2.G.8.2 DWELLING UNDER CONSTRUCTION (STAFF)**

In the Residence (R-1) or (R-2) District only, the use of a trailer or other temporary structure as a temporary residence by the owner-builder of a dwelling under construction is allowed provided:

1. The applicant must own the lot in which the dwelling is to be built.
2. A Building Permit for the dwelling to be constructed on the lot shall have been obtained.
3. The dwelling foundation, sewage disposal system and water supply shall be approved and completed.
4. The trailer or other temporary structure in question shall:
  - a. contain at least two hundred and forty (240) square feet of living area;
  - b. not be over ten (10) years old;
  - c. have an adequate supply of potable water, and shall contain a flush toilet in working order, which toilet shall be connected to the approved and completed sewage disposal system;
  - d. be located a minimum of 100 feet from the front street line, 25 feet from any side lot line, and 50 feet from the rear lot line; and
  - e. display the United States Department of Housing and Urban Development (HUD) Certificate, if a trailer.
5. Only the owner of the premises and the owner's family may occupy the trailer.
6. **Permit requirements and limitations -**
  - a. Prior to the issuance of a permit for residential use of a trailer or other temporary structure, written approval of the Town Health Officer certifying compliance with the sanitary regulations of the State of Connecticut and the Town of Hebron must be obtained by the applicant and presented to the Zoning Enforcement Officer.
  - b. Once the requirements are met, a six month temporary permit to park and use a trailer shall be issued.
  - c. The permit shall state:
    - the location at which the trailer or other temporary structure is to be parked;
    - the purpose for which it is to be used;
    - the term for which occupancy is allowed; and
    - the number of occupants, if any.
  - d. If, at the end of the six (6) month period covered by the permit, the framing, sheathing and roofing are finished, an additional six (6) month temporary permit will be allowed.
  - e. Once a temporary or final certificate of occupancy for the dwelling has been issued, the Zoning Enforcement Officer may require that the trailer no longer be occupied and be removed from the premises.
  - f. Due allowance will be made for extending the temporary permits due to undue hardships, such as sickness, unusual weather conditions or acts of God.
  - g. No person shall make structural changes or additions to a trailer, mobile home or semi-trailer for the purposes of converting it into a tenement or permanent dwelling, nor shall any occupied trailer, mobile home or semi-trailer be dismantled.

## Section 2.G

### RESIDENCE DISTRICTS & USES USE-RELATED PROVISIONS

#### 2.G.8.3 HOUSING OF FARM HELP (COMMISSION)

1. The use of a trailer for the housing of farm help is allowed provided any farm helper housed in the trailer is an adult, full time employee working on the farm owned or operated by the person, persons, or company on whose property the trailer is located.
2. The trailer in question shall:
  - a. contain at least two hundred and forty (240) square feet of living area;
  - b. not be over ten (10) years old;
  - c. have an adequate supply of potable water, and shall contain a flush toilet in working order, which toilet shall be connected to an approved and completed sewage disposal system; and
  - d. be located a minimum of 200 feet from the nearest public highway or road, which may be reduced to 100 feet if the trailer is not easily visible from the traveled portion of the road or highway.
3. **Permit requirements and limitations -**
  - a. Occupancy permits for residential purposes can only be issued to the owner(s) of the premises where the trailer will be parked.
  - b. Prior to the issuance of an occupancy permit for residential use of a trailer, written approval of the Town Health Officer certifying compliance with the sanitary regulations of the State of Connecticut and the Town of Hebron must be obtained by the applicant and presented to the Zoning Enforcement Officer.
  - c. Initial approval to establish a trailer for housing for farm help shall be approved by the Commission and shall be valid for one year.
  - d. The occupancy permit shall state:
    - the location at which the trailer is to be parked;
    - the purpose for which it is to be used;
    - the term for which occupancy is allowed; and
    - the number of occupants, if any.
  - e. Once approved by the Commission, the permit for each trailer may be renewed annually by the Zoning Enforcement Officer.
  - f. Notice must be given to the Zoning Enforcement Officer within one week after the occupant of the trailer leaves and within one week after a new occupant is installed.
  - g. After the trailer is unoccupied for eight (8) months, the permit terminates and any new occupant requires another permit from the Commission.

#### 2.G.8.4 SCOPE OF REGULATION

1. Unless otherwise provided above, no trailer camp or mobile home park shall be permitted in the Town of Hebron and no trailer shall be permitted.
2. If permitted above, any occupancy permit shall be voided upon the failure of the permittee to conform to these Regulations, any conditions of the permit or the State or Town sanitary regulations. A voided occupancy permit shall not be reinstated.
3. Except as may be permitted above, no person shall make structural changes or additions to a trailer, mobile home or semi-trailer for the purposes of converting it into a tenement or permanent dwelling, nor shall any occupied trailer, mobile home or semi-trailer be dismantled.

## **2.G.9 ADAPTIVE RE-USE**

### **2.G.9.1 PURPOSE**

It is the purpose of this Section of the Regulations to allow for the adaptive reuse of historic residential structures and/or accessory building in appropriate locations in Hebron to help preserve these structures and enhance the character of the community while protecting the public's health, safety and welfare.

### **2.G.9.2 STANDARDS**

1. Adaptive re-use of all or a part of a historic residential structure or accessory building may include but not be limited to professional office, general office, boutique, antiques and collectibles shop, gallery, artisan shop, arts and craft classes, residential dwelling units, live-work units, mixed use buildings, and similar uses.
2. The historic residential structure or accessory building shall:
  - a. be identified within the Town's Survey of Historical and Architectural Resources, prepared by the Capitol Region Council of Governments, 1975 and on file with the Town Clerk's Office; or
  - b. be found by the Commission to be suitable for adaptive re-use based on its character, location, or other factors.
3. The architectural integrity and residential character of the building(s) and property shall be preserved.
4. Any such residential building shall have a minimum floor area of 1,500 square feet of livable floor area.
5. Any accessory building considered for the above use shall have a minimum of 400 square feet and not exceed the square footage of the principal dwelling on the same lot.
6. All such uses shall be located upon an arterial street or collector street.

## **2.G.10 FARM BREWERY**

### **2.G.10.1 PURPOSE**

It is the purpose of this Section of the Regulations to promote the preservation of agricultural land and support agriculture within Hebron while protecting the public's health, safety and welfare.

### **2.G.10.2 STANDARDS**

1. Any Farm Brewery shall be located on a parcel of land that is part of a working farm.
2. The overall size of the working farm containing the Farm Brewery shall be 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 used in the Farm Brewery operation shall be grown on site or on the farm property under the same ownership located within the Town of Hebron.

## Section 2.G

### RESIDENCE DISTRICTS & USES USE-RELATED PROVISIONS

4. Adequate provisions shall be made for parking, loading and interior storage of all products.
5. As part of a Farm Brewery operation, 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.
6. Promotional events and guided tours may also be permitted.
7. 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.

#### **2.G.11 FARMERS' MARKET**

##### **2.G.11.1 PURPOSE**

It is the purpose of this Section of the Regulations to support agriculture and promote the preservation of agricultural land within Hebron while protecting the public's health, safety and welfare.

##### **2.G.11.2 STANDARDS**

1. Any Farmers' Market shall be located on a parcel of land that is part of a working farm.
2. The overall size of the working farm containing the Farmers' Market shall be a minimum of 50 acres in size including all parcels under the same ownership as the parcel on which the Farmers' Market is located.
3. Adequate provisions shall be made for parking, loading and interior storage of all products.
4. Promotional events and guided tours may also be permitted.
5. The sale of any wine or other alcoholic beverage shall be permitted in accordance with Section 5.0.2.

## **SECTION 3      BUSINESS DISTRICTS & USES**

### **3.A.      HEBRON GREEN (HG)**

#### **3.A.1      PURPOSE**

The purpose of the Hebron Green (HG) 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 economic vitality of the area while maintaining and enhancing its significant historical and cultural resources.

#### **3.A.2      VILLAGE DISTRICT DECLARED**

1. The Hebron Green (HG) Zone is hereby declared to be a “village district” as authorized by CGS Section 8-2j and as recommended in the Plan of Conservation and Development.
2. In accordance with CGS Section 8-2j, the Commission shall consider the design, placement, relationships and compatibility of structures, plantings, signs, roadways, street hardware and other objects in public view. These Regulations encourage the conversion, conservation and preservation of existing buildings and sites in a manner that maintains the historic value, distinctive character and landscape of the village district.
3. Applications within a village district shall be processed in accordance with Section 7.H.12.



## Section 3.A

### BUSINESS DISTRICTS & USES

#### HEBRON GREEN (HG)

#### 3.A.3 PRINCIPAL USES AND STRUCTURES

3.A.3.1. RETAIL / FOOD / SERVICE-TYPE USES	HG
1. Small scale retail shops limited to 1,000 square feet of gross floor area per establishment	Special Permit (PZC)
2. Arts and crafts and/or antique shops – limited to 1,000 square feet of gross floor area per establishment	Special Permit (PZC)
3. Coffee shop	Special Permit (PZC)
4. Restaurant in accordance with Section 3.G.1, specifically excluding establishments that are generally recognized as fast food restaurants. <i>(Note that sale of alcoholic beverages requires a separate Special Permit in accordance with Section 5.O.1)</i>	Special Permit (PZC)
5. Beauty and/or Barber Shop	Special Permit (PZC)
6. 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.	Special Permit (PZC)
7. Day care center, child or adult, in accordance with Section 2.G.4.	Special Permit (PZC)

3.A.3.2. OFFICE-TYPE USES	HG
1. Offices – general, medical, financial and professional	Special Permit (PZC)
2. Business and/or professional services	Special Permit (PZC)

3.A.3.3. INSTITUTIONAL-TYPE USES	HG
1. Place of Worship	Special Permit (PZC)
2. Club, nonprofit <i>(Note that sale of alcoholic beverages requires a separate Special Permit in accordance with Section 5.O.1)</i>	Special Permit (PZC)
3. Museum and galleries	Special Permit (PZC)
4. Library	Special Permit (PZC)



**Section 3.A**  
**BUSINESS DISTRICTS & USES**  
**HEBRON GREEN (HG)**

<b>3.A.3.4. RESIDENTIAL-TYPE USES</b>	<b>HG</b>
1. A single family dwelling	Zoning Permit (Staff)
2. A Two Family Dwelling, provided that: <ul style="list-style-type: none"> <li>a. both dwellings are contained within a single building;</li> <li>b. there shall be at least one-quarter (1/4) acre of land for each dwelling unit;</li> <li>c. the proposed residential uses will not disrupt the pedestrian activity along Main Street in the Hebron Green (HG) District;</li> <li>d. the applicant demonstrates that the architectural details of the building will be compatible with the prevailing scale, charm and architectural detail of surrounding Hebron Green (HG) properties; and</li> <li>e. the residential units shall be provided with individual outdoor private space (for example: patio, deck, or yard).</li> </ul>	Special Permit (PZC)
3. Residential units attached to or within a non-residential building provided that: <ul style="list-style-type: none"> <li>a. the proposed residential uses will not disrupt the pedestrian activity along Main Street in the Hebron Green (HG) District;</li> <li>b. the applicant demonstrates that the architectural details of the building will be compatible with the prevailing scale, charm and architectural detail of surrounding Hebron Green (HG) properties;</li> <li>c. 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</li> <li>d. the residential units shall be provided with individual outdoor private space (for example: patio, deck, or yard).</li> </ul>	Special Permit (PZC)
4. Development in accordance with the Mixed Use Overlay District as provided in Section 4.C.	Special Permit (PZC)
5. Housing for the Elderly in accordance with Section 2.F.3.	Special Permit (PZC)

<b>3.A.3.5. OTHER USES</b>	<b>HG</b>
1. Governmental services	Special Permit (PZC)
2. Bed and Breakfast establishment as per Section 2.G.6.	Special Permit (PZC)
3. Other uses 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.	Special Permit (PZC)
4. Excavation and/or filling of earth products as a principal use (not associated with a valid zoning approval) in accordance with Section 5.M.	Special Permit (PZC)

## Section 3.A

### BUSINESS DISTRICTS & USES

#### HEBRON GREEN (HG)

#### 3.A.4 ACCESSORY USES AND STRUCTURES

1. Uses and structures which are customary, subordinate, and incidental to a permitted principal business use are permitted provided they are shown on the Site Plan approved by the Commission or are considered by the Director of Planning to be minor in nature.
2. A drive-through facility shall not be considered a permitted accessory use.
3. Outdoor dining accessory to a restaurant may be permitted by Special Permit.
4. Uses and structures which are customary, subordinate, and incidental to a permitted principal residential use are permitted as provided in Section 2.D.
5. Alcoholic Beverages are permitted as an accessory use in accordance with Section 5.O.
6. Outside storage and/or display of goods and merchandise in accordance with Section 5.K.

#### 3.A.5 DIMENSIONAL STANDARDS

See Section 6.A for possible dimensional exceptions.

Lot-Related Requirements	HG
Minimum Lot Area	21,780 SF
Minimum Lot Frontage	75 Feet

Setback-Related Requirements	
Minimum Front Yard Setback / Maximum Front Yard Setback	The average of the front setbacks of the adjoining buildings on each side except as may be modified by the Commission for cafes, outdoor dining, pedestrian amenities, plazas, etc.
Minimum Side Yard Setback	10 Feet except that the Commission may, by Special Permit, reduce this to 5 feet for excellence in building, landscaping, or streetscape design
Minimum Rear Yard Setback	25 Feet

Building-Related Limitations	
Maximum Building Height	2 1/2 Stories or 25 Feet, whichever is more restrictive
Maximum Building Coverage	30%

**3.A.6 ADDITIONAL STANDARDS**

1. All uses that require a Special Permit / Site Plan review shall be referred to the Hebron Historic Properties Commission for review and comment.
2. New construction or renovations to existing structures that propose to remove, demolish, alter, enclose or otherwise eliminate any existing porches shall require the approval of the Hebron Historic Properties Commission.
3. All new parking spaces in the Hebron Green (HG) District:
  - a. shall be provided behind any existing or proposed buildings; and
  - b. may be permitted in up to 50% of the side yard width if such spaces are suitably screened from all public streets and adjoining uses.
4. No new parking spaces in the Hebron Green (HG) District shall be located between the front facade of the principal building and the abutting streets unless approved by the Commission by Special Permit due to special or unique circumstances.

## Section 3.B

### BUSINESS DISTRICTS & USES

#### MAIN STREET (MS)

## 3.B. MAIN STREET (MS)

### 3.B.1 PURPOSE

The Main Street 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.



### 3.B.2 PRINCIPAL USES AND STRUCTURES

3.B.2.1. RETAIL / FOOD / SERVICE-TYPE USES	MS
1. Retail store <i>(Note that sale of alcoholic beverages through a grocery store permit, liquor store permit, or package store permit requires a separate Special Permit in accordance with Section 5.O.2)</i>	Special Permit (PZC)
2. Restaurants with specific reference to Section 5.A Design Review as well as traffic circulation, access management, and similar considerations. <i>(Note that sale of alcoholic beverages requires a separate Special Permit in accordance with Section 5.O.1)</i>	Special Permit (PZC)
3. Business Services	Special Permit (PZC)
4. Personal Services	Special Permit (PZC)
5. 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 Energy and Environmental Protection.	Special Permit (PZC)
6. Motor vehicle service station in accordance with Section 3.G.2	Special Permit (PZC)
7. Motor vehicle wash in accordance with Section 3.G.2	Special Permit (PZC)
8. Motor vehicle repair in accordance with Section 3.G.2	Special Permit (PZC)
9. Day care center, child or adult, in accordance with Section 2.G.4.	Special Permit (PZC)
10. Facilities for instruction including health and fitness, dance, gymnastics, martial arts, musical and theatrical. (Subject to provisions of Section 5.C.3.4.6)	Special Permit (PZC)

3.B.2.2. OFFICE-TYPE USES	MS
1. Business and/or professional services	Special Permit (PZC)
2. Offices -- General and Professional	Special Permit (PZC)

## Section 3.B

### BUSINESS DISTRICTS & USES

#### MAIN STREET (MS)

<b>3.B.2.3. INSTITUTIONAL-TYPE USES</b>	<b>MS</b>
1. (reserved)	Special Permit (PZC)

<b>3.B.2.4. RESIDENTIAL-TYPE USES</b>	<b>MS</b>
1. Development in accordance with the Mixed Use Overlay District as provided in Section 4.C.	Special Permit (PZC)

<b>3.B.2.5. OTHER USES</b>	<b>MS</b>
1. Governmental services	Special Permit (PZC)
2. Motel	Special Permit (PZC)
3. Commercial laundry or laundromat provided such use is served by public water and public sewer.	Special Permit (PZC)
4. Amusement arcade	Special Permit (PZC)
5. Parks -- public and private	Special Permit (PZC)
6. Any use, not specifically mentioned in Section 3.B.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: a. meets the Performance Standards of Sections 5.M.; and b. where the architectural appearance of the building(s) housing such use is entirely compatible with the architecture of the buildings in the immediate vicinity.	Special Permit (PZC)
7. Excavation and/or filling of earth products as a principal use (not associated with a valid zoning approval) in accordance with Section 5.M.	Special Permit (PZC)

### 3.B.3 ACCESSORY USES AND STRUCTURES

1. Uses and structures which are customary, subordinate, and incidental to a permitted principal business use are permitted provided they are shown on the Site Plan approved by the Commission or are considered by the Director of Planning to be minor in nature.
2. A drive-through facility may, by Special Permit, be authorized an accessory use provided the drive-through facility is in accordance with the design guidelines incorporated in Section 5.A of these Regulations and will either be located or screened to the satisfaction of the Commission so as to be not visible from the street.
3. Outdoor dining accessory to a restaurant may be permitted by Special Permit.
4. Uses and structures which are customary, subordinate, and incidental to a principal residential use are permitted as provided in Section 2.D .
5. Alcoholic Beverages are permitted as an accessory use in accordance with Section 5.O.
6. Outside storage and/or display of goods and merchandise in accordance with Section 5.K.

### 3.B.4 DIMENSIONAL STANDARDS

See Section 6.A for possible dimensional exceptions.

Lot-Related Requirements	MS
Minimum Lot Area	21,780 SF
Minimum Lot Frontage	75 Feet

Setback-Related Requirements	
Minimum Front Yard Setback	30 Feet
Maximum Front Yard Setback	30 Feet except as may be modified by the Commission by Special Permit for cafes, outdoor dining, pedestrian amenities, plazas, logical building expansion, etc.
Minimum Side Yard Setback	15 Feet
Minimum Rear Yard Setback	25 Feet

Building-Related Limitations	
Maximum Building Height	3 Stories or 30 Feet, whichever is more restrictive
Maximum Building Coverage	30%

## Section 3.B

### BUSINESS DISTRICTS & USES

#### MAIN STREET (MS)

##### 3.B.5 ADDITIONAL STANDARDS

1. Operation of water supply and waste disposal systems shall conform to the requirements of State Health, State DEEP and Hebron Health Department. On site testing must be coordinated with Hebron Health Department.
2. All applications for uses which have an anticipated water use to exceed 1,000 gallons per day (such as full service restaurants, motor vehicle washes, etc.) shall be accompanied by:
  - a. a report from a professional engineer addressing the estimated water needs of the proposed facility; and
  - b. a report from the water company addressing the adequacy of the water supply to serve the proposed facility.
3. No new parking spaces in the Main Street (MS) District shall be located between the front facade of the principal building and the abutting streets unless approved by the Commission by Special Permit due to special or unique circumstances.



## 3.C. VILLAGE SQUARE (VS)

### 3.C.1 PURPOSE

#### 3.C.1.1 OVERALL

The Village Square District is intended to promote flexible development patterns and a diverse land use mix within a master-planned environment in order to promote efficient use of the land; reinforce the historic development patterns that have occurred within Hebron Center; protect and enhance natural resources; and provide a variety of compatible architectural styles, building forms and building relationships within a planned development.

#### 3.C.1.2 SUB-DISTRICTS

The Village Square District consists of three distinct components as shown on the Master Concept Plan:

1. **Village Square Center** - The Village Square Center component is intended to serve as the focal point and gathering place of the master-planned environment centered on a village green. This area is expected to contain 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 will be encouraged on the first floor immediately proximate to the village green. Residential and service uses will be encouraged on second floors or just outside the village green area.
2. **Village Square General** - The Village Square General component is intended to be 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 Square Center and to a traditional New England village. This area is expected to contain retail/service and employment uses to serve the community-wide needs of Hebron, but not be of such a scale or size to serve any regional-wide shopping needs. The entire Village Square General area also will be encouraged to integrate residential uses to the maximum extent possible to encourage a walkable, active environment.
3. **Village Square Edge** - The Village Square Edge component is intended to be the least dense area of the Village Square District. This area is expected to contain primarily residential, civic, recreational and open space uses. It provides a discernible boundary for the Village Square District, preserves natural features, accommodates greenways as shown in the Plan of Conservation and Development, 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 Square District.

## Section 3.C

### BUSINESS DISTRICTS & USES

#### VILLAGE SQUARE (VS)

### 3.C.2 PERMITTED USES

The following uses are permitted subject to the Commission's prior approval of a Master Concept Plan as provided in Section 3.C.3, including design and location aspects of the proposed use.

3.C.2.1. RETAIL / FOOD / SERVICE-TYPE USES	Village Square Center	Village Square General	Village Square Edge
1. Small scale retail shops / Crafts and antiques shops / Artisan shops	Site Plan (PZC)	Site Plan (PZC)	x
2. Retail store <i>(Note that sale of alcoholic beverages through a grocery store permit, liquor store permit, or package store permit requires a separate Special Permit in accordance with Section 5.O.2)</i>	x	Site Plan (PZC)	x
3. Open air markets	Site Plan (PZC)	x	x
4. Restaurant in accordance with Section 3.G.1 <i>(Note that sale of alcoholic beverages requires a separate Special Permit in accordance with Section 5.O.1)</i>	Site Plan (PZC)	Site Plan (PZC)	x
5. Coffee shops	Site Plan (PZC)	x	x
6. Indoor entertainment / Theater	x	Site Plan (PZC)	x
7. Health club	x	Site Plan (PZC)	x
8. Day care centers (child or adult) in accordance with Section 2.G.4.	Site Plan (PZC)	x	x

3.C.2.2. OFFICE-TYPE USES	Village Square Center	Village Square General	Village Square Edge
1. Professional offices	Site Plan (PZC)	Site Plan (PZC)	x
2. Business offices	Site Plan (PZC)	Site Plan (PZC)	x
3. Medical offices	Site Plan (PZC)	Site Plan (PZC)	x
4. Financial services	Site Plan (PZC)	Site Plan (PZC)	x
5. Business services	Site Plan (PZC)	Site Plan (PZC)	x
6. Research and development	x	Special Permit (PZC)	x

**Section 3.C**  
**BUSINESS DISTRICTS & USES**  
**VILLAGE SQUARE (VS)**

<b>3.C.2.3. INSTITUTIONAL-TYPE USES</b>	<b>Village Square Center</b>	<b>Village Square General</b>	<b>Village Square Edge</b>
1. Places of worship	Site Plan (PZC)	Site Plan (PZC)	Site Plan (PZC)
2. Museums/galleries	Site Plan (PZC)	x	x

<b>3.C.2.4. RESIDENTIAL-TYPE USES</b>	<b>Village Square Center</b>	<b>Village Square General</b>	<b>Village Square Edge</b>
1. Attached residential units	Special Permit (PZC)	x	x
2. Mixed use buildings containing retail/service uses and residential units in the same building	Special Permit (PZC)	Special Permit (PZC)	x
3. Single family residential units on common land	x	x	Special Permit (PZC)
4. Single family residential units on individual lots	x	x	Special Permit (PZC)
5. Conservation Development within the Sewer Service District in accordance with Section 2.G.1.	x	x	Special Permit (PZC)
6. Housing for the Elderly in accordance with Section 2.F.3.	x	x	Special Permit (PZC)
7. Planned Residential Developments in accordance with Section 2.F.4.	x	x	Special Permit (PZC)
8. Assisted Living Community in accordance with Section 3.G.3.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)

## Section 3.C

### BUSINESS DISTRICTS & USES

#### VILLAGE SQUARE (VS)

3.C.2.5. INDUSTRIAL-TYPE USES	Village Square Center	Village Square General	Village Square Edge
1. Technology incubator spaces for new business development and job creation.	x	Special Permit (PZC)	x
2. Light manufacturing	x	Special Permit (PZC)	x
3. Assembly / Packaging / Small scale distribution	x	Special Permit (PZC)	x

3.C.2.6. OTHER USES	Village Square Center	Village Square General	Village Square Edge
1. Residence inns	x	Site Plan (PZC)	x
2. Bed and Breakfast establishment as per Section 2.G.6.	Site Plan (PZC)	x	x
3. Funeral home	x	Site Plan (PZC)	x
4. Municipal facilities	Site Plan (PZC)	Site Plan (PZC)	Site Plan (PZC)
5. Community centers	Site Plan (PZC)	x	x
6. Civic buildings and uses	x	Site Plan (PZC)	Site Plan (PZC)
7. Open space areas	Site Plan (PZC)	Site Plan (PZC)	Site Plan (PZC)
8. Recreational areas	x	x	Site Plan (PZC)
9. Additional uses 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.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
10. Alcoholic Beverages as an accessory use in accordance with Section 5.O.	Special Permit (PZC)	Special Permit (PZC)	x
11. Excavation and/or filling of earth products as a principal use (not associated with a valid zoning approval) in accordance with Section 5.M.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)
12. Outside storage and/or display of goods and merchandise as an accessory use in accordance with Section 5.K.	Special Permit (PZC)	Special Permit (PZC)	Special Permit (PZC)

### **3.C.3 MASTER CONCEPT PLAN REQUIRED**

1. Development within the Village Square District is preceded by Special Permit approval by the Commission of a Master Concept Plan and Standards.
2. 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:
  - a. non-residential development shall be processed as a Site Plan Application; and
  - b. residential development shall be processed as a Special Permit Application.
3. The Master Concept Plan shall show the nature and scope of the development in sufficient detail for the Commission to evaluate:
  - a. the overall configuration of the proposed development and the location of the different areas (Village Square Center, Village Square General, and Village Square Edge);
  - b. the proposed uses, their proposed locations, and their approximate gross floor areas, densities, numbers of units and other data as appropriate;
  - c. the configuration 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;
  - e. proposed plan for public dedication, such as streets, parks and open spaces and a plan of development for such areas;
  - f. a description of the areas of the site (by ratio, location, square footage, etc.) proposed for each land use type; and
  - g. 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.
4. Additional standards and requirements for the Master Concept Plan are contained in Section 3.C.4 of the Regulations.
5. Development within the Village Square District shall conform to the applicable sections of the Zoning or Subdivision Regulations except that, in the event of a conflict between the provisions of this Section and any other Section, the provisions of this Section shall supersede the other Section.
6. 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.

## Section 3.C

### BUSINESS DISTRICTS & USES

#### VILLAGE SQUARE (VS)

### 3.C.4 STANDARDS FOR MASTER CONCEPT PLAN

#### 3.C.4.1 REQUIRED ELEMENTS

A Master Plan submission shall, at a minimum, include:

1. Map(s) depicting existing conditions on the parcel(s) and in the vicinity.
2. Map(s) and plan(s) illustrating the Master Concept Plan and showing the approximate boundaries of the Village Square Center, Village Square General and Village Square Edge areas and the development patterns within each area.
3. Proposed standards for the development including, but not limited to:
  - a. the overall development program;
  - b. development standards including but not limited to minimum setbacks; maximum building and impervious coverage limits for each lot or parcel; maximum and minimum building height; and number of parking and loading spaces;
  - c. construction of roadways and other improvements; and
  - d. other standards as appropriate.
4. **Impact Statements -**
  - a. Municipal Financial Impact Statement.
  - b. Public Safety and Traffic Impact Statement.
  - c. Public Works Impact Statement.
  - d. Cultural, Aesthetic or Heritage Impact Statement.
  - e. Natural Resources Impact Statement.
5. Other plans and details 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.

**3.C.4.2 ARCHITECTURAL STANDARDS**

1. Architectural design shall be established in order to ensure compatibility of building design to the building traditions of the Hebron Center and to a traditional New England village character.
2. The architectural design standards shall include:
  - a. overall architectural compatibility;
  - b. 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;
  - c. a cohesive pattern of many separate buildings, or the appearance of many separate buildings, in the Village Square Center;
  - d. integration of uses;
  - e. encouragement of pedestrian activity;
  - f. first floor, pedestrian oriented, retail and similar uses in the Village Square Center are strongly encouraged;
  - g. buildings must relate to and be oriented to the street;
  - h. predominantly two story building height in the Village Square Center;
  - i. maximum of two and one-half story building height;
  - j. use of awnings, pitched roofs, gable ends, gable dormers, porches, overhangs and similar features;
  - k. screening of all mechanical and utility equipment, loading areas and storage areas by landscaping or architectural features;
  - l. buildings at intersections or main entrances with special architectural features to emphasize the importance of its location; and
  - m. traditional New England village building design, using materials, colors and construction that are compatible to the historic buildings of Hebron.

**3.C.4.3 DESIGN STANDARDS**

1. Design Standards are those design elements other than building design that strive to unify the Village Square District as a planned development with a distinctive New England village character.
2. The design standards shall include:
  - a. a complete village containing a definable center, a variety of housing types, retail, services, employment areas, recreation and open space areas;
  - b. an interconnected network of streets and sidewalks and trails;
  - c. an active street environment with all major and minor streets having walkways, street furniture, native species street trees, and pedestrian level lights;
  - d. public spaces and places including streetscapes that invite and encourage pedestrian activity;
  - e. usable and understandable pedestrian and vehicular links to the existing Town Center and Hebron Center;
  - f. preservation of stone walls, hedgerows, specimen trees and barways;
  - g. screening of all storage, loading and mechanical areas from view by means of landscaping or architectural features;
  - h. buffers shall be incorporated along all edges of the District similar to buffers required for commercial districts as set forth in Section 5.D of these Regulations; and
  - i. use of native landscape materials throughout the village.

## Section 3.C

### BUSINESS DISTRICTS & USES

#### VILLAGE SQUARE (VS)

##### 3.C.4.4 OPEN SPACE STANDARDS

1. Open space is a significant part of a Village Square District and such open spaces serve 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.
2. The Open Space standards shall include:
  - a. 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" or "Village Square" section of the Plan of Conservation and Development;
  - b. the Open Space shall be consistent with the Future Open Space Plan contained within the Plan of Conservation and Development;
  - c. a Village Square Center shall contain a formal Open Space area in the form of a village green;
  - d. overall design shall utilize open space squares and plazas and other civic places;
  - e. open Space shall provide active recreational opportunities;
  - f. 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; and
  - g. trails consistent with the approved Master Concept Plan shall be provided.

##### 3.C.4.5 DRAINAGE STANDARDS

1. Due to the amount of land area and open space that is part of the Village Square 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.
2. The drainage standards shall include:
  - a. post-development peak run-off rates leaving the development shall not exceed pre-construction rates;
  - b. drainage design and planning shall consider the entire village green district;
  - c. drainage system design and construction standards shall be as contained in the Town of Hebron Public Improvement Specifications;
  - d. the drainage system shall be consistent with any overall drainage study conducted by the Town;
  - e. 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
  - f. drainage control features shall be designed to be functional, environmentally sensitive and, where visible to the public view, shall be aesthetically designed.



**3.C.4.6 STREETS AND PARKING STANDARDS**

1. The street pattern creates the framework of the Village Square District and therefore is a prime planning consideration. The Master Concept Plan shall specify the appropriate hierarchy of streets.
2. No new parking spaces in the Village Square District shall be located between the front facade of the principal building and the abutting streets unless approved by the Commission by Special Permit due to special or unique circumstances.
3. The Streets and Parking Standards shall include the following:
  - a. 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;
  - b. streets shall be designed on a small grid pattern, creating smaller blocks, particularly in the Village Square Center;
  - c. safe on-street parking shall be encouraged;
  - d. traffic calming methods shall be employed to reduce speed and create a pedestrian friendly village;
  - e. the width of streets shall be planned to accommodate their intended function as described in the Town of Hebron Public Improvement Specifications;
  - f. roadway connections are encouraged between arterial roadways surrounding a village green district;
  - g. 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;
  - h. 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;
  - i. 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;
  - j. shared parking among uses and between separate parcels of land is encouraged; and
  - k. parking shall be provided as specified in Section 5.C 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.

## Section 3.C

### BUSINESS DISTRICTS & USES

#### VILLAGE SQUARE (VS)

##### 3.C.4.7 SIGN STANDARDS

1. Signs shall be consistent and compatible with the Village Patterns as noted in Section 3.B.1, as well as the scale and character of a traditional New England Village center.
2. 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.
3. Such Unified Sign Proposal shall adhere to the following standards:
  - a. 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);
  - b. signs permitted throughout the Village Square 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);
  - c. signs permitted within the remainder of the District may include signs permitted in the Village Square 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); and
  - d. the Unified Sign Proposal shall adhere to the General Sign Regulations contained in Section 5.B of these Regulations.

## **3.D. NEIGHBORHOOD CONVENIENCE (NC)**

### **3.D.1 PURPOSE**

The Neighborhood Convenience district is intended to provide limited, low-intensity convenience uses to serve concentrations of residents in the immediate vicinity. Building size is limited in order to maintain the neighborhood scale of buildings in the district.

It is not intended that this district provide for general business activities on a town wide scale or for business activities, which would be more appropriate as a central business area function. Generally, uses requiring excessive vehicular trips or trucking or uses operating in late hours shall be considered incompatible with this district.



## Section 3.D

### BUSINESS DISTRICTS & USES

#### NEIGHBORHOOD CONVENIENCE (NC)

#### 3.D.2 PRINCIPAL USES AND STRUCTURES

3.D.2.1. RETAIL / FOOD / SERVICE-TYPE USES	NC
1. Retail store <i>(Note that sale of alcoholic beverages through a grocery store permit, liquor store permit, or package store permit requires a separate Special Permit in accordance with Section 5.O.2)</i>	Special Permit (PZC)
2. Restaurant in accordance with Section 3.G.1. <i>(Note that sale of alcoholic beverages requires a separate Special Permit in accordance with Section 5.O.1)</i>	Special Permit (PZC)
3. Beauty and/or Barber shops	Special Permit (PZC)
4. Laundry and dry cleaners. Pickup and delivery service only.	Special Permit (PZC)
5. Day care center, child or adult, in accordance with Section 2.G.4.	Special Permit (PZC)
6. Motor vehicle service station with retail sale of gasoline only, no repair service or motor vehicle sales.	Special Permit (PZC)

3.D.2.2. OFFICE-TYPE USES	NC
1. Offices, professional and medical	Special Permit (PZC)

3.D.2.3. INSTITUTIONAL-TYPE USES	NC
1. (reserved)	x

3.D.2.4. RESIDENTIAL-TYPE USES	NC
1. Development in accordance with the Mixed Use Overlay District as provided in Section 4.C.	Special Permit (PZC)

3.D.2.5. INDUSTRIAL-TYPE USES	NC
1. (reserved)	x

**Section 3.D**  
**BUSINESS DISTRICTS & USES**  
**NEIGHBORHOOD CONVENIENCE (NC)**

<b>3.D.2.6. OTHER USES</b>	<b>NC</b>
1. Public utility or service building and/or substation. No service yards or outside storage or supplies.	Special Permit (PZC)
2. Other uses, which in the opinion of the Commission, are similar to and compatible to the list of uses listed in this Section.	Special Permit (PZC)
3. Excavation and/or filling of earth products as a principal use (not associated with a valid zoning approval) in accordance with Section 5.M.	Special Permit (PZC)

### **3.D.3 ACCESSORY USES AND STRUCTURES**

1. Uses and structures which are customary, subordinate, and incidental to a permitted principal business use are permitted provided they are shown on the Site Plan approved by the Commission or are considered by the Director of Planning to be minor in nature.
2. A drive-through facility may, by Special Permit, be authorized an accessory use provided the drive-through facility is in accordance with the design guidelines incorporated in Section 5.A of these Regulations.
3. Outdoor dining accessory to a restaurant may be permitted by Special Permit.
4. Uses and structures which are customary, subordinate, and incidental to a principal residential use are permitted as provided in Section 2.D.
5. Alcoholic Beverages are permitted as an accessory use in accordance with Section 5.O.
6. Outside storage and/or display of goods and merchandise in accordance with Section 5.K.

## Section 3.D

### BUSINESS DISTRICTS & USES

#### NEIGHBORHOOD CONVENIENCE (NC)

#### 3.D.4 DIMENSIONAL STANDARDS

See Section 6.A for possible dimensional exceptions.

Lot-Related Requirements	NC
Minimum Lot Area	21,780 SF
Minimum Lot Frontage	75 Feet

Setback-Related Requirements	
Minimum Front Yard Setback	30 Feet
Minimum Side Yard Setback	15 Feet
Minimum Rear Yard Setback	25 Feet

Building-Related Limitations	
Maximum Building Height	2 1/2 Stories or 25 Feet, whichever is more restrictive
Maximum Building Coverage	20%

### **3.D.5      ADDITIONAL STANDARDS**

1. Hours of operation shall be limited to the period 6:00 AM to 10:00 PM.
2. 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 except that the Commission may, by Special Permit, approve a building in excess of 5,000 square feet and more than two (2) buildings per lot 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 7.D as well as the following specific considerations:
  - a. the overall use, building location(s) and building design are compatible with the surrounding neighborhood;
  - b. type and intensity of proposed use;
  - c. proximity and sufficient buffering to residential neighbors;
  - d. conformance of the proposed architectural design to the design guidelines incorporated in Section 5.A of these Regulations, and where such design is found to lessen impact of the building's size with respect to its compatibility to the neighborhood; and
  - e. quality of site design and landscaping.
3. No new parking spaces in the Neighborhood Convenience District shall be located between the front facade of the principal building and the abutting streets unless approved by the Commission by Special Permit due to special or unique circumstances.

## Section 3.E

### BUSINESS DISTRICTS & USES

#### AMSTON VILLAGE (AV)

## 3.E. AMSTON VILLAGE (AV)

### 3.E.1 PURPOSE

The Amston Village (AV) District is intended to permit continuation of long-standing mixed uses in the Amston Village area and discourage establishment of new uses which might be incompatible with the unique environmental characteristics of the area.

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.





### 3.E.2 PRINCIPAL USES AND STRUCTURES

3.E.2.1. RETAIL / FOOD / SERVICE-TYPE USES	AV
1. Retail store <i>(Note that sale of alcoholic beverages through a grocery store permit, liquor store permit, or package store permit requires a separate Special Permit in accordance with Section 5.O.2)</i>	Special Permit (PZC)
2. Café in accordance with Section 5.O.1.	Special Permit (PZC)
3. Restaurant in accordance with Section 3.G.1 <i>(Note that sale of alcoholic beverages requires a separate Special Permit in accordance with Section 5.O.1)</i>	Special Permit (PZC)
4. Brewpub	Special Permit (PZC)
5. Day care center, child or adult, in accordance with Section 2.G.4.	Special Permit (PZC)
6. Child care home, group	Special Permit (PZC)
7. Kennel	Special Permit (PZC)

3.E.2.2. OFFICE-TYPE USES	AV
1. Offices, general and professional	Special Permit (PZC)
2. Business and/or professional services	Special Permit (PZC)

3.E.2.3. INSTITUTIONAL-TYPE USES	AV
1. Historic and monument	Special Permit (PZC)

3.E.2.4. RESIDENTIAL-TYPE USES	AV
1. A single family dwelling	Zoning Permit (Staff)
2. Multi-family use in historic mill buildings and architecturally compatible additions to such buildings.	Special Permit (PZC)
3. Development in accordance with the Mixed Use Overlay District as provided in Section 4.C.	Special Permit (PZC)

## Section 3.E

### BUSINESS DISTRICTS & USES

#### AMSTON VILLAGE (AV)

<b>3.E.2.5. INDUSTRIAL-TYPE USES</b>	<b>AV</b>
1. Warehouse and storage	Special Permit (PZC)
2. Wholesale trade	Special Permit (PZC)

<b>3.E.2.6. OTHER USES</b>	<b>AV</b>
1. Farming and/or agricultural uses in accordance with generally accepted agricultural practices as established by the Connecticut Department of Agriculture.	No Zoning Permit Required
2. Parks, public and private	Special Permit (PZC)
3. Governmental Services	Special Permit (PZC)
4. Recreation uses, nonprofit	Special Permit (PZC)
5. Utility -- electric, gas, water	Special Permit (PZC)
6. Additional principal uses consistent with the purposes of the zoning district.	Special Permit (PZC)
7. Excavation and/or filling of earth products as a principal use (not associated with a valid zoning approval) in accordance with Section 5.M.	Special Permit (PZC)
8. Other uses, which in the opinion of the Commission, is similar to and compatible to the list of uses listed in this Section.	Special Permit (PZC)

### 3.E.3 ACCESSORY USES AND STRUCTURES

1. Uses and structures which are customary, subordinate, and incidental to a permitted principal business use are permitted provided they are shown on the Site Plan approved by the Commission or are considered by the Director of Planning to be minor in nature.
2. A drive-through facility shall not be considered a permitted accessory use.
3. Outdoor dining accessory to a restaurant may be permitted by Special Permit.
4. Uses and structures which are customary, subordinate, and incidental to a permitted principal residential use are permitted as provided in Section 2.D.
5. Alcoholic Beverages are permitted as an accessory use in accordance with Section 5.O.
6. Outside storage and/or display of goods and merchandise in accordance with Section 5.K.

### 3.E.4 DIMENSIONAL STANDARDS

See Section 6.A for possible dimensional exceptions.

Lot-Related Requirements	AV
Minimum Lot Area	21,780 SF
Minimum Lot Frontage	75 Feet

Setback-Related Requirements	
Minimum Front Yard Setback	30 Feet
Minimum Side Yard Setback	15 Feet
Minimum Rear Yard Setback	25 Feet

Building-Related Limitations	
Maximum Building Height	2 1/2 Stories or 25 Feet, whichever is more restrictive
Maximum Building Coverage	30%

### 3.E.5 ADDITIONAL STANDARDS

1. No new parking spaces in the Amston Village (AV) District shall be located between the front facade of the principal building and the abutting streets unless approved by the Commission by Special Permit due to special or unique circumstances.

## Section 3.F

### BUSINESS DISTRICTS & USES

#### COMMERCIAL - TECHNOLOGY (CT)

## 3.F. COMMERCIAL - TECHNOLOGY (CT)

### 3.F.1 PURPOSE

The Commercial - Technology district is intended to provide a location for low-intensity technology and 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 CT 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 technology / 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.

### 3.F.2 PRINCIPAL USES AND STRUCTURES

3.F.2.1. RETAIL / FOOD / SERVICE-TYPE USES	C-I
1. Retail trade	Special Permit (PZC)
2. Day care center, child or adult, in accordance with Section 2.G.4.	Special Permit (PZC)

3.F.2.2. OFFICE-TYPE USES	C-I
1. Business and/or professional services	Special Permit (PZC)
2. Office, general and/or professional	Special Permit (PZC)
3. Research Facilities	Special Permit (PZC)

3.F.2.3. INSTITUTIONAL-TYPE USES	C-I
1. (reserved)	Special Permit (PZC)

3.F.2.4. RESIDENTIAL-TYPE USES	C-I
1. (reserved)	Zoning Permit (Staff)

**Section 3.F**  
**BUSINESS DISTRICTS & USES**  
**COMMERCIAL - TECHNOLOGY (CT)**

<b>3.F.2.5. INDUSTRIAL-TYPE USES</b>	<b>C-I</b>
1. Construction services except salvage and wrecking services	Special Permit (PZC)
2. Manufacture and assembly of miscellaneous goods	Special Permit (PZC)
3. Warehousing and storage	Special Permit (PZC)
4. Wholesale trade	Special Permit (PZC)

<b>3.F.2.6. OTHER USES</b>	<b>C-I</b>
1. Farming and/or agricultural uses in accordance with generally accepted agricultural practices as established by the Connecticut Department of Agriculture.	No Zoning Permit Required
2. Recreation and open space	No Zoning Permit Required
3. Governmental services	Special Permit (PZC)
4. Utility -- electric, gas, water	Special Permit (PZC)
5. Excavation and/or filling of earth products as a principal use (not associated with a valid zoning approval) in accordance with Section 5.M.	Special Permit (PZC)

### **3.F.3 ACCESSORY USES AND STRUCTURES**

1. Uses and structures which are customary, subordinate, and incidental to a permitted principal business use are permitted provided they are shown on the Site Plan approved by the Commission or are considered by the Director of Planning to be minor in nature.
2. Outside storage and/or display of goods and merchandise in accordance with Section 5.K.

## Section 3.F

### BUSINESS DISTRICTS & USES

#### COMMERCIAL - TECHNOLOGY (CT)

#### 3.F.4 DIMENSIONAL STANDARDS

See Section 6.A for possible dimensional exceptions.

Lot-Related Requirements	C-I
Minimum Lot Area	60,000 SF
Minimum Lot Frontage	200 Feet

Setback-Related Requirements	
Minimum Front Yard Setback	50 Feet
Minimum Side Yard Setback	25 Feet
Minimum Rear Yard Setback	25 Feet

Building-Related Limitations	
Maximum Building Height	3 Stories
Maximum Building Coverage	30%
Maximum Impervious Surface Coverage	40%

#### 3.F.5 ADDITIONAL STANDARDS

1. Stormwater treatment measures shall be designed and maintained in accord with the Connecticut Stormwater Quality Manual (2004) as may be amended and the Town of Hebron's Stormwater Management Plan Regulations in Section 5.E of these Regulations.
2. Jeremy River Buffers -
  - a. An undisturbed buffer of at least 50 feet in width shall be established adjacent to the Jeremy River and any associated wetlands.
  - b. No building, pavement, or other impervious surface shall be established on any site in any area located within 100 feet of the Jeremy River or any associated wetlands.
3. 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 Air Line Trail, and neighboring properties.
4. No more than 50% of all new parking spaces in the Commercial-Technology (CT) District, shall be located between the front facade of the principal building and the abutting streets.

## **3.G. USE-RELATED PROVISIONS**

### **3.G.1 RESTAURANTS**

1. All vehicular entrances and/or exits to the premises shall be located not less than one hundred (100) feet from any intersection of public roads or streets, said one hundred (100) feet distance to be measured along the street line of the street on which said premises fronts from the point at which said street line intersects the nearest street line of an intersecting street to said premises.
2. Food services shall be primarily to customers seated at tables or at counters within a closed building.
3. Where a drive-through facility is permitted by these Regulations, such drive-through facility may, by Special Permit, be authorized as an accessory use provided the drive-through facility is in accordance with the design guidelines incorporated in Section 5.A of these Regulations and will either be located or screened to the satisfaction of the Commission.

## Section 3.G

### BUSINESS DISTRICTS & USES USE-RELATED PROVISIONS

#### 3.G.2 MOTOR VEHICLE USES

The standards and regulations for site and building standards for all uses allowed under this Section are contained in the following subsections of Section 3.G.2 as well as in the design guidelines incorporated in Section 5.A of these Regulations.

##### 3.G.2.1 MOTOR VEHICLE LIMITED AND GENERAL REPAIR

###### 1. Location Approval -

- a. In addition to approval of the Special Permit and Site Plan by the Planning and Zoning Commission, approval of the location for motor vehicle service stations is required by the Zoning Board of Appeals.
- b. All motor vehicle service stations shall be located on a lot, which lot shall have no portion located within three hundred (300) feet, measured in a straight line as established by the Planning and Zoning Commission, from any part of any lot, building or premises used or arranged, designed or intended to be used for a college, school, place of worship, hospital, library, theater, park, playground or other place of public gathering or within one thousand (1,000) feet of another motor vehicle-type uses.

###### 2. Building / Site Design -

- a. The design of all buildings shall be in accordance with the design guidelines incorporated in Section 5.A of these Regulations.
- b. There shall be no building on a lot or premises used for motor vehicles limited and/or general repair located within fifty (50) feet of another building.
- c. Any repair work shall be conducted within the principal building on the lot. When motor vehicle limited repair is part of or accessory to a motor vehicle service station, it shall be located within the principal service station building and shall abide by the conditions set forth for service stations in Section 3.G.2.2 of these Regulations.
- d. The Planning and Zoning Commission may require, if it deems such action appropriate to reduce the potential noise and visual impact of the repair facility on surrounding development, that the entrances to the repair facility's service bays be located on a particular side of the building.
- e. Any site and floor drains shall be in accordance with DEEP standards and shall not be directed to storm drains or natural watercourses or ground water.
- f. Any trash or storage area shall be enclosed by a suitable opaque fence not less than eight (8) feet in height.

###### 3. Outside Storage / Display -

- a. There shall be no products displayed for sale in the front yard or side street yard, if any.
- b. There shall be no outside storage of inoperable motor vehicles or motor vehicle parts.

###### 4. Landscaping / Buffers / Screening -

- a. Premises used for motor vehicle limited and/or general repair shall be screened from any adjacent residential property and/or residential zone by a suitable opaque fence (which shall bear no advertising), or planting screen, eight (8) feet in height and of sufficient density to provide year-round screening and conforming to Section 5.D of these Regulations.



**5. Parking / Storage -**

- a. All parking of vehicles shall be in a neat and orderly manner, preferably in individual spaces permanently marked out on the pavement surface.
- b. All areas for the parking and storage of operable motor vehicles, including customer and employee vehicles and vehicles for rent or sale, shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.

**6. Lighting / Signage -**

- a. Any lighting used to illuminate any sign or any area of the premises shall be so arranged as to reflect the light away from any public street or right-of-way and from any adjoining premises located in a residential district or any premises used for residential purposes in any district.
- b. All signs shall abide by the sign provisions of the Hebron Zoning Regulations.
- c. There shall be no more than one freestanding identification sign.
- d. There shall be no signs located in the front yard or side street yard, if any, except the permitted identification sign.
- e. There shall be no streamers on the lot or structures.

**3.G.2.2 MOTOR VEHICLE SERVICE STATIONS**

**1. Location Approval -**

- a. In addition to approval of the Special Permit and Site Plan by the Planning and Zoning Commission, approval of the location for motor vehicle service stations is required by the Zoning Board of Appeals as per Connecticut General Statutes.
- b. All motor vehicle service stations shall be located on a lot, which lot shall have no portion located within three hundred (300) feet, measured in a straight line as established by the Planning and Zoning Commission, from any part of any lot, building or premises used or arranged, designed or intended to be used for a college, school, place of worship, hospital, library, theater, park, playground or other place of public gathering or within 1,000 feet of another motor vehicle-type use.

**2. Building / Site Design -**

- a. The design of all buildings shall be in accordance with the design guidelines incorporated in Section 5.A of these Regulations.
- b. Any repair work shall be conducted within the principal building on the lot.
- c. The Planning and Zoning Commission may require, if it deems such action appropriate to reduce the potential noise and visual impact of the station on surrounding development, that the entrances to the station's service bays be located on a particular side of the station's service building.
- d. Any site and floor drains shall be in accordance with DEEP standards and shall not be directed to storm drains or natural watercourses or ground water.
- e. Any trash or storage area shall be enclosed by a suitable opaque fence not less than eight (8) feet in height.

## **Section 3.G**

### **BUSINESS DISTRICTS & USES**

#### **USE-RELATED PROVISIONS**

#### **3. Curb Cuts -**

- a. Curb cuts for entrance and egress shall be a minimum of 50 feet from any street or highway intersection.
- b. There shall be a minimum distance of fifty (50) feet between any two curb cuts used for entrances and/or exits to the station.
- c. There shall be a minimum distance of fifteen (15) feet between any curb cut used for an entrance and/or exit to the station and the nearest side lot line of the lot on which said station is located.

#### **4. Outside Storage / Display -**

- a. There shall be no products displayed in the front yard or side street yard, if any, except that automobile products such as lubricating oil customarily sold for retail as part of the operation of a service station may be displayed on the pump islands, and coin operated dispensing machines for soft drinks, milk, ice and the like may be located in the front yard or side street yard, if any, if such machines are situated immediately adjacent to the principal building on the lot, and provided further that there shall be a maximum of two (2) such machines per frontage.

#### **5. Landscaping / Buffers / Screening -**

- a. A landscaped area at least fifteen (15) feet in width shall be provided between the pump island area(s) and the front lot line and side street lot line, if any, for the full length of the frontage(s) excluding the area required for the station entrances and/or exits curb cuts.
- b. Landscaping shall not obstruct highway sight lines.
- c. Every motor vehicle service station shall be screened from any adjacent residential property and/or residential zone by a suitable opaque fence (which shall bear no advertising), or planting screen, eight (8) feet in height and providing and of such density so as to provide year-round screening and conforming to Section 5.D of these Regulations.

#### **6. Parking / Storage -**

- a. There shall be no storage or parking of motor vehicles in the front yard or side street yard.
- b. There shall be no outside storage of inoperable motor vehicles or motor vehicle parts.
- c. All parking of vehicles shall be in a neat and orderly manner, preferably in individual spaces permanently marked out on the pavement surface.
- d. All areas for the parking and storage of operable motor vehicles, including customer and employee vehicles and vehicles for rent or sale, shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.

#### **7. Lighting / Signage -**

- a. Any lighting used to illuminate any sign or any area of the motor vehicle service station and its premises shall be so arranged as to reflect the light away from any public street or right-of-way and from any adjoining premises located in a residential district or any premises used for residential purposes in any district.
- b. All signs shall abide by the sign provisions of the Hebron Zoning Regulations.
- c. There shall be no streamers on the lot or structures.

**3.G.2.3 MOTOR VEHICLE WASH FACILITIES**

**1. Location Approval -**

- a. All motor vehicle wash facilities shall be located on a lot, which lot shall have no portion located within three hundred (300) feet, measured in a straight line as established by the Planning and Zoning Commission, from any part of any lot, building or premises used or arranged, designed or intended to be used for a college, school, place of worship, hospital, library, theater, park, playground or other place of public gathering or within 1,000 feet of another motor vehicle-type use.
- b. All motor vehicle wash buildings and facilities shall be located no closer than 150 feet from a residential use and/or a residential district boundary or closer than 75 feet to any street right-of-way line.

**2. Building / Site Design -**

- a. The design of all buildings shall be in accordance with the design guidelines incorporated in Section 5.A of these Regulations.
- b. All washing, waxing and drying operations shall occur in completely enclosed buildings except for vehicle entrance and exit doors.
- c. Accessory uses such as vacuuming stations shall be permitted outside only if specifically approved by the Commission and only where located at least 25 feet from any side or rear property unless a greater distance is required above.
- d. The Planning and Zoning Commission may require, if it deems such action appropriate to reduce the potential noise and visual impact of the facility on surrounding development, that the entrances to the wash bays be located on a particular side of the building.
- e. Vehicle entrance and exit doors shall not be oriented toward any adjoining residentially zoned properties or residential uses.
- f. All areas adjacent to the building, except for entrance and exit doors shall be landscaped for a minimum distance of ten (10) feet from the building.
- g. Any trash or storage area shall be enclosed by a suitable opaque fence not less than eight (8) feet in height.

**3. Curb Cuts -**

- a. Curb cuts for entrance and egress shall be a minimum of 50 feet from any street or highway intersection.
- b. There shall be a minimum distance of fifty (50) feet between any two curb cuts used for entrances and/or exits to the motor vehicle wash.
- c. There shall be a minimum distance of fifteen (15) feet between any curb cut used for an entrance and/or exit to the motor vehicle wash and the nearest side lot line of the lot on which said motor vehicle wash is located.

**4. Outside Storage / Display -**

- a. There shall be no products displayed in the front yard or side street yard.

**5. Landscaping / Buffers / Screening -**

- a. Every motor vehicle wash facility shall be screened from any adjacent residential property and/or residential zone by a suitable opaque fence (which shall bear no advertising), or planting screen, eight (8) feet in height and providing and of such density so as to provide year-round screening and conforming to Section 5.D of these Regulations.

## **Section 3.G**

### **BUSINESS DISTRICTS & USES**

#### **USE-RELATED PROVISIONS**

##### **6. Parking / Storage -**

- a. All areas of the site used for parking, stacking and circulation shall be paved with concrete or asphalt.
- b. The paved area of the site shall be so graded to prevent any water from entering onto the adjoining street.
- c. In addition to the parking requirements for employees, each motor vehicle wash bay shall have the following vehicle stacking capacity for cars waiting to be serviced: four (4) stacking spaces for each self-service bay; eight (8) spaces for each automatic bay.
- d. If accessory vacuuming facilities are provided, the site plan shall demonstrate one parking space for each vehicle capable of being serviced at any one time at such facility where such parking spaces do not interfere with circulation drives or entry and exit drives.

##### **7. Lighting / Signage -**

- a. Any lighting used to illuminate any sign or any area of the facility and its premises shall be so arranged as to reflect the light away from any street or right-of-way and from any adjoining premises located in a residential district or any premises used for residential purposes in any district.
- b. All signs shall abide by the provisions of the Hebron Zoning Regulations.
- c. There shall be no streamers on the lot or structures.

##### **8. Wastewater / Drainage -**

- a. A water usage report as specified in Section 3.B.5 shall be provided.
- b. Prior to any approval of such a facility from the Planning and Zoning Commission, the applicant shall provide a report from the Water Pollution Control Authority finding that the facility is approved for connection into the Town's sanitary sewer system.
- c. Prior to the issuance of a Building Permit for such a facility, the applicant shall provide to the Town that approval has been received from the Department of Energy and Environmental Protection for the discharge of motor vehicle wash wastewater to the sanitary sewer system.
- d. The facility shall be equipped with a water recycling system and a report shall be provided documenting the percentage of water to be recycled.
- e. The facility shall be equipped with a grit separator for all motor vehicle wash wastewater prior to discharge to the sanitary sewer system.

### **3.G.3 ASSISTED LIVING COMMUNITY**

#### **3.G.3.1 PURPOSE**

It is the purpose of this Section of the Regulations to allow for the establishment of an Assisted Living Community as an alternative residential option in Hebron for older residents which also contains support services to assist residents with the activities of daily living while protecting the public's health, safety and welfare.

#### **3.G.3.2 ELIGIBLE LOCATIONS**

1. Assisted Living Community may be permitted by Special Permit approval in the Village Square District.

#### **3.G.3.3 PERMITTED USES**

1. An Assisted Living Community may be permitted by the Commission by a Special Use Permit when the proposed facility and site meets the requirements of these Regulations, where the Assisted Living Community is the primary use along with accessory uses which are intended and designed for the operation and maintenance of the Assisted Living Community.
2. Assisted Living Community is intended to contain living units, kitchen and dining room facilities, laundry facilities, common assembly areas, indoor and outdoor recreation areas, health care and administrative offices as well as other support services necessary to operate the facility.
3. Incidental retail, community or entertainment uses within the facility may be permitted provided these are primarily intended to serve the residents of the facility. No external advertising for these uses is allowed.
4. Generally, at least one resident in each living unit in the facility shall be 55 years of age or older, except when a person's medical condition requires the services of an Assisted Living Community.

#### **3.G.3.4 DIMENSIONAL STANDARDS**

Dimensional standards shall be the same as the underlying District unless otherwise stated below. See Section 6.A for possible dimensional exceptions.

<b>Lot-Related Requirements</b>	
Minimum Lot Area	5 acres
<b>Building-Related Limitations</b>	
Maximum Building Height	3 Stories
Maximum Building Coverage	30%
Maximum Number Of Units	120 units

## Section 3.G

### BUSINESS DISTRICTS & USES USE-RELATED PROVISIONS

#### 3.G.3.5 SITE AND INFRASTRUCTURE REQUIREMENTS

1. Site development and building construction shall be in compliance with any Master Concept Plan and Development Standards as approved by the Commission, as may be amended.
2. The parcel shall be served by public water and public sanitary sewer.
3. Pedestrian sidewalks shall be provided along all roadways and are encouraged on-site as an amenity to residents. Other passive recreation facilities and areas shall be provided such as benches, gardens, and other provisions as appropriate to the individual site and as approved by the Commission. To the extent possible, such sidewalks should tie into existing or planned paths and sidewalks on adjacent rights-of-way or properties.
4. Parking shall be provided at a minimum ratio of 1 space per each independent unit, one space per each 4 assisted living units, one space for each 10 memory care units for visitors, plus 20 employee spaces.
5. A Site Landscaping Plan shall be provided indicating at a minimum native and non-invasive materials including shade trees along public roadways and within parking lots, foundation plantings around the building, and other landscape areas of shrubs and flowers providing a pleasant exterior environment for the residents of this community.
6. Buffer plantings shall be provided where the facility abuts residential zoning and any parking areas along roadways shall be screened.

#### 3.G.3.6 ARCHITECTURE

1. The design of all buildings shall be in accordance with the design guidelines incorporated in Section 5.A of these Regulations.
2. Buildings shall be designed to achieve a residential appearance having pitched roofs, gables, building offsets and other architectural features to reduce the appearance of its mass.

#### 3.G.3.7 REVIEW AND APPROVAL CRITERIA

In addition to the Special Permit standards and criteria in the Hebron Zoning Regulations, the following specific criteria shall be used by the Commission in reviewing each application for an Assisted Living Community:

1. The proposal will help meet senior living needs of the community;
2. The proposal is designed in an aesthetically pleasing manner which is compatible to the surrounding neighborhood and zoning district.

## **SECTION 4      SPECIAL DISTRICTS**

### **4.A.      FLOOD HAZARD OVERLAY DISTRICT**

#### **4.A.1      PURPOSE**

The Flood Hazard Overlay District is intended to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. The flood hazard areas of the Town of Hebron are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

#### **4.A.2      NATURE OF DISTRICT**

1. As a “restrictive” overlay district, the requirements of the Flood Hazard Overlay District apply in addition to the requirements of the underlying zoning district.
2. The degree of flood protection required by this Regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Regulation does not imply or guarantee that land outside the areas of special flood hazard or uses permitted in such areas will be free from flooding and flood damages.
3. This Regulation shall not create liability on the part of the Town of Hebron or by any officer or employee thereof for any flood damages that result from reliance on this Regulation or any administrative decision lawfully made thereunder.
4. The Town of Hebron, its officers and employees shall assume no liability for another person’s reliance on any maps, data or information provided by the Town of Hebron.

## Section 4.A

### SPECIAL DISTRICTS

#### FLOOD HAZARD OVERLAY DISTRICT

#### 4.A.3 APPLICABILITY

1. These Regulations shall apply to all areas of special flood hazard within the jurisdiction of the Town of Hebron.
2. The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for the Town of Hebron, Connecticut, dated March 18, 1991 and accompanying Flood Insurance Rate Maps (FIRM), dated March 18, 1991, and other supporting data applicable to the Town of Hebron, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this Regulation.
3. Since such mapping is legally adopted by reference into this Regulation it takes precedence until such time as a map amendment or map revision is obtained from FEMA. The areas of special flood hazard includes any area shown on the FIRM as Zones A and AE including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. A Development Permit shall be required in conformance with the provisions of this Regulation prior to commencement of any development activities.

#### 4.A.4 DEFINITIONS

When any of the following terms are used within this Section, the following definitions supersede any other definition.

**Area Of Special Flood Hazard** - The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**Basement** - Any area of the building having its floor subgrade (below ground level) on all sides.

**Base Flood** - The flood having a one percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)** - The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

**Cost** - As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.



**Development** - Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

**Existing Manufactured Home Park Or Subdivision** - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 15, 1981, the effective date of the floodplain management Regulations adopted by the community.

**Expansion To An Existing Manufactured Home Park Or Subdivision** - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal Emergency Management Agency (FEMA)** - The federal agency that administers the National Flood Insurance Program (NFIP).

**Finished Living Space** - As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

**Flood Or Flooding** - A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation/runoff of surface waters from any source.

**Floodway** - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Flood Insurance Rate Map (FIRM)** - The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.

**Flood Insurance Study (FIS)** - The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Functionally Dependent Use Or Facility** - A use or facility which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

## Section 4.A

### SPECIAL DISTRICTS

#### FLOOD HAZARD OVERLAY DISTRICT

**Historic Structure** - Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

**Lowest Floor** - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, other than a basement area is not considered a building's lowest floor provided that such an area meets the design requirements specified in Section 4.A.6 of this Regulation.

**Manufactured Home** - A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**Manufactured Home Park Or Subdivision** - A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

**Mean Sea Level** - For purpose of the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, the elevation benchmark to which base flood elevations shown on a community's Flood Insurance Rate are referenced.

**New Construction** - A structure for which the "start of construction" commenced on or after October 15, 1981, the effective date of the floodplain management Regulations, and includes any subsequent improvements to such structures.

**New Manufactured Home Park Or Subdivision** - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 15, 1981, the effective date of the floodplain management Regulation adopted by the community.

**Recreational Vehicle** - A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**Start Of Construction (Includes Substantial Improvement)** - The date the Building Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** - A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**Substantial Damage** - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** - Any combination or repairs, reconstruction, alteration, or improvements to a structure, taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) any project for improvement of a structure required to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Variance** - A grant of relief by a community from the terms of the floodplain management Regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

**Violation** - Failure of a structure or other development to be fully compliant with the community's floodplain management Regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation** - The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

## Section 4.A

### SPECIAL DISTRICTS

#### FLOOD HAZARD OVERLAY DISTRICT

##### 4.A.5 DUTIES AND RESPONSIBILITIES OF THE ZEO

Duties of the Zoning Enforcement Officer (ZEO) shall include, but not be limited to:

1. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
2. Advise permittee that additional Federal or State permits may be required.
3. With regard to any alteration or relocation of a watercourse:
  - a. notify adjacent communities and the Department of Energy and Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse; and
  - b. assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
4. Record the elevation (in relation to mean sea level) "as-built" of the lowest floor (including basement) of all new or substantially improved or flood-proofed structures. When flood-proofing is utilized for a particular structure, the Zoning Enforcement Officer shall obtain certification from a registered professional engineer or architect.
5. When base flood elevation data or floodway data have not been provided, then the Zoning Enforcement Officer shall obtain, review and utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of Sections 4.A.6.2 and Sections 4.A.6.3.
6. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, the Zoning Enforcement Officer shall make the necessary interpretation. All records pertaining to the provisions of this Regulation shall be maintained in the office of the Zoning Enforcement Officer.

## **4.A.6 PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **4.A.6.1 GENERAL STANDARDS**

In all areas of special flood hazard, the following provisions are required:

1. **New Construction And Substantial Improvements** - New construction and substantial improvements shall be:
  - a. anchored to prevent flotation, collapse or lateral movement of the structure;
  - b. constructed with materials resistant to flood damage;
  - c. constructed by methods and practices that minimize flood damage; and
  - d. constructed with the bottom of all electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities elevated to or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes. Only necessary connections may remain below BFE and must be flood-proofed.
2. **Water Supply And Sanitary Sewage Systems** - New and replacement water supply system shall be designed to minimize or eliminate infiltration of flood waters into the system. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
3. **Manufactured Homes** - All manufactured (mobile) homes to be placed within Zone A and AE on a Community's FIRM shall be installed using methods and practices which minimize flood damage. Adequate access and drainage should be provided. For the purposes of this requirement, manufactured homes must be elevated on a permanent foundation which itself is securely anchored to resist flotation, collapse, lateral movement, and hydrostatic pressures. Methods of anchoring may include, but are not to be limited to use of over-the-top or frame ties to ground anchors. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level.

## Section 4.A

### SPECIAL DISTRICTS

#### FLOOD HAZARD OVERLAY DISTRICT

##### 4.A.6.2 SPECIFIC STANDARDS

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 4.A.3 or as determined in Section 4.A.5, the following provisions, in addition to those in Section 4.A.6.1, are required:

1. **Residential Structures** - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
2. **Non-Residential Structures** - New construction or substantial improvement of any commercial, industrial, or non-residential structure located in a special flood hazard area shall have the lowest floor, including basement, elevated to or above the level of the base flood elevation.
3. **Floodproofing** - Non-residential structures located in all A and AE Zones may be flood-proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection.
4. **Elevated Buildings** - New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria: (a) provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding (b) the bottom of all openings shall be no higher than one foot above grade (c) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
5. **Manufactured Homes** - In all areas of special flood hazard, all manufactured (mobile) homes to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation (BFE). The manufactured home must also meet all the construction standards per Section 4.A.6.1. This includes areas of special flood hazard outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. Recreational vehicles placed on sites within an area of special flood hazard shall either:
  - a. be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use (by virtue of being on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and with no permanently attached additions); or
  - b. meet all the general standards of Section 4.A.6.1.1 and the elevation requirements outlined above in this Section.

6. **If Floodway Not Designated** - In A and AE Zones where base flood elevations have been determined, but before a floodway is designated, required that no new construction, substantial improvement, or other development (including fill) be permitted which would increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
7. **Aboveground Storage Tanks** - Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill and vent pipes extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
8. **Portion of Structure in Flood Zone** - If any portion of a structure lies within the area of special flood hazard, the entire structure is considered to be in the area of special flood hazard. The entire structure must meet the construction requirements of the flood zone. For the purposes of this Section, structure includes any habitable and fully enclosed portions of the structure, not to include decks or porches.
9. **Structures in Two Flood Zones** - If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)
10. **No Structures Entirely or Partially Over Water** - New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

#### **4.A.6.3 FLOODWAYS**

1. In areas where floodways have been determined, encroachments (including fill, new construction, substantial improvements and other developments) are prohibited unless certification by a registered professional engineer is provided (with supporting technical data) demonstrating that encroachments shall not result in any (0.00) increase in flood levels during occurrence of the base flood discharge.
2. When utilizing data other than that provided by the Federal Emergency Management Agency, the a registered professional engineer shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any one point.

## Section 4.A

### SPECIAL DISTRICTS

#### FLOOD HAZARD OVERLAY DISTRICT

##### 4.A.7 STANDARDS FOR SUBDIVISION PROPOSALS

1. In all special flood hazard areas, all subdivision proposals shall be consistent with the need to minimize flood damage.
2. In all special flood hazard areas, all subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
3. In all special flood hazard areas, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. In Zones A and AE, base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five acres or fifty lots, whichever occurs first.

##### 4.A.8 FLOOD HAZARD OVERLAY DISTRICT VARIANCE PROCEDURES

The Zoning Board of Appeals (ZBA) shall hear and decide appeals and requests for variances from the requirements of this Regulation.

###### 4.A.8.1 SPECIFIC SITUATION VARIANCES

1. **Buildings On An Historic Register** - Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedure set forth in the remainder of this Section, except for Subsection 4.A.8.3, and provided that no renovations or alterations may be made to an historical structure without due consideration and effort to incorporate design concepts which, while preserving the historical character of the building, will also serve to reduce the potential for future flood damage and threat to human life and property.
2. **Preexisting, Small Lot Location** - Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with Subsection 4.A.8.3.
3. **Functional Dependent Uses** - Variances may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, create no additional threat to public safety and meet the requirements of Subsection 4.A.8.3.
4. **Floodway Prohibition** - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.



**4.A.8.2 CONSIDERATION FOR GRANTING OF FLOOD HAZARD OVERLAY DISTRICT VARIANCES**

1. In passing upon such applications, the ZBA shall consider all technical evaluations, all relevant factors, all standards specified in other sections of these Regulations, and:
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;
  - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the Town's Plan of Development and floodplain management program for that area;
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
2. Upon consideration of the factors listed above, and the purposes of this Regulation, the ZBA may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Regulation.

**4.A.8.3 CONDITIONS FOR FLOOD HAZARD OVERLAY DISTRICT VARIANCES**

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and in the instance of an historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building;
2. Variance shall only be issued upon:
  - a. a showing of good and sufficient cause;
  - b. a determination that failure to grant the variance would result in exceptional hardship; and
  - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
4. The Zoning Enforcement Officer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

## Section 4.B

### SPECIAL DISTRICTS

#### GROUNDWATER PROTECTION OVERLAY (GPO) DISTRICT

## 4.B. GROUNDWATER PROTECTION OVERLAY (GPO) DISTRICT

### 4.B.1 PURPOSE

The Groundwater Protection Overlay (GPO) District is intended to protect an extensive deposit of coarse grained, stratified drift which is a significant geologic resource and an existing and potential 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 that all reasonable controls over land use, waste disposal and material storage be conscientiously exercised.

### 4.B.2 NATURE OF DISTRICT

1. As a “restrictive” overlay district, the requirements of the Groundwater Protection Overlay (GPO) District apply in addition to the requirements of the underlying zoning district.
2. Single family dwellings are exempt from these Groundwater Protection Overlay (GPO) District regulations.

### 4.B.3 BOUNDARY OF DISTRICT

1. As shown on the zoning map, the Groundwater Protection Overlay (GPO) District encompasses the Raymond Brook Marsh and all land directly up-gradient in Hebron.
2. If the boundary or extent of this District is in dispute, the burden of proof shall be upon the person or entity disputing such boundary to show where it 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.

**4.B.4 USE LIMITATIONS**

Unless prohibited or restricted as indicated below, uses allowed within the underlying district are allowed within the Groundwater Protection Overlay (GPO) District:

<b>4.B.4.1 HAZARDOUS MATERIALS</b>	<b>GPO</b>
1. Manufacture, use, storage, transport or disposal of hazardous materials as a principal activity.	Prohibited
2. Underground storage of hazardous materials as an accessory use or activity.	Prohibited
3. Above ground storage of hazardous materials as an accessory use or activity in quantities greater than associated with normal use, other than fuel storage for residential space heating.	Special Permit (PZC)

<b>4.B.4.2 OTHER ACTIVITIES</b>	<b>GPO</b>
1. Sanitary landfill, septage lagoon, waste water treatment facility for municipal or industrial wastes.	Prohibited
2. Road salt storage.	Prohibited
3. Junkyard, salvage yard, truck terminal.	Prohibited
4. Motor vehicle station, motor vehicle wash, auto repair or auto body shop.	Prohibited
5. Excavation and/or filling of earth materials.	Special Permit (PZC)

## Section 4.B

### SPECIAL DISTRICTS

#### GROUNDWATER PROTECTION OVERLAY (GPO) DISTRICT

##### 4.B.5 ADDITIONAL STANDARDS

1. In addition to the information required for a Special Permit under Section 7.D, any application for a Special Permit under this Section shall include the following information, as applicable:
  - 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;
  - b. 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;
  - c. a description of all potentially hazardous wastes to be generated, including provision for storage and disposal measures as described in part (a) above;
  - d. 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;
  - e. 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; and
  - f. for on-site disposal of sewage in quantities in excess of 2000 gallons per day, documentation from the wastewater discharge permit granting authority that such system meets all applicable codes and regulations.
2. A Special Permit required under this Section shall be granted only if the Planning and Zoning Commission determines:
  - a. if existing ground water quality is now suitable for drinking water purposes, that 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; or
  - b. if existing ground water quality is not now suitable for drinking water purposes, that on-site disposal or operations on-site shall cause no further deterioration.

## **4.C. MIXED USE OVERLAY DISTRICT**

### **4.C.1 PURPOSE**

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.

### **4.C.2 NATURE OF DISTRICT**

1. As a “permissive” overlay district, the Mixed Use Overlay District allows alternative forms of development, including mixed use development and including multi-family dwellings and attached housing in different patterns, which are not otherwise allowed in the underlying zoning district.
2. Prior to submitting a formal application, a potential applicant is encouraged to:
  - a. discuss the development concept in detail with the Director of Planning and Development and other Town staff as appropriate;
  - b. schedule an informal discussion with the Planning and Zoning Commission through the Director of Planning and Development;
  - c. Due to the compact nature of such developments at higher densities than would otherwise be possible, building plans shall be provided by an architect licensed in the State of Connecticut.

### **4.C.3 PERMITTED USES**

Within the Mixed Use Overlay District, the following uses are permitted in addition to the uses permitted in the underlying zoning district:

<b>4.C.3.1. OTHER ACTIVITIES</b>	<b>MUOD</b>
1. Multi-family dwellings as a component of a Mixed Use Development as defined in these Regulations	Special Permit (PZC)
2. Two-family dwellings as a component of a Mixed Use Development as defined in these Regulations	Special Permit (PZC)
3. Single-family dwellings as a component of a Mixed Use Development as defined in these Regulations	Special Permit (PZC)
4. Uses and structures which are customary, subordinate, and incidental to a permitted principal residential use are permitted as provided in Section 2.D.	As provided in Section 2.D

## Section 4.C

### SPECIAL DISTRICTS

#### MIXED USE OVERLAY DISTRICT

#### 4.C.4 DESIGN STANDARDS

##### 4.C.4.1 ZONE SPECIFIC STANDARDS

1. Within the Main Street District -
  - a. All new buildings which are part of a Mixed Use Development shall be located no more than 25 feet from the street line except that the Commission may allow:
    - buildings to be located up to 50 feet from the street line when the site conditions or the design of the integrated mixed-use plan warrant a deeper setback; and/or
    - cluster-type developments of sufficient scale to be oriented to an internal system of private roads, drives, parking and pedestrian amenities to utilize a different setback.
  - b. Residential uses shall not generally be permitted on the ground level floor of any building, except that the Commission may allow a residential use on the ground level of a building located more than one hundred and fifty (150) feet from the Street Line when it finds, based on information submitted by the applicant, that:
    - the 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
    - the 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
    - the safety and quality of life for residents will be enhanced by the use of first floor levels for residential use.
  - c. The maximum square foot size for any building proposed in the Mixed Use Overlay District shall be 20,000 SF unless the Commission finds that a larger building:
    - better creates a street presence essential to a Main Street;
    - 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
    - amenities have been provided to the site design which enhances the pedestrian environment in connection with the building.
2. Within the Hebron Green (HG) District -
  - a. In addition to complying with the Design Standards in the Regulations, any new building or addition to an existing building as part of a Mixed Use Development shall be compatible in scale, size, height and architectural style to other buildings in the Hebron Green (HG) 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;
  - b. Pedestrian access shall be provided to connect with adjacent Hebron Green (HG) District uses and buildings and to the Hebron Center itself.
  - c. 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, the Commission may, by Special Permit, allow buildings to be located up to 50 feet from the street line.

3. Within the Neighborhood Convenience District -
  - a. The Site Development plan for a Mixed Use Development shall provide direct pedestrian access to the business uses in the District.
  - b. The maximum square foot size for any building proposed in the Mixed Use Overlay District shall be 20,000 SF unless the Commission finds that a larger building:
    - better creates a street presence essential to a Main Street;
    - 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
    - amenities have been provided to the site design which enhances the pedestrian environment in connection with the building.
4. Within the Amston Village District -
  - a. Any new construction or modifications to existing buildings as part of a Mixed Use Development shall:
    - be compatible with any historic mill buildings existing on the site, as applicable, at the time of application; or
    - adhere to the Design Standards in these Regulations if no historic mill buildings exist on the site, as applicable, at the time of application.
  - b. The maximum square foot size for any building proposed in the Mixed Use Overlay District shall be 20,000 SF unless the Commission finds that a larger building:
    - better creates a street presence essential to a Main Street;
    - 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
    - amenities have been provided to the site design which enhances the pedestrian environment in connection with the building.

#### **4.C.4.2 OTHER DESIGN STANDARDS**

1. **Residential Area And Mix -**
  - a. The net floor area of all residential units combined shall not exceed 75% of the net floor area within the entire proposed MUOD development as determined by the Commission.
  - b. At least of 80% of the residential units within the entire proposed MUOD development shall consist of a combination of efficiency, one-bedroom and two-bedroom units.
2. **Setbacks -**
  - a. Minimum yard setbacks shall be the same as the underlying zoning district; however, the Commission may, by Special Permit, reduce any required yard area by four (4) affirmative votes when doing so will help accomplish the purposes of the District.

## Section 4.C

### SPECIAL DISTRICTS

#### MIXED USE OVERLAY DISTRICT

##### 3. Building / Site Design -

- a. The design of all buildings shall be in accordance with the design guidelines incorporated in Section 5.A of these Regulations.
- b. 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.
- c. 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. 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.
- d. Two story buildings are encouraged in the Mixed Use Overlay District. 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 incorporated in Section 5.A of these Regulations and that such variation is essential to the overall design theme of the development.
- e. 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.
- f. Each residential unit shall have direct access to a private outdoor balcony, porch or patio space.
- g. Each residential unit shall have unobstructed direct access to the outside separate from any business activity.
- h. Soundproofing shall be designed and installed to isolate the normal sounds of business activity from the residential uses.

##### 4. Curb Cuts:

- a. Driveways onto Streets shall be minimized, and shall be designed to serve existing or future uses on adjacent sites.

##### 5. Parking:

- a. Parking lots shall be designed to interconnect with existing or future parking lots on adjacent sites.
- 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.
- c. As the intent of this Overlay District is to provide for a mixture of land uses and flexibility to encourage the long term sustainability of these developments, in lieu of the parking requirements found in Section 5.C all mixed use developments shall provide parking at the rate of 5 spaces per 1,000 SF. and 2 spaces per residential dwelling unit.
- d. These parking requirements may be reduced by up to 25 percent when exemplary pedestrian connections are provided within the site and to adjacent business and public facilities and when:
  - the applicant demonstrates to the satisfaction of the Commission that the mix of uses on the site (such as residential, office, and retail) will experience peak parking demands at different times of the day and day of week so that the full complement of parking spaces will not be necessary; and/or
  - the applicant demonstrates to the satisfaction of the Commission that a “shared parking” arrangement with one or more adjacent properties (based on 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) will mean that the combined sites will experience peak parking demands at different times of the day and day of week so that the full complement of parking spaces will not be necessary.



**6. Landscaping / Buffers / Screening -**

- a. Landscape buffers shall be provided as part of the site design where a development approved under this Section abuts property in a residential district.
- b. Such buffer shall consist of a preserved existing year round vegetated buffer or a planted year round buffer meeting the requirements of Section 5.D of these Regulations as well as the design guidelines incorporated in Section 5.A of these Regulations.

**7. Phasing -**

- a. So that a mixed-use development occurs during all phase of development:
  - Building Permits for more than 50% of the residential units in the approved MUOD development may not be issued unless Building Permits have been issued for at least 40% of the total non-residential gross floor area;
  - 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;
  - 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; and
  - 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.

#### **4.C.5 DECISION CONSIDERATIONS**

1. In approving a Special Permit for a Mixed Use Development as defined in these Regulations, the Commission shall consider whether the Commission finds that:
  - a. the requirements of this Section of the Regulations, and the Special Permit standards and criteria of Section 7.D are satisfied in accordance with the intent of the underlying District;
  - 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 proposed design and layout meets the intent of the design guidelines incorporated in Section 5.A of these Regulations;
  - e. 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; and
  - f. 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.

## Section 4.C

### SPECIAL DISTRICTS

#### MIXED USE OVERLAY DISTRICT

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## SECTION 5 DEVELOPMENT STANDARDS

### 5.A. DESIGN REVIEW

#### 5.A.1 PURPOSE

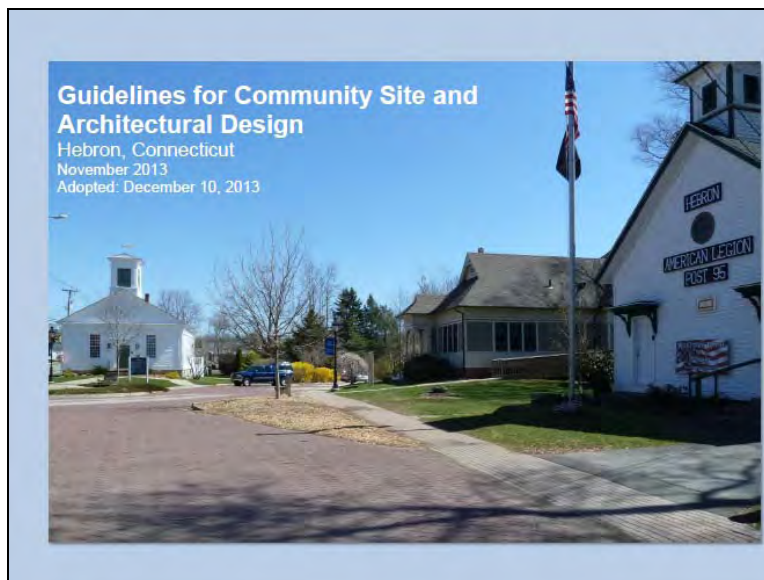
Due to the impact on community character and property values associated with building and site design, this Section of the Regulations is established in order to encourage architectural continuity within the community; to promote high quality building design; to achieve a functional town center; and, to implement the goals and policies of the Town of Hebron Plan of Conservation and Development. It is the policy of the Commission that it will encourage the highest quality design of buildings and a more creative use/design of site plans, rather than practice censorship of creativity.

#### 5.A.2 APPLICABILITY

This Section of the Regulations applies to all new construction and substantial alterations (construction which requires site plan approval) of multi-family dwellings, and non-residential structures.

#### 5.A.3 STANDARDS

The “Guidelines for Community Site and Architectural Design”, dated December 10, 2013 and as may be amended, are incorporated by reference into and are an integral part of these Hebron Zoning Regulations. (See Appendix A of these Regulations)



## Section 5.B

### DEVELOPMENT STANDARDS

#### SIGNS

## 5.B. SIGNS

### 5.B.1 PURPOSE

These sign regulations are intended to set forth reasonable guidelines for commercial and other signs in order to encourage business activity and provide a public service, yet preserve and enhance property values, prevent traffic distractions and hazards, and ensure that the general welfare (which includes the attractiveness and character of an area and the aesthetics of a sign) is preserved. In addition, the Commission shall find that any proposed sign is in compliance with design guidelines incorporated in Section 5.A of these Regulations.

### 5.B.2 DEFINITIONS

#### 5.B.2.1 GENERAL DEFINITIONS

**Sign** - Any sign or device and all parts thereof which are used to advertise products, goods, services, or otherwise promote the sale or rental of objects or identify objects for sale or for rent or the occupancy or use of any land, structure or building.

For the purpose of this definition and these Regulations, the word "sign" does not include the flag, pennant, or insignia of any nation, state, city or other political unit, or official traffic control signs, or for notices required by law.

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

**Single-Faced Sign** - A sign with one face.

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

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

**Sign, Gross Area Of** - The "gross area" of a sign shall be defined and measured as follows:

**Single-Faced Sign** - The gross area shall be the area of the single face.

**Double-Faced Sign** - The gross area shall be the area of the largest face or the area of one face if both faces have equal area.

**Multiple-Faced Sign** - The gross area shall be the combined area of all faces.

### **5.B.2.2 SIGN TYPES**

**A-Frame Sign** – A temporary sign typically consisting of two hinged panels.

**Awning Sign** - Any sign that has its message printed or otherwise applied directly onto a building's awning.

**Business Sign** - A sign, which directs attention only to a business, commodity, service, activity, or product, sold, conducted or offered upon the premises where such sign is located.

**Business Park Identification Sign** - A sign within a Business Park that guides or directs pedestrian or vehicular traffic as approved by the Commission under a Business Park Sign Application.

**Directional Sign** - A sign that guides or directs pedestrian or vehicular traffic, and which contains no business name or other advertising, as approved by the Commission.

**Ground Sign** - Any sign supported by uprights or braces, placed upon the ground and not attached to any part of any building.

**Historically Compatible Freestanding Sign** - Any freestanding sign using a single post and cross arm, from which hangs the sign panel containing the sign face.

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

**Illuminated Sign, Directly** - Any sign emitting any artificial light directly or through any transparent or translucent material from a source of light in the interior of or structurally connected to such a sign.

**Illuminated Sign, Flashing** - Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times such artificial light is in use.

**Illuminated Sign, Indirectly** - A sign illuminated with an artificial light external to and not structurally connected to the sign which light shall be so shielded that no direct rays from it are visible elsewhere than on the lot where the sign is located.

**Moving Sign** - Any sign that has any visible revolving or rotating parts or any visible mechanical movement of any description, except clocks.

**Off-Premise Commercial Sign** - A sign that directs attention to a business, commodity, service, or activity that is generally sold, offered, or conducted elsewhere than upon the premises where such sign is located.

**Overhanging Sign** - Any sign extending from a building that is its sole support.

**Plaza Sign** - A sign located on a parcel within the Main Street District, where said parcel contains a multi-tenant building(s), where the primary use is retail, and where the primary multi-tenant building is a minimum of 10,000 square feet in gross floor area.

**Pole Sign** - Any sign erected on a pole or poles and that is wholly or partially independent of any building or support.

## Section 5.B

### DEVELOPMENT STANDARDS

#### SIGNS

**Roof Sign** - Any sign erected, constructed, or maintained upon the roof of any building.

**Temporary Sign** - A sign, including an A-Frame sign, which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.

**Wall Sign** - Any painted sign or poster on any surface or plane that may be affixed to the front, rear or side wall of any building, or any sign painted directly on any such wall.

### 5.B.3 GENERAL SIGN REGULATIONS

#### 1. Location -

- a. Off-premises commercial signs shall not be permitted.
- b. No sign shall be installed at street, road or highway intersections so as to interfere with safe sight lines, generally a distance of twenty-five (25) feet from the intersection.
- c. No exterior sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress for any building or structure.
- d. In cases where a use spans more than one district, signs shall conform to the Regulations for the district in which is located the majority portion of the use to which the sign relates and shall be located in that district.
- e. Roof signs are prohibited.
- f. Overhanging signs shall not project more than four feet horizontally from the building to which it is attached.
- g. No sign shall be erected within or overhang public rights of way except that the Planning and Zoning Commission may permit exceptions within the Hebron Green (HG) District provided any pole or ground sign is installed behind the sidewalk or area where sidewalks would normally be built, and the sign does not overhang the traveled portion of the right-of-way.

#### 2. Message -

- a. Signs, other than directional or temporary signs, may only designate the name, location, graphic logo type, type of business conducted on the premises, and principal product.
- b. Signs visible from a street shall not contain an arrow, except for directional signs, or the words STOP or DANGER or otherwise resemble or simulate official traffic control signs.
- c. Detached directional signs not over one square foot in area, containing no business names or other advertising information, may be permitted as approved by the Commission.
- d. On residential properties, political campaign signs and political expression signs are allowed without a permit, provided such signs comply with the illumination requirements for signs in these Regulations and any such signs shall not be so constructed or located as to interfere with traffic sight lines or otherwise pose any public hazard.
- e. On non-residential properties, political campaign signs and political expression signs are allowed without a permit provided such signs adhere to the height, size, number, and locational requirements of permitted commercial signs in the district in which it is located.
- f. Political campaign signs shall be removed no later than ten (10) days after the event to which it is related.
- g. Nothing in these Regulations shall be interpreted to restrict or limit the constitutional right of citizens to express their views on political matters or other matters of public interest by means of signs.

**3. Illumination -**

- a. No sign shall display intermittent lights resembling the flashing light customarily used in traffic signals or those used by police, fire, ambulance or other emergency vehicles nor shall any sign use the word "stop", "danger", or any other word, phrase, symbol or character that might be misconstrued to be a public safety warning or traffic sign, nor shall any beam or beacon of light resembling any emergency vehicle or facility be permitted to be erected as part of any sign or sign display. All light for indirectly lit signs shall be continuous, fixed, non-intermittent and non-flashing.
- b. The light source for indirectly illuminated signs shall be shielded so as not to cast direct light off the property on which it is located nor to cast light onto any adjacent roadway right-of-way.
- c. Directly illuminated signs are prohibited except signs indicating the time and/or temperature by means of white intermittent light.

**4. Movement -**

- a. Moving or revolving signs are not permitted.
- b. No streamers or banners or other sign devices not herein defined shall be permitted.

**5. Temporary Signs -**

- a. Temporary signs for non-profit organizations, such as those associated with any educational, charitable, philanthropic, civic, religious, or like event for fundraising or other similar temporary purposes may be installed provided that any such sign shall:
  - have a maximum area of twelve (12) square feet;
  - be limited to one such sign per property per event;
  - be installed for a period of not more than thirty (30) days before and ten (10) days after the event; and
  - be removed by the persons responsible for installation of such signs.
- b. In no instance shall any such temporary sign be permitted for a period of more than sixty (60) days; however, the Planning and Zoning Commission may permit one extension of the time period for such temporary sign for up to an additional sixty (60) days.
- c. For such signs proposed by the Town of Hebron, to be located on Town property, and providing a message of municipal interest, the above provisions shall apply except that the sign may have a maximum area of eighteen (18) square feet, or 3 ft. x 6 ft.

**6. Landscaping -**

- a. Every ground or pole sign shall be provided with suitable, unpaved, properly maintained landscaping, in accordance with Section 5.D, covering the area between such sign and all adjacent property lines, except for any such area that is actively devoted to some other use.

**7. Maintenance -**

- a. Signs which may have become unsafe or unsightly in the opinion of the Commission shall, upon notice from the Zoning Enforcement Officer be repaired or removed within ten days of said notice by the owner or lessee of the property on which such signs stand.
- b. Signs, which are no longer functional or are abandoned, shall be removed or relocated by the owner or lessee of the property on which such signs stand within one month following such designation by the Zoning Enforcement Officer.

## Section 5.B

### DEVELOPMENT STANDARDS

#### SIGNS

#### 5.B.4 SIGNS IN RESIDENCE DISTRICTS

In the R-1, R-2, and AL Districts, signs shall be permitted only as follows subject to obtaining a zoning compliance permit from the Zoning Enforcement Officer:

##### 5.B.4.1 IDENTIFICATION SIGNS

1. One identification sign per dwelling unit indicating name of residents and dwelling or dwelling unit numbers limited to two (2) square feet.
2. One identification sign per farm limited to nine (9) square feet.
3. One identification sign per dwelling unit for a home occupation indicating only names of persons and their profession, limited to two (2) square feet.
4. One identification sign for a bed and breakfast operation, limited to six (6) square feet.
5. One identification sign per multifamily development or subdivision indicating the name of a multifamily development or subdivision limited to ten (10) square feet.
6. Historical markers shall have a maximum area of four (4) square feet and may be placed only by a bona fide historical organization or by a government agency.
7. One identification sign per major entrance for churches limited to twenty-four (24) square feet.
8. One identification sign per major entrance for schools and other governmental uses limited to thirty-two (32) square feet.
9. One identification sign per major entrance signs for other non-residential uses limited to a maximum area of nine (9) square feet.



**5.B.4.2 TEMPORARY SIGNS**

1. Temporary “for sale” or “for rent” signs shall be permitted on the property which is for sale or rent, and on no other premises, which comply with the following criteria:
  - a. for properties less than 10 acres, a maximum sign area of eight (8) square feet (plus two sign riders not to exceed 1 ½ square feet each); for properties 10 acres or more, a maximum sign area of 16 square feet;
  - b. a maximum of one such sign per street frontage; and
  - c. removed within one week after the sale or rental.
2. Temporary signs, other than "for sale" or "for rent" signs shall have a maximum area of twelve (12) square feet, and shall be limited to one sign per lot.
3. Temporary signs on a farm for seasonal sales of farm products limited to four (4) signs, each limited to six (6) square feet.

**5.B.4.3 OTHER PROVISIONS**

1. Directional signs solely for the control of traffic and parking shall have a maximum area of one (1) square foot, except authorized State and Town traffic control signs, and shall be permitted in locations authorized by the Commission.
2. No ground or pole sign shall exceed a height of eight (8) feet.

## Section 5.B

### DEVELOPMENT STANDARDS

#### SIGNS

##### 5.B.5 SIGNS IN NON-RESIDENCE DISTRICTS

1. In all districts other than R-1, R-2, and AL, no permanent sign shall be permitted unless a complete application is made to and approved by the Planning and Zoning Commission, except:
  - a. Replacement of approved signs, which are the same size, shape and general color, with only the wording changed, shall only require obtaining a zoning compliance permit from the Zoning Enforcement Officer.
2. In reviewing the signs in these zones, the Commission shall consider the size and scale of the sign in relation to its specific location, with a preference for signs having the appearance of natural materials, purpose of the sign, and other buildings in its immediate vicinity. No sign shall be approved which, in the judgment of the Commission, is not required to identify the use to which it relates.

##### 5.B.5.1 TEMPORARY SIGNS IN ALL NON-RESIDENTIAL ZONES

1. One temporary grand opening flag, banner or sign, not to exceed twenty-four (24) square feet, may be displayed for a period not to exceed 30 days upon approval of an application to the Zoning Enforcement Officer for any new business grand opening.
2. One temporary business promotion sign, banner or flag, not to exceed twenty-four (24) square feet, may be displayed for a one-week period, twice each calendar year, to promote a special sale event, upon approval of an application to the Zoning Enforcement Officer.
3. Temporary “for sale” or “for rent” signs shall be permitted on the property which is for sale or rent, and on no other premises, which comply with the following criteria:
  - a. for properties less than 3 acres, a maximum sign area of eight (8) square feet (plus two sign riders not to exceed 1 ½ square feet each); for properties greater than 3 acres but less than 10 acres, a maximum sign area of 16 square feet; and for properties greater than 10 acres, a maximum sign area of 32 square feet;
  - b. a maximum of one such sign per street frontage; and
  - c. removed within one week after the sale or rental.

**5.B.5.2 SIGNS IN OTHER THAN HEBRON GREEN (HG) OR VILLAGE SQUARE (VS) ZONES**

In Business Districts other than Hebron Green (HG) or Village Square (VS), the following signs may be permitted by the Commission:

1. **Freestanding Sign (Property)** - One freestanding sign may be permitted for each lot as approved by the Commission from one of the following categories:
  - a. one Historically Compatible Freestanding Sign where the pole does not exceed 12 feet in height, where the top of the sign panel does not exceed eight (8) feet in height off the ground, and where the message area does not exceed 8 square feet in area; or
  - b. one Pole Sign or Ground Sign with a maximum height of six (6) feet and a maximum sign area of twenty-four (24) square feet; or
  - c. one Plaza Sign may be permitted by the Commission under a Special Use Permit, on properties in the Main Street (MS) District containing a multi-tenant building and where the primary use is retail and where the primary multi-tenant building is a minimum of 10,000 square feet of floor area, if the Commission determines that such sign is necessary to properly identify said use and building on the property, and where the design, materials, landscaping, lighting and color of said sign is compatible to the site and the building's architectural style; and, said sign does not exceed eight (8) feet in height nor forty-eight (48) square feet in sign area; or
  - d. one Business Park Sign may be approved by the Commission under a Special Use Permit, on properties containing a mix of retail and office uses in multiple buildings having a minimum of 10,000 square feet of total floor area within the Park, if the Commission determines that such signs are necessary to properly identify said Business Park, and where the design, materials, landscaping, lighting and color of said signs are consistent throughout, and are compatible to the site and the buildings' architectural style. All Business Park Signs shall be included in the application. The Commission may approve the following signs under the Business Park Sign Application:
    - Business Park Identification Sign: One such sign may be permitted where said sign does not exceed eight (8) feet in height nor forty-eight (48) feet in sign area; and,
    - Business Park Building Tenant Signs:
      - for a building with a common entrance (and no exterior individual tenant access), one such sign may be permitted, in lieu of wall signs, near each common entrance listing tenant names and/or building addresses, where the sign does not exceed six (6) feet in height nor twenty-four (24) square feet in area; or,
      - for buildings with individual exterior tenant access, one such sign may be permitted near each building listing tenant names and/or building addresses, where the sign does not exceed six (6) feet in height nor twenty-four (24) square feet in area; and,
    - Business Park Directional Signs: One such sign may be permitted at intersections of driveways or roadways for the purpose of identifying additional tenants or buildings within the park where said sign does not exceed six (6) feet in height nor sixteen (16) square feet in sign area but in no instance larger than necessary to properly direct the public.

## Section 5.B

### DEVELOPMENT STANDARDS

#### SIGNS

2. **Wall / Overhanging / Awning Sign (Occupant)** - One Wall Sign, or Overhanging Sign, or Awning Sign may be displayed for each occupant of a building, not to exceed the following limitations:
  - a. one square foot in area for each lineal foot of building frontage assigned to each unit of occupancy on the ground floor for signs located less than 150 ft. from the road right-of-way; and no sign shall exceed 50 square feet;
  - b. 1.5 square feet in area for each lineal foot of building frontage assigned to each unit of occupancy on the ground floor for signs located between 150 ft. but less than 300 ft. from the road right-of-way; and, no sign shall exceed 100 square feet; and
  - c. 2 square feet in area for each lineal foot of building frontage assigned to each unit of occupancy on the ground floor for signs located 300 ft. and greater from the road right-of-way; and, no sign shall exceed 150 square feet; however, in the case of an Overhanging Sign, such sign shall be no larger than 12 square feet and shall not extend more than 4 feet from the face of the building;
3. **Directional Signs** - Directional Signs may be permitted at the discretion of the Commission; and
4. **Theme Required For Multiple Signs** - Where multiple signs are to be located on a single property, prior to any individual permits being approved, the owner shall submit a sign theme, which shall establish an overall consistency for signs on the property as to design, color and location.
5. **Unified Sign Proposal Alternative** - In lieu of the above Sign Regulations for Business Districts as set forth above, an owner may submit a Special Permit Application for a Unified Sign Proposal, which shall include an overall sign plan, of all freestanding and attached signs for the premise. The Proposal shall include information on the design, placement, size, material, color, lighting and landscaping associated with each sign. In order for the Commission to approve a Unified Sign Proposal, the Commission shall find that the Proposal is more compatible to the individual site and surrounding area due to: quality of the Unified Sign Proposal; the unique aspects of the property; the number of buildings on the parcel; multiple building entrances; placement of buildings on the site; and, the architectural character of the buildings themselves. As part of the review and action on a Unified Sign Proposal the Commission may exercise control over design, materials, color, type, size and style of signs to ensure overall compatibility to the District.
6. **Design Guidelines** - In order to maintain the desirable character of Hebron's Business districts, all signs submitted to the Commission shall be subject to the design guidelines incorporated in Section 5.A of these Regulations.

**5.B.5.3 SIGNS IN THE HEBRON GREEN (HG) ZONE**

All sign applications within the Hebron Green (HG) District shall be reviewed as to their compatibility with the unique and historic characteristics of the District, their relationship to the architecture of the surrounding buildings and signs, and, their consistency with the “Purpose” of the Hebron Green (HG) District. A consistency of sign style, design, materials and placement within the Hebron Green (HG) District is encouraged to lend cohesiveness to the District. Said signs shall be subject to the following limitations:

1. **Freestanding Sign (Property)** - One freestanding sign may be permitted for each lot as approved by the Commission from one of the following categories:
  - a. one Historically Compatible Freestanding Sign where the pole does not exceed 12 feet in height, where the top of the sign panel does not exceed eight (8) feet in height off the ground, and where the message area does not exceed 8 square feet in area; or
  - b. one ground sign, for parcels having 100 feet of frontage or less, with a maximum height of six (6) feet and a maximum sign area of sixteen (16) square feet; or
  - c. one ground sign, for parcels having more than 100 feet of frontage, with a maximum height of six (6) feet and a maximum sign area of twenty-four (24) square feet.
2. **Wall / Overhanging / Awning Sign (Occupant)** - One Wall Sign, Overhanging Sign, or Awning Sign may be displayed for each occupant of a building, not to exceed one square foot in area for each lineal foot of building frontage; however, in the case of an Overhanging Sign, such sign shall be no larger than 12 square feet and shall not extend more than 4 feet from the face of the building;
3. **Historic Building (Building)** - For buildings listed on the National Register of Historic Places or located within any historic district, the sign area of one of the signs shall contain the historic building name and date, or circa date, of original construction, and said area shall not be counted against the allowable square footage of sign;
4. **Directional Signs** - Directional Signs may be permitted at the discretion of the Commission.
5. **Theme Required For Multiple Signs** - Where multiple signs are to be located on a single property, prior to any individual permits being approved, the owner shall submit a sign theme, which shall establish an overall consistency for signs on the property as to design, color and location.

## Section 5.B

### DEVELOPMENT STANDARDS

#### SIGNS

6. **Unified Sign Proposal Alternative** - In lieu of the above Hebron Green (HG) Sign Regulations, an owner may submit a Special Permit Application for a Unified Sign Proposal, which shall include an overall sign plan, of all freestanding and attached signs for the premise. The Proposal shall include information on the design, placement, size, material, color, lighting and landscaping associated with each sign. In order for the Commission to approve a Unified Sign Proposal, the Commission shall find that the Proposal is more compatible to the Hebron Green (HG) District due to: quality of the Unified Sign Proposal; the unique aspects of the property; the number of buildings on the parcel; multiple building entrances; placement of buildings on the site; and, the historic nature of the buildings themselves. As part of the review and action on a Unified Sign Proposal the Commission may exercise control over design, materials, color, type and style of signs to ensure overall compatibility to the District.
7. **Design Guidelines** - In order to maintain the desirable character of the Hebron Green (HG) District, all signs submitted to the Commission shall be subject to the design guidelines incorporated in Section 5.A of these Regulations.

#### 5.B.5.4 SIGNS IN THE VILLAGE SQUARE (VS) ZONE

1. Signs in the Village Square District shall be in accordance with Section 3.C.4.7.

#### 5.B.6 NON-CONFORMING SIGNS

Repairs and/or alterations to nonconforming signs are permitted provided that the cost of such repair does not exceed 50% of the replacement cost or value of the sign, whichever is less.

## **5.C. OFF-STREET PARKING AND LOADING**

### **5.C.1 GENERAL PROVISIONS**

1. The off-street parking and loading requirements set forth in this Section shall apply to:
  - a. all uses established and all buildings and/or structures erected after the date of adoption of these Regulations; and
  - b. all uses, buildings or structures existing on the date of adoption of these Regulations which uses, buildings or structures are enlarged in excess of ten (10) percent of their area existing on the date of adoption of these Regulations.
2. Every parcel of property used in whole or in part for off-street parking and/or off-street loading purposes, whether required or not by these Regulations, shall, for that portion used for off-street parking and/or off-street loading purposes, be developed, maintained, and used in accordance with the provisions set forth in this Section.
3. In addition to the standards contained in this Section, the design, layout, planning and configuration of all parking areas and drives shall be subject to the design guidelines incorporated in Section 5.A of these Regulations.

### **5.C.2 NUMBER OF PARKING SPACES**

1. The off-street parking standards in Section 5.C.3 labeled “minimum requirement” are minimum requirements for off-street parking and the Planning and Zoning Commission may require additional off-street parking for a particular development based on the nature of the development, its location, access and relation to surrounding development, and any unique parking demand, which may be associated with such a development.
2. The off-street parking standards in Section 5.C.3 labeled “impervious threshold” are the maximum limitation for off-street parking which may be installed without utilizing a pervious pavement or similar surface treatment as approved by the Commission based on a recommendation by the Town Engineer. In situations where the Town Engineer determines that such pervious surface treatment may not be environmentally sound and/or may not be appropriate given site conditions or neighboring uses or resources, the Commission may approve parking spaces above this “impervious threshold” using a surface treatment recommended by the Town Engineer.

## Section 5.C

### DEVELOPMENT STANDARDS

#### OFF-STREET PARKING AND LOADING

3. For the purpose of the off-street parking and loading regulations and standards:
  - a. the term “net floor area” shall be as defined in these Regulations; and
  - b. in auditoriums, stadiums, places of worship and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facility shall be counted as one (1) seat for the purpose of determining the requirements for off-street parking spaces in accordance with these Regulations.
4. Joint use of off-street parking facilities is permitted provided that the amount of such facilities shall not be less than the sum of the various users computed in accordance with the schedule of this Section and subject to provisions of Section 5.C.2.4.
5. **Possible Reductions -**
  - a. The Commission may permit a reduction of up to 25% of the required parking spaces due to shared use of parking facilities when the parking needs of the joint users occur at different hours of the day, different days of the week, or different times of the year. The applicant shall show upon the site plan the complete layout for the full parking requirements. The owner shall file that plan in the office of the Town Clerk, stipulating that the owner, or the successor and assigns of the owner, will install as many of the non-installed parking spaces as the Commission deems necessary within 6 months of the Commission's request, when, in the opinion of the Commission, such installation is needed.
  - b. The required number of parking spaces, as per Section 5.C.3, may be reduced by ten percent if pedestrian walkways are provided to adjacent properties and if direct vehicular circulation is provided to adjoining properties.
  - c. The Commission may consider granting a parking reduction of up to ten percent (10%) of the required spaces based on the availability of public parking lots and/or on-street parking within one-quarter mile of the subject property.
6. When a calculation determining the number of required off-street parking spaces results in a fractional space, any fraction up to and including one-half ( $1/2$ ) shall be disregarded and fractions over one-half ( $1/2$ ) shall require one (1) off-street parking space.



### 5.C.3 PARKING SPACE TABLES

5.C.3.1. RESIDENTIAL-TYPE USES	Minimum Requirement	Impervious Threshold
1. Dwellings	Two (2) parking spaces for each dwelling	Not Applicable
2. Boarding, rooming or lodging house or bed and breakfast	Add one (1) parking space for each guest unit, boarding unit, rooming unit or lodging unit.	Not Applicable
3. Customary home occupation	Add one (1) parking space for each employee plus three (3) parking spaces	Not Applicable
4. Religious quarters	One (1) parking space for each two (2) beds	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission

5.C.3.2. RETAIL / FOOD / SERVICE-TYPE USES	Minimum Requirement	Impervious Threshold
1. Restaurant, eating and drinking	10 parking spaces per 1,000 square feet of net floor area	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
2. Retail trade, except eating and drinking	4.0 parking spaces per 1,000 square feet of net floor area	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
3. Arts & Crafts Gallery	4.0 parking spaces per 1,000 square feet of net floor area	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
4. Day care center, child or adult	2.0 parking spaces per 1,000 square feet of net floor area	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
5. Motor vehicle fueling station	2.0 parking spaces for each fueling station plus spaces for retail, repair or other uses	Not Applicable
6. Motor vehicle general and limited repair	5.0 parking spaces plus 2.0 parking spaces for each service stall (such minimum spaces not to be used for car sales).	Not Applicable
7. Motor vehicle wash	1.0 parking space for each parking, washing or service stall	Not Applicable
8. Hotel, motel, inn	1.0 parking space for each guest room, plus spaces for restaurant, assembly space or other non-residential use.	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
9. Motion picture theater	0.33 parking spaces per seat	0.50 parking spaces per seat

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### DEVELOPMENT STANDARDS

#### OFF-STREET PARKING AND LOADING

5.C.3.3. OFFICE-TYPE USES	Minimum Requirement	Impervious Threshold
1. General office and/or professional office (except medical offices, medical clinics and hospitals)	4.0 parking spaces per 1,000 square feet of net floor area	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
2. Bank, business service establishments (including finance, insurance and real estate services, message center, etc.), personal service establishments, and government services	4.0 parking spaces per 1,000 square feet of net floor area	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
3. Medical offices and medical clinics	6.7 parking spaces per 1,000 square feet of net floor area	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission

5.C.3.4. INSTITUTIONAL -TYPE USES	Minimum Requirement	Impervious Threshold
1. Elementary Schools (public, private, parochial)	Two (2) parking spaces for each classroom plus one (1) parking space for each three (3) seats in any auditorium, gymnasium or other public assembly space	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
2. Middle/Secondary Schools (public, private, parochial)	One (1) parking space for each classroom plus one (1) parking space for each four (4) seats in the largest assembly space	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
3. University, college, junior college and professional education	Ten (10) parking spaces for each classroom plus one (1) parking space for each three (3) seats in any auditorium, gymnasium, stadium, theater or other public assembly space	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
4. Place of worship	0.25 parking spaces per seat	0.50 parking spaces per seat
5. Library, museum or planetarium	One (1) parking space for each six hundred (600) square feet of gross building floor area	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
6. Facilities for instruction	One (1) parking space for each 200 square feet of floor area. The Commission may authorize non-installed parking spaces in accordance with Section 5.C.2.4 to satisfy the needs of this unique category.	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
7. Auditorium	0.33 parking spaces per seat	0.50 parking spaces per seat

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<b>5.C.3.5. TECHNOLOGY-TYPE USES</b>	<b>Minimum Requirement</b>	<b>Impervious Threshold</b>
1. Manufacturing uses	2.0 parking spaces per 1,000 square feet of net floor area used for manufacturing and/or storage purposes, plus spaces for office or other uses	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
2. Wholesale trade and warehousing	1.0 parking space per 1,000 square feet of net floor area used for wholesaling and/or storage purposes, plus spaces for office or other uses	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission

<b>5.C.3.6. OTHER USES</b>	<b>Minimum Requirement</b>	<b>Impervious Threshold</b>
1. Ambulance services, bus garaging and equipment maintenance	One (1) parking space for each parking, washing or service stall	Not applicable
2. Community center, clubs, athletic club	10.0 parking spaces per 1,000 square feet of net floor area	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
3. Golf course	One (1) parking space for each one hundred (100) square feet of gross building floor area.	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
4. Golf driving range, golf miniature, archery range, bowling, firing range, riding stable, tennis courts	Two (2) parking spaces for each driving tee, golf hole, alley, lane, stable, court, or other unit of activity	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
5. Ice skating and/or roller skating rink	One (1) parking space for each one hundred (100) square feet of skating surface or one parking space for each three (3) seats, whichever is the greater requirement	Any parking spaces installed above the minimum requirement shall have a pervious surface unless otherwise approved by the Commission
6. Funeral home	One (1) parking space for every seventy (70) square feet of usable space directed to assembly room for funeral home services	At least fifty percent (50%) of the spaces shall have a pervious surface unless otherwise approved by the Commission
7. Other uses not listed	The Planning and Zoning Commission shall determine which of the foregoing parking requirements, if any, shall apply.	Planning and Zoning Commission shall determine the requirement for pervious surfaces

## Section 5.C

### DEVELOPMENT STANDARDS

#### OFF-STREET PARKING AND LOADING

##### 5.C.4 OFF-STREET LOADING REQUIREMENTS

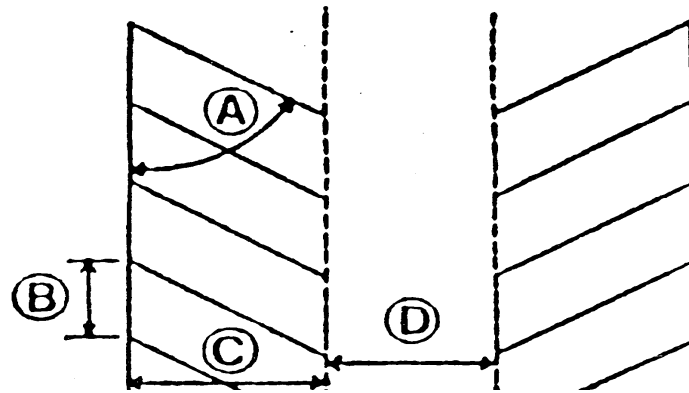
1. On the same premises with every building, structure or part thereof erected or occupied for a use or uses involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for off-street standing, turning, loading and unloading services in order to avoid interference with the use of streets and alleys (if any) and without encroachment on any off-street parking area.
2. Such off-street loading and unloading space, unless otherwise adequately provided for, as determined by the Planning and Zoning Commission, shall be an area not less than ten (10) feet by fifty (50) feet with fifteen (15) foot height clearance.
3. A minimum of one (1) off-street loading and unloading space shall be required for each ten thousand (10,000) square feet of gross building floor area. Additional off-street loading and unloading spaces may be required by the Planning and Zoning Commission because of the building volume, location or particular use nature of the development under consideration.
4. Off-street loading and unloading spaces, together with appropriate access drives, shall be developed and maintained in accordance with the provisions of Sections 5.C.5 and 5.C.6 of these Regulations.

##### 5.C.5 DESIGN OF PARKING / LOADING FACILITIES

1. **Parking Space Location** -
  - a. All parking and loading spaces provided pursuant to this Section shall be on the same lot with the building except that the Commission may permit parking spaces to be on any lot within a five hundred (500) foot radius of the building, if it determines that it is impractical to provide all of the required parking on the same lot with the building.
  - b. There shall be no parking permitted within ten (10) feet of the front, rear, or sides of a business structure or within twenty (20) feet of any facade of an industrial building.
  - c. There shall be no parking permitted within ten (10) feet of side and rear property lines, except in the area of shared parking spaces when joint off-street parking is shared by abutting users.
  - d. No parking areas for commercial and or business use shall be located within the front yard landscaped area required in Section 5.D.2.3.
2. **Overall Circulation** - Parking lots shall be designed so as to create a safe environment for pedestrians, motorists and the traveling public and internal access drives should generally not exceed ten percent (10%) slope and parking areas should generally not exceed five percent (5%) slope .

**3. Parking Space Size/Configuration -**

- a. A parking space shall be at least nine feet wide by eighteen feet long (9' x 18') except that a parallel parking space, if authorized by the Commission, shall be at least eight feet wide by twenty-two feet long (8' x 22').
- b. In order for a parking space to be credited as a required space, it shall have access to a drive that meets at least the vehicular aisle width standard in the following table.
- c. Perpendicular parking (90 degrees) is encouraged. Parallel parking (0 degrees) should be avoided.



A	Parking angle	90°	60°	45°	30°	0°
B	Curb length	9'-0"	Parking stalls shall be 9' x 18'			22'-0"
C	Stall depth	18'-0"				8'-0"
D	Vehicular aisle width – Two-way circulation	24'-0"	24'-0"	24'-0"	24'-0"	24'-0"
D	Vehicular aisle width – one-way circulation	24'-0"	18'-0"	13'-0"	11'-0"	15'-0"

**4. Internal Circulation -**

- a. Adequate ingress and egress to an off-street parking area or facility shall be provided for all vehicles by means of clearly limited and defined drives.
- b. Collector drives distributing traffic to feeder drives and giving access to emergency vehicles shall be no less than thirty (30) feet in width and shall provide continuous circulation.
- c. Feeder drives servicing adjoining parking areas shall be no less than twenty-four (24) feet in width when serving perpendicular parking spaces or supporting two-way travel.
- d. In parking lots configured for one-way circulation, the Commission may allow feeder drives at lesser width for oblique parking configurations.
- e. Feeder drives longer than forty-five (45) feet shall provide continuous directional circulation.

## Section 5.C

### DEVELOPMENT STANDARDS

#### OFF-STREET PARKING AND LOADING

##### 5. Surfacing and Drainage -

- a. All parking spaces, loading facilities, and access roadways shall have at least eight inches (8") of process stone and two-and-a-half inches (2.5") of bituminous concrete as surface treatment unless the Commission allows or requires an alternative surface treatment for promoting "low impact development" (LID) strategies (see Section 5.E of these Regulations) or allows some other surface treatment which, in the opinion of the Commission, will provide an adequate all-weather surface with proper drainage.
- b. Parking facilities shall be so graded and drained as to dispose of all surface water accumulation within the area or facility. No surface water from any off-street parking or loading area shall be permitted to drain onto adjoining property unless express approval therefore has been obtained from the property owner or authority exercising jurisdiction over such property.

##### 6. Landscaping -

- a. Any off-street parking or loading area or facility shall be effectively screened on each side which adjoins or faces premises situated in any residential zone, or premises used for residential purposes in any zone, by a fence of acceptable design, wall or compact hedge as approved by the Planning and Zoning Commission.
- b. Any landscaping required herein shall be integrated with any other landscaping required or provided for other portions of the parking area or facility.
- c. All landscaping, whether required or not by these Regulations, shall be properly installed and maintained on a year-round basis.
- d. All landscaping shall conform to Section 5.D of these Regulations.
- e. All waste and recycling containers, utility fixtures such as propane tanks, and similar fixtures, shall be screened from adjacent properties and views from public rights-of-way. If the areas are visible from adjacent properties or rights-of-way, the area shall be screened with materials that are compatible with the material of the principle building. Otherwise the Commission may approve a wooden fence and landscape treatment.

##### 7. Lighting -

- a. The Planning and Zoning Commission may require that an off street parking or loading area or facility be properly lighted because of its size, layout, location or the particular use served by the off street parking or loading area or facility.
- b. Lighting shall be in accordance with Section 5.F of these Regulations.
- c. All utility lines for parking lot lighting shall be underground.

##### 8. Other Requirements -

- a. All off-street parking spaces and means of ingress and egress shall be laid out on the parking surface with paint or plastic striping which shall provide a permanent delineation between spaces, drives and surrounding structures, uses and land.
- b. All fire lanes and handicapped spaces shall be marked by vertical signs.

#### **5.C.6 COMPLETION AND MAINTENANCE**

1. All parking must be completed in compliance with these Regulations or guaranteed by provision of a financial guaranty prior to issuance of a Certificate of Occupancy.
2. The requirement for the provision and maintenance of off-street parking spaces and off-street loading spaces (including line striping, pavement condition, clearing of debris, adequate drainage, etc.) shall be the continuing obligation of the owner of the real estate on which any structure or use is located as long as such structure or use is in existence and its requirement for off-street parking and/or off-street loading spaces continues.
3. It shall be unlawful for an owner of any structure or use affected by these parking Regulations to discontinue, change or dispense with, or to cause the discontinuance or change of the required off-street parking and/or loading spaces apart from the provision of alternative off-street parking and/or loading spaces which meet the requirements of and are in compliance with these Regulations.

## Section 5.D

### DEVELOPMENT STANDARDS

#### LANDSCAPE AND BUFFER REGULATIONS

## 5.D. LANDSCAPE AND BUFFER REGULATIONS

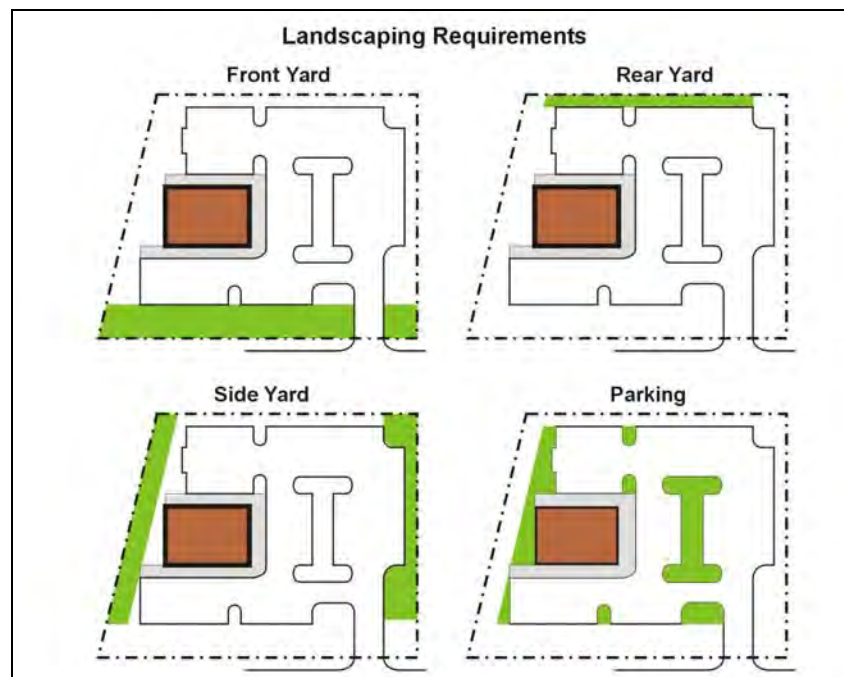
### 5.D.1 PURPOSE

These landscaping regulations are adopted for the purpose of protecting property values by preserving existing vegetation and planting of new materials; providing privacy from visual intrusion, light, dirt, and noise; preventing the erosion of soil; providing water recharge areas; and improving the quality of the environment and attractiveness of the Town of Hebron.

### 5.D.2 LANDSCAPING REQUIREMENTS

#### 5.D.2.1 GENERAL REQUIREMENTS

1. Existing plant materials may be used to meet all or part of these landscape and buffer regulations.
2. Existing trees in good condition over 12 inches in caliper shall be preserved unless approved for removal by the Zoning Enforcement Officer.
3. Non-native invasive plant species as identified by the State of Connecticut Department of Energy and Environmental Protection shall not be permitted as part of any landscaping plan approved by the Commission.
4. On all Site Plan and Special Permit applications submitted to the Commission, the landscaping shall be subject to the design guidelines incorporated in Section 5.A of these Regulations.





5. As used in this Section:
  - a. canopy trees shall be deciduous shade trees planted at three inches (3") in caliper with a mature height of at least 35 feet.
  - b. understory trees shall be deciduous shade or fruit trees planted at 2 inches (2") in caliper with a mature height of at least 12 feet.
  - c. evergreens shall be coniferous species planted at six feet (6') in height.
  - d. shrubs shall be either deciduous species planted at 2 1/2 feet (2.5') in height with a mature height of at least six feet (6') or coniferous species planted at 2 1/2 feet (2.5') in spread.

#### **5.D.2.2 OVERALL LANDSCAPED AREA REQUIREMENTS**

1. Any lot developed for business or industrial use shall provide landscaped areas on site, which are in the aggregate, at least 25% of the total lot area. On such lots that are smaller than one acre, the Commission may require landscaped areas on the site, which are in the aggregate, up to 15% of the total lot area.
2. Any lot developed for a Special Permit use in a residential district shall provide landscaped areas on site, which are in the aggregate up to 10% of the total lot area dedicated to such Special Permit use.

#### **5.D.2.3 PERIMETER LANDSCAPED AREA REQUIREMENTS**

1. **Front Yard -**
  - a. Any lot developed for commercial or industrial use shall provide a landscaped area adjacent to the street which is not less than the width specified in the table below:

<b>Zone</b>	<b>Width</b>
Hebron Green (HG)	20 feet (unless a lesser width results from the determination of the maximum building setback)
Amston Village (AV)	20 feet
Neighborhood Commercial (NC)	20 feet
Main Street (MS)	30 feet
Commercial – Technology (CT)	50 feet

- b. The Commission may reduce or eliminate the front yard landscaped area requirement when parking is located behind the building and when the requirement will prevent the building being moved closer to the street to create or enhance a pedestrian-friendly environment, and/or for excellence in building and site design.
    - c. The front yard landscaped area shall contain at least one shade tree at least 3 inches in caliper for each 50 feet or part thereof of street frontage. Through lots shall be considered to have two frontages.

## Section 5.D

### DEVELOPMENT STANDARDS

#### LANDSCAPE AND BUFFER REGULATIONS

##### 2. Side/Rear Yards -

- a. Any lot developed for commercial or industrial use shall provide a landscaped area along side and rear lot lines at least 10 feet wide with one shade tree at least 3 inches in caliper for each 50 feet or part thereof of such lines.
- b. In addition, 50% of the landscaped side yards shall be in landscaped areas at least 25 feet wide. The Commission may modify this requirement for excellence in landscaping on other parts of the site. On such lots that are smaller than one acre, the Commission may require a landscaped area along side and rear lot lines up to 6 feet wide with one shade tree for each 40 feet or part thereof of such lines.

#### 5.D.2.4 PARKING LOT LANDSCAPED AREA REQUIREMENTS

1. Any lot which contains parking facilities for more than ten cars shall also provide landscaped areas within the parking lot equal to at least 20% of the gross parking lot area. The applicant shall provide calculations verifying compliance with this Section.
2. This landscaped area requirement shall be provided by landscaped end islands and landscaped center islands within the parking area, which are designed and located to minimize the unattractiveness of parking lots. Such landscaped end and center islands shall be aggregated into larger areas within the parking lot rather than dispersed, with each such area having a 20 feet minimum width and length. One deciduous shade tree at least 3 inches in caliper shall be planted within the landscaped areas for each 10 parking spaces.

**5.D.2.5 LANDSCAPED BUFFER REQUIREMENTS**

Landscaped buffers shall be provided where required below except that building lots smaller than one acre may, by Special Permit, be exempted from the strict buffer dimensions for excellence in building and site design.

1. Within the R-1, R-2, and AL Districts, any Special Permit use shall provide a minimum 15 foot landscaped buffer between the same and the property line of any adjoining premises that is zoned or used for residential purposes conforming to the standards of Section 5.D.
2. Within the Hebron Green (HG), Main Street (MS), Village Square (VS), Neighborhood Convenience (NC), Amston Village (AV), and Commercial-Technology (CT) Districts, there shall be a landscape buffer area of the specified minimum width between any development in the district and the zoning district line of any adjoining **residential** district conforming to the standards of Section 5.D.

Zone	Buffer To An Adjoining Residential District
Hebron Green (HG)	30 feet
Main Street (MS)	30 feet
Village Square (VS)	50 feet
Amston Village (AV)	30 feet
Neighborhood Convenience (NC)	30 feet
Commercial – Technology (CT)	75 feet

3. Landscaped buffers, whether required by this Section or by another section of these Regulations, shall be at least the width specified in the referring Section of these Regulations and shall conform to the standards below:

Buffer Type	
Bermed Buffer	An earthen berm 5 feet in height and 30 feet wide at its base planted at the rate of 4 canopy trees, 8 understory trees, and 8 shrubs per 100 feet of berm length
Conifer Buffer	A landscaped area planted at the rate of 18 conifers and 9 shrubs per 100 feet of buffer length

## Section 5.D

### DEVELOPMENT STANDARDS

#### LANDSCAPE AND BUFFER REGULATIONS

##### 5.D.2.6 VARIATIONS TO LANDSCAPE REQUIREMENTS

1. **Additional Landscaping** - The Commission may require additional landscaping or more mature plantings when unusual conditions require more extensive screening, or for noise abatement to prevent the depreciation of adjoining residential properties.
2. **Reduced Landscaping** - The Commission may reduce the landscape requirements by not more than 25% for excellence in building or space design. The Commission shall consider, among other features, the site characteristics, compatibility of proposed structures with surrounding architectural types, quality of building materials and the size and quality of landscape materials.

##### 5.D.3 OTHER REQUIREMENTS

1. All landscaping must be completed in compliance with these Regulations or guaranteed by provision of a financial guaranty prior to issuance of a Certificate of Occupancy.
2. The requirement for the provision of landscaping shall be the continuing obligation of the owner of the real estate on which any structure or use is located as long as such structure or use is in existence and its requirement for landscaping continues.
3. **Landscape plans** -
  - a. Landscape plans shall include a plant list, with plant names, quantities, size at planting, and size when mature.
  - b. Typical sections may be shown.
  - c. Existing planting shall be identified on the plan.

## **5.E. STORMWATER MANAGEMENT**

### **5.E.1 PURPOSE AND INTENT**

This Section of the Regulations is intended to:

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

### **5.E.2 APPLICABILITY**

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

#### **Low Impact Development Approaches**

**Infiltration Basins**



**Bio-Swale and Rain Garden**



**Pervious Surfaces**



## Section 5.E

### DEVELOPMENT STANDARDS

#### STORMWATER MANAGEMENT

##### 5.E.3 REQUIREMENTS

1. The applicant shall consider the use of low impact development (“LID”) and runoff reduction site planning and development practices prior to the consideration of other stormwater management practices.
2. The applicant shall consider the following watershed protection elements:
  - a. minimize the amount of impervious surfaces (roads, parking lots, roofs, etc.);
  - b. preserve, protect, create and restore ecologically sensitive areas that provide water quality benefits and serve critical watershed functions;
  - c. implement stormwater management practices that prevent or reduce thermal impacts to streams, including requiring vegetated buffers along waterways, and disconnecting discharges to surface waters from impervious surfaces such as parking lots;
  - d. seek to avoid or prevent hydro-modification of streams and other water bodies caused by development, including roads, highways, and bridges;
  - e. implement standards to protect trees, and other vegetation with important evapotranspirative qualities; and
  - f. implement policies to protect native soils, prevent topsoil stripping, and prevent compaction of soils.
3. The design and operation of a stormwater management system shall be in accordance with the Connecticut Stormwater Quality Manual (CSQM), as amended, especially with regard to:
  - a. Chapter 7 – Hydrologic Sizing Criteria For Stormwater Treatment Practices;
  - b. Chapter 9 – Developing A Site Stormwater Management Plan; and
  - c. Chapter 11 – Stormwater Treatment Practice Design Guidance.
4. Unless modified by the Commission as provided in Section 5.E.4 below, any development shall implement the following provisions of Chapter 7 of the Connecticut Stormwater Quality Manual (CSQM), as amended:
  - a. Pollutant Reduction (CSQM Section 7.4);
  - b. Groundwater Recharge and Runoff Volume Reduction (CSQM Section 7.5); and
  - c. Peak Flow Control (CSQM Section 7.6) for the 10-year, 25-year, and 100-year storm events.
5. For development of new sites and redevelopment of existing sites resulting in Directly Connected Impervious Area (DCIA) of forty percent or more:
  - a. one-half (50%) of the water quality volume for the site shall be retained on-site; or
  - b. in cases where one-half (50%) of the water quality volume cannot be retained, the Commission may, in accordance with Section 5.E.4, approve an alternate retention/treatment standard where the applicant:
    - submits a report detailing the factors limiting the accomplishment of this standard;
    - demonstrates that the runoff volume has been retained to the maximum extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice; and
    - a drainage improvement is made elsewhere to accomplish the water quality volume standard or a fee is deposited into a dedicated Town account for to fund the retrofit of DCIA elsewhere.

6. For development of new sites and redevelopment of existing sites resulting in Directly Connected Impervious Area (DCIA) less than forty percent:
  - a. the entire water quality volume for the site shall be retained; or
  - b. in cases where the entire water quality volume cannot be retained, the Commission may, in accordance with Section 5.E.4, approve an alternate retention/treatment standard where the applicant:
    - submits a report detailing the factors limiting the accomplishment of this standard; and
    - demonstrates that the runoff volume has been retained to the maximum extent achievable using control measures that are technologically available and economically practicable and achievable in light of best industry practice.
7. If and where appropriate, the Commission may accept or require:
  - a. a drainage improvement elsewhere to accomplish the water quality volume standard; or
  - b. a fee that will be deposited into a dedicated Town account to fund the retrofit of DCIA elsewhere.
8. Every application subject to the provisions of this Section shall provide and comply with a long-term maintenance plan and schedule to ensure the performance and pollutant removal efficiency of privately-owned retention ponds, detention ponds and other stormwater basins that discharge to or receive discharge including short-term and long-term inspection and maintenance measures to be implemented by the private owner and such written narrative, schedule and plan shall be in accordance with:
  - a. the CSQM, as amended;
  - b. any Stormwater Management Plan established for the Town of Hebron in accordance with the requirements of the "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems" as issued by the Connecticut DEEP; and
  - c. the "Connecticut Guidelines for Soil Erosion and Sediment Control", as amended, .

#### **5.E.4 MODIFICATIONS**

The Commission may modify the requirements of this Section provided:

1. adequate information has been submitted by the applicant to evaluate the request and the Town Engineer has provided a positive recommendation regarding the modification; or
2. the proposal falls below the thresholds identified in CSQM Section 9.1.

**Section 5.F**  
**DEVELOPMENT STANDARDS**  
**OUTDOOR LIGHTING**

## **5.F. OUTDOOR LIGHTING**

### **5.F.1 PURPOSE AND INTENT**

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

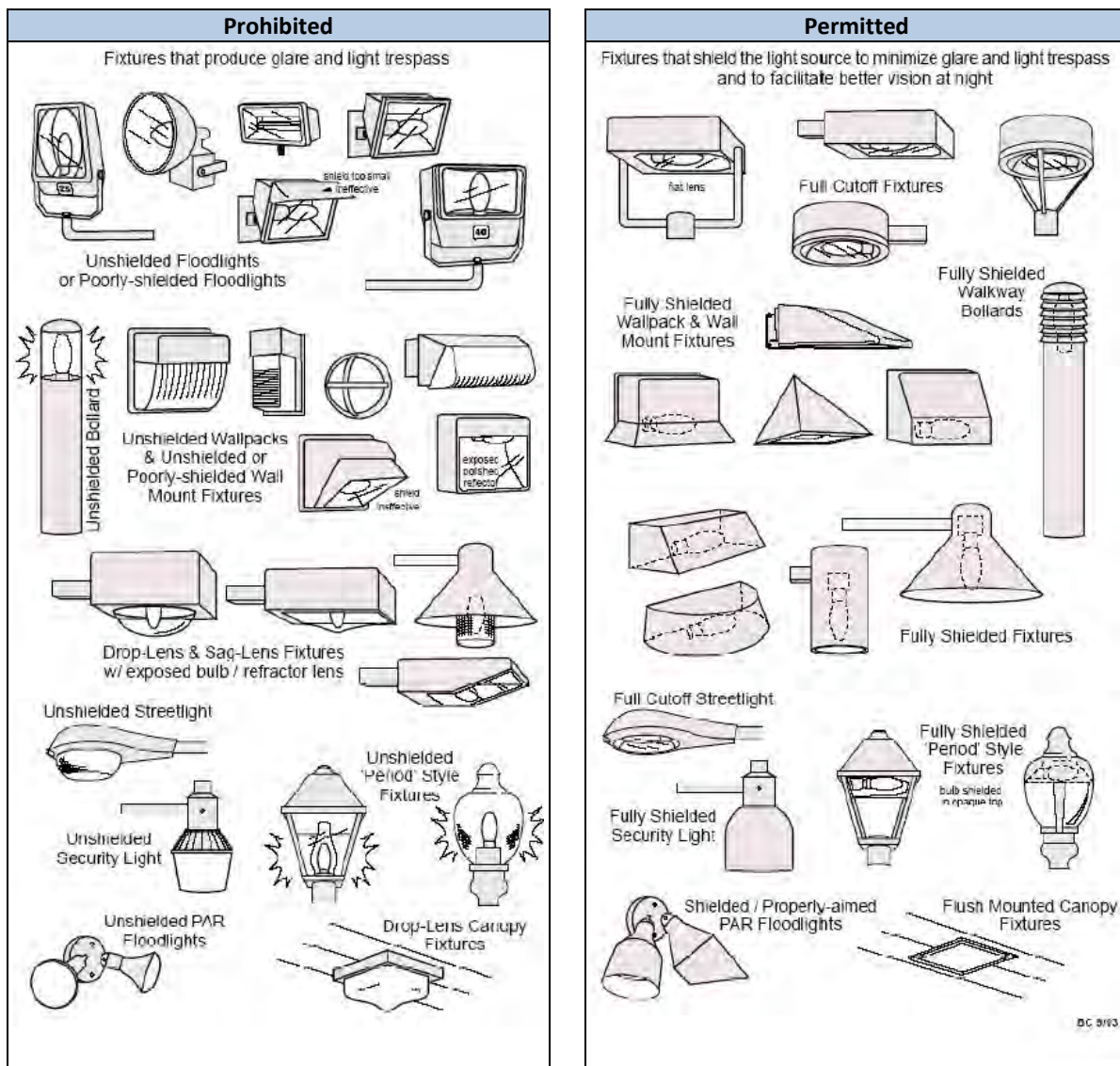
### **5.F.2 STANDARDS**

1. Each Site Plan shall be accompanied by a proposed Lighting Plan providing: location of all fixtures, proposed light-levels in foot-candles, details of all light poles and fixtures, lamp type and wattage.
2. Outdoor lights and illuminated signs shall be designed, located, installed, shielded and directed to prevent direct light at (and glare across) the abutting property lines and the public right-of-way or street.
3. In order to provide adequate lighting for public safety, a minimum of one-half foot-candles at ground level throughout the parking lot shall be provided in Business and Industrial Districts, and a minimum of 0.2 foot-candles in parking lots in Residential districts.
4. In order to preserve energy and to avoid excessive distraction, six foot-candles at ground level shall not be exceeded except where through a Special Permit Application the Commission determines that public safety or a unique use (e.g., gasoline filling station pump islands or car dealerships, etc.) requires a higher intensity, and where the Commission finds that the proposed light intensity is compatible with surrounding land uses and their existing lighting plans.
5. The Commission may modify a lighting plan to avoid lighting hot spots or dark areas of the parking lot, or to achieve a uniformity ratio of lighting approximating 4:1.
6. Lighting from a parking lot area shall not direct light beyond the property limits greater than 0.5 foot-candles.
7. Outdoor lighting shall be:
  - a. full cut-off type luminaires or light fixtures that by design of the housing do not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the light fixture; and
  - b. in all Residential zones and in all areas adjacent to residential property, no externally-mounted, direct light source directed towards the property line shall be visible at the property line at or above ground level.
8. Outdoor lighting fixtures shall be limited to a maximum of 14 feet in height, unless in unique circumstances a taller light pole is otherwise approved in Industrial zones by the Commission through a Special Permit application.



**Section 5.F**  
**DEVELOPMENT STANDARDS**  
**OUTDOOR LIGHTING**

9. Light standards within parking areas shall be located within curbed planted islands and recessed three feet from curbs to avoid potential contact by vehicles unless otherwise approved by the Commission in Industrial District in locations not visible from the street right-of-way.
10. The use of utility poles located in rights of way to illuminate adjacent sites is prohibited.
11. LED bulbs and other energy efficient light fixtures are recommended.
12. Lighting designed to highlight flagpoles shall be low level and shall be targeted directly at the flag.
13. Where necessary, lighting for site security may be configured for motion or infrared sensor operation.



**Section 5.F**  
**DEVELOPMENT STANDARDS**  
**OUTDOOR LIGHTING**

**5.F.3 EXEMPTIONS AND MODIFICATIONS**

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

## **5.G. PEDESTRIAN AND BICYCLE ACCOMMODATIONS**

### **5.G.1 PURPOSE**

The purpose of this Section of the Regulations is to promote and support access by pedestrians and bicycles throughout the community.

### **5.G.2 APPLICABILITY**

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

### **5.G.3 PEDESTRIAN DESIGN STANDARDS**

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

### **5.G.4 BICYCLE DESIGN STANDARDS**

1. Convenient and appropriate bicycle parking facilities shall be provided as part of any new construction, changes of use, or substantial improvements.
2. Bicycle parking facilities shall be provided in the ratio of 1 bicycle parking place for every 20 parking spaces, or portion thereof, required under Section 5.C.
3. Such bicycle parking spaces shall be located near each main building entrance, and in an area that is highly visible.

## Section 5.H

### DEVELOPMENT STANDARDS

#### SOIL EROSION AND SEDIMENTATION CONTROL

## 5.H. SOIL EROSION AND SEDIMENTATION CONTROL

### 5.H.1 PURPOSE

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

### 5.H.2 EXEMPTIONS

1. The provisions of this Section shall not apply to single-family homeowners engaged in activities incidental to the maintenance or improvement of their premises, such as home gardening or landscaping, unless it affects wetlands or watercourses.
2. Farming and the growing of nursery stock shall be exempt from the requirements of this Section provided that such farming and nursery operations are conducted in accordance with accepted soil conservation practices and agricultural best management practices as promulgated by the Connecticut Department of Agriculture.

### 5.H.3 STANDARDS AND GUIDELINES

1. All development and redevelopment activities shall implement “best management practices” to prevent and minimize soil erosion and sedimentation.
2. Soil erosion and sedimentation control measures appropriate to the circumstances shall be installed prior to the commencement of development or redevelopment activities.
3. Such soil erosion and sedimentation control measures shall be installed in accordance with the standards and specifications of the “Connecticut Guidelines for Soil Erosion and Sediment Control”, as amended.
4. All soil erosion measures and facilities shall be periodically inspected and regularly maintained so as to ensure proper performance.
5. Land disturbance shall be kept to a minimum and, where feasible, natural vegetation shall be retained, protected, and supplemented across the site.
6. When necessary, the stripping of vegetation, regrading, or other development shall be done in a way that will minimize erosion.
7. Acceptable temporary measures, both natural and manmade, shall be used to protect exposed or disturbed areas during development.
8. In disturbed areas, the duration of exposure shall be kept to a minimum with permanent vegetation and structural erosion control measures installed as soon as possible.

## Section 5.H

### DEVELOPMENT STANDARDS

#### SOIL EROSION AND SEDIMENTATION CONTROL

9. Temporary vegetation should be planted if an area is to be stripped for a long period of time.
10. Sediment in the run-off water shall be kept at a minimum using such measures as diversions, vegetation, debris basins, sediment basins, hay bale dams, silt fences, silt traps or similar measures, which measures shall be detailed in the soil erosion and sedimentation plan submitted.
11. Storm drain inlets and outlets shall be adequately protected and maintained to minimize intrusion of sediment and storm water velocities shall be kept low by keeping slope lengths short and gradients low.
12. Cut and fill slopes shall not endanger adjoining properties and shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing as approved by the Commission.
13. Fill shall not encroach on water sources and watercourses; vehicular traffic shall not be allowed to cross running streams except by bridges or culverts of approved design.

#### 5.H.4 ENFORCEMENT

1. The Commission or its designated agent is hereby authorized to make periodic inspections of the soil erosion and sediment control measures on any site under development or redevelopment.
2. In the event a development or redevelopment results in erosion, siltation or sedimentation problems, the Commission or its authorized agent is hereby authorized to require:
  - a. the owner or developer engaged in such project to cease and desist from activities resulting in erosion, siltation or sedimentation;
  - b. immediate temporary remedial measures to be instituted; and/or
  - c. preparation and submittal of a remedial plan showing permanent corrective action followed by implementation and maintenance of such plan as approved by the Commission.
3. If a developer fails to implement the Control Plan in a timely manner, the approved plan shall be subject to revocation by the Commission.
4. Soil erosion and sediment control measures may be required to provide a financial guaranty as part of any development project in accordance with Section 7.H.12.
5. Nothing in this Section is intended to limit the powers of enforcement afforded to the Zoning Enforcement Officer by these Regulations and CGS 8-12.

## Section 5.I

### DEVELOPMENT STANDARDS ACCESS MANAGEMENT

## 5.I. ACCESS MANAGEMENT

### 5.I.1 PURPOSE

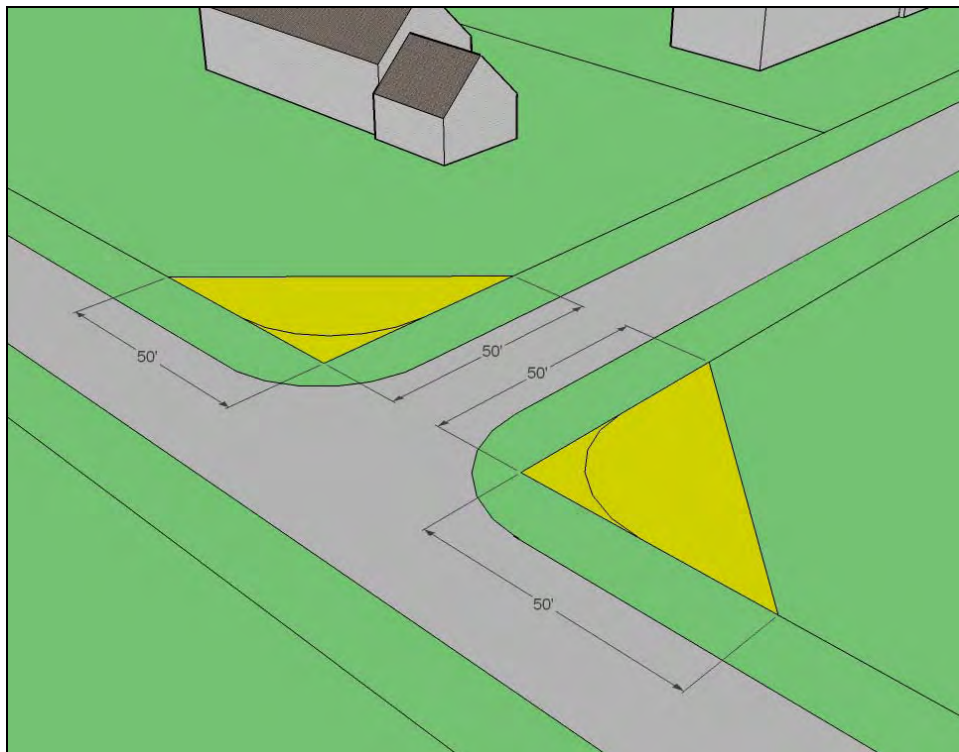
This Section is intended to control the number, size, and location of driveways and access points, especially those that front on heavily trafficked roads and state highways, while allowing proper and adequate access to and from premises along such thoroughfares in order to promote overall traffic control,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

### 5.I.2 GENERAL PROVISIONS

1. In reviewing proposed developments, the Commission and/or its designated agent shall review road layout, parking layout and configuration, traffic circulation within the site, the number and location of access points to and from the site, and the nature and type of traffic circulation on adjacent roadways to ensure that public safety and welfare is promoted with the greatest efficiency.
2. In reviewing existing and future curb cuts, the following guidelines shall be considered:
  - a. the number of site access points should be limited;
  - b. no exit from or entrance to an off-street parking facility shall be laid out or maintained as to constitute or create a traffic hazard or nuisance;
  - c. not more than one curb cut per lot (or per each street frontage for corner lots) shall be allowed onto the adjacent street system, unless specifically authorized by the Commission to improve overall traffic circulation and safety;
  - d. internal connections between adjacent properties in the same Zoning District and the combination of access/egress driveways serving adjacent properties may be required by the Commission whenever practicable to minimize the traffic impact on adjacent streets;
  - e. curb cuts should generally be located opposite existing streets and/or major driveways; and
  - f. driveway closures should not restrict internal site circulation.
3. Where street geometry, traffic volumes or traffic patterns warrant, the Commission may:
  - a. limit the number of driveways that serve a specific site;
  - b. designate the location of any driveway;
  - c. require the use or provision of a shared driveway with associated easements that exists on abutting property in lieu of having a separate curb cut onto a road or street; and/or
  - d. limit access to a major street and/or require access from a minor street.
4. As part of application approval, the Commission may require:
  - a. the establishment of mutual driveway or other easements to provide a single point of access for two or more abutting properties in a location acceptable to the Commission and the Traffic Authority;
  - b. the wording of such easements as shall be acceptable to the Commission and the Town Attorney; and/or
  - c. the filing of such easements on the land records in favor of the abutting property owners and/or the Town.

## **5.J. VISIBILITY AT INTERSECTIONS**

1. No wall, fence, structure, planting or other obstruction to vision shall be erected, maintained, placed or planted on any lot which unreasonably or dangerously obstructs or interferes with visibility of drivers of vehicles on a curve or at any street intersection.
2. No wall, fence, structure, planting or other obstruction to vision more than two feet (2') in height above the street grade shall be erected, maintained, placed or planted within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which points is fifty (50) feet distant from the point of intersection.



## **5.K. STORAGE AND DISPLAY OF GOODS AND MERCHANDISE**

1. Outside storage and/or display of goods and merchandise may be permitted in locations shown on an approved Site Plan and approved by the Commission as follows:
  - a. the storage and/or display shall only be permitted in a business zoning district;
  - b. the storage and/or display shall only include finished products for sale or for rent;
  - c. the goods and merchandise may only be stored and/or displayed:
    - under a porch attached to the principal building;
    - not under a roof but located within five (5) feet of the building; and
    - in a location specifically approved by the Commission and shown on a map on file at Town Hall.



**Section 5.L**  
**DEVELOPMENT STANDARDS**  
**DRIVEWAYS**

## 5.L. DRIVEWAYS

1. Driveways shall be designed and constructed in accordance with Section 13.10 of the Hebron Public Improvement Specifications.
2. Residential driveways shall be designed and constructed in accordance with the following design standards:

	For Driveway Or Portion Serving One Or Two Lots	For Driveway Or Portion Serving Three Or More Lots
Minimum driveway width	10 feet	N/A
Minimum driveway width for a rear lot or a shared driveway	12 feet	14 feet plus 2-foot shoulders on each side underlain by 8 inches of process aggregate
Maximum driveway grade	12 percent	12 percent
Maximum driveway grade within public ROW	3 percent	3 percent
Paved apron (10') within public ROW	Required	Required
Paved when grade exceeds:	10 percent	10 percent
Curbing may be required when grade exceeds:	8 percent	8 percent
Passing area required when driveway length or any portion exceeds:	800 feet	800 feet
Minimum ROW width if rear lot	40 feet	40 feet

3. Any culvert or bridge on a driveway shall be designed and constructed to carry the weight of emergency vehicles (including water supply trucks) unless modified by the Commission.
4. Where necessary, stormwater conveyance measures (including curbing, catch basins, piping, drainage swales, etc.) may be required to prevent stormwater impacts to town roads or to adjacent properties.
5. Any driveway shall intersect the street as close to perpendicular as practicable.
6. All gravel driveways shall have a minimum of an 8 inch process aggregate base; and, paved driveways shall have a minimum of two inches, after compaction, of Class II bituminous concrete over the 8 inch process aggregate base.
7. Due to the length of the driveway, the Commission may require a turnaround for emergency vehicles on driveways over 800 feet in length based on topography and site specific conditions.
8. A shared driveway agreement by the owner and all holders of easements for such driveway shall be prepared for review by the Town Attorney and shall be filed on the land records for all lots prior to the issuance of a Zoning Permit.



## **5.M. EARTHWORK OPERATIONS**

### **5.M.1 PURPOSE**

This Section is designed to regulate the excavation and filling of earth materials such that the activity does not pose a threat to the public's health, safety and welfare. This Section further is intended to conserve and preserve water storage areas, assure erosion and sedimentation is minimized, water pollution is prevented, hazards inherent to open pits and steep slopes of loose earth are prevented, such nuisances as excess or uncommon traffic, noise, odor, dust are minimized, visual blight is controlled, the productive usage of land is maintained and the cultural and natural values and heritage of Hebron are not lost.

### **5.M.2 APPLICABILITY**

The excavation and/or filling of earth materials is an activity which may be permitted in any zoning district subject to the granting of a Special Permit by the Commission except that the following operations are exempt from these Regulations:

1. Excavation and/or filling operations within the legal highway rights-of-way held by either the State of Connecticut or the Town of Hebron or those otherwise approved by the Planning and Zoning Commission as part of a Subdivision or Site Plan Approval.
2. Excavation and/or filling operations within a premise as directed and approved by the Zoning Enforcement Officer as a result of bona-fide construction operations, such as building erection, for which operation a Building Permit has been issued by the Building Official. Such excavation and/or filling operations shall be restricted to those reasonably necessary and incidental to such construction operations, with the minimum necessary disturbance to the natural topography.
3. Excavation and/or filling operations completely within a premise as a result of bona-fide landscaping, agriculture, or construction for which operation no permit is required from the Building Official, or Zoning Enforcement Officer, provided no such operation shall result in removal, filling in, or grading of more than six hundred (600) cubic yards of earth products for each individual premises (a parcel of land under one ownership upon which exists a principal use).

## Section 5.M

### DEVELOPMENT STANDARDS EARTHWORK OPERATIONS

#### 5.M.3 PERMIT PARAMETERS

1. A Special Permit granted under the provisions of these Regulations shall remain in force for a period of one year.
2. As part of any Special Permit approval or renewal, the Planning and Zoning Commission may stipulate such restrictions as appear reasonable to protect the rights of individuals, property values in the area, the public health, safety and welfare.
3. As part of granting any Special Permit approval under this Section of the Regulations, a financial guaranty in form and amount acceptable to the Commission shall be provided by the applicant in accordance with Section 7.H.13 and:
  - a. such financial guaranty shall be accompanied by an agreement which, among other things, shall grant the Town the right of access to the property to perform all necessary rehabilitation of the property in the event of forfeiture of the financial guaranty and/or failure to complete the work;
  - b. the amount of the financial guaranty shall be not less than three thousand (\$3,000) dollars for each acre to be excavated;
  - c. such financial guaranty shall be assigned exclusively to the Town of Hebron assuring satisfactory compliance with this Regulation and any conditions imposed by the Commission in the interests of safeguarding the area and the Town against injury; assuring proper future use of the land after completion of operations or to control the transportation of such material through the Town; and
  - d. such financial guaranty shall be retained by the Town and shall not be released until sufficient time has elapsed to ascertain that all slopes have stabilized, that vegetation planted has successfully been established, that drainage is operating satisfactorily and that all operation and restoration standards have been met.
4. Operations exceeding one year in duration shall need to:
  - a. reapply for Special Permit renewal; and
  - b. submit information showing the nature and extent of excavation and filling and restoration work, which has been completed
5. No permit shall be renewed if it is apparent there are substantial, outstanding violations of any condition of the permit for which renewal is sought.
6. If within thirty (30) days of expiration of a Special Permit, no application for permit renewal has been received by the Planning and Zoning Commission or the request for permit renewal has been denied or the permit has been revoked, the operation shall be deemed completed and the standards for site restoration shall apply.
7. Upon failure to comply and forfeiture of the financial guaranty, monies therefrom shall be utilized by the Town for the purpose of fulfilling these requirements.

## **5.M.4 STANDARDS**

### **5.M.4.1 OPERATION STANDARDS**

1. **Site Size -**
  - a. No excavation or filling operation shall encompass more than (5) acres of active operations at any one time.
  - b. Operations, which would encompass a total of more than five (5) acres, shall not be issued a permit unless and until a comprehensive phased removal and restoration plan has been submitted and approved.
2. **Horizontal Set Backs -**
  - a. No portion or phase of any excavation or filling operation shall occur within one hundred (100) feet of any property boundary, public road, utility right-of-way or high water line of natural watercourses.
  - b. Natural vegetation shall be maintained on this undisturbed land for screening, dust and noise control purposes.
3. **Access Roads -**
  - a. All access roads shall be properly bound so as to provide a durable and dustless surface for a minimum distance of five hundred (500) feet from any public road.
  - b. Further, access roads shall be constructed at an angle to public roads or with a curve to screen the operation from public view.
4. **Buildings, Structures, Machinery And Equipment -**
  - a. No building, structure, fixed machinery or equipment shall be located within three hundred (300) feet of any residential district.
  - b. All buildings, structures, fixed equipment and machinery shall be properly maintained and operated in such manner as to minimize noise, odor, dust, unsightly conditions and any other nuisance.
  - c. Any building, structure, fixed equipment or machinery that has not been used for one continuous year shall be removed from the premises or within sixty (60) days of expiration of the Special Permit or termination of the excavation and/or filling operation.
5. **Operating Hours -**
  - a. Operating hours for excavation and/or filling shall be restricted to week days, between the hours of 7 A.M. and 6 P.M.
  - b. At other hours, road access to the site shall be barred through the use of a locked gate.
6. **Drainage / Erosion -**
  - a. Proper drainage at all stages of the operation shall be maintained to prevent: stagnation of water, interference with or disturbance of natural water flow; slope and stream erosion; sedimentation; or other harmful effects to adjoining properties or the future use of the premises.
  - b. Erosion by wind and water shall be controlled at all storage areas, yards, access roads, untreated open areas and during transport of earth materials on public roads.
7. **Vertical Setback -**
  - a. No excavation operation shall remove earth materials closer than four feet to the spring high water table.
  - b. This vertical separating distance shall be maintained during and following cessation of the excavation operation and shall be shown on the proposed site plan.

## Section 5.M

### DEVELOPMENT STANDARDS

#### EARTHWORK OPERATIONS

##### 5.M.4.2 RESTORATION STANDARDS:

1. **Restoration Plan Required -**
  - a. Any application to the Commission for an excavation or filling operation shall include a restoration plan showing how the site will be restored upon completion of the operation with stable slopes and adequate vegetated cover suitable for future use in compliance with the requirements of the zoning district .
2. **Final Slopes -**
  - a. Within thirty (30) days of completion of an excavation and/or filling operation, the final slopes of an area shall be created and maintained at a gradient of 3:1 (one (1) foot vertical rise in three (3) feet of horizontal distance).
3. **Debris -**
  - a. No debris, stumps, boulders, waste products or process residues shall be disposed of in any watercourse but shall be collected and disposed in a location approved by the Planning and Zoning Commission.
4. **Soil Cover -**
  - a. All topsoil shall be stripped from the operation area and stockpiled for use in restoring the area once the excavation and/or filling phase of the activity has been completed.
  - b. Within sixty (60) days of completion of an excavation and/or filling operation, a minimum of four (4) inches of topsoil shall be re-spread over the area and shall be lined, fertilized and seeded in accordance with recommendations of the Planning and Zoning Commission.
  - c. At the Commission's discretion, this requirement may be held in abeyance during the months of November, December, January and February, however, the un-restored slopes shall be appropriately stabilized until commencement of restoration activities in the month of April.

## 5.N. PERFORMANCE STANDARDS

1. All uses 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.
2. No use shall emit offensive odors perceptible from any property line of the lot on which the operation is located, and shall not emit noxious, toxic, or corrosive fumes or gases.
3. No use shall exhaust, or waste into the air, dust created by any industrial or other 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.
4. No use shall discharge smoke or other air contaminant 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.
5. All land uses, which produce, utilize or store hazardous materials as identified by state and federal sources, including Section 3001 of the Resource Conservation and Recovery Act of 1976, as may be modified, shall:
  - a. safely store, handle, transport, and dispose of all hazardous materials in accordance with current state and federal standards;
  - b. declare, as part of any Planning and Zoning Commission application, the nature of all hazardous materials involved, how any hazardous materials will be stored, produced, used, handled, disposed of, and transported to and from the premises, and the safeguards that will be utilized to prevent health and safety problems; and
  - c. prepare and submit a management plan outlining the applicant's compliance procedure with respect to the Federal Clean Air Act, Clean Water Act, OSHA, any other State or Federal Regulations, or Best Management Practices of the Connecticut Department of Energy and Environmental Protection relating to the handling or disposal of any hazardous wastes or materials.
6. All uses 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	Day	Night
• Where Adjoining Residence Zones	60 db(A)	50 db(A)
• Where Adjoining Other Zones	65 db(A)	65 db(A)

## Section 5.0

### DEVELOPMENT STANDARDS ALCOHOLIC BEVERAGES

## 5.0. ALCOHOLIC BEVERAGES

### 5.0.1 SALE OF OPEN ALCOHOLIC BEVERAGES

Liquor permits associated with the serving of open alcoholic beverages (such as at a restaurant, farm brewery, brew pub, hotel, motel, club, or golf course) may be permitted by Special Permit granted by the Planning and Zoning Commission when specifically permitted within the applicable zone and in accordance with the following requirements.

1. The retail sale of open alcoholic beverages shall be subordinate to the principal use.
2. The sale of open alcoholic liquors shall only be for consumption on the premises.
3. For a restaurant, the retail sale of open alcoholic beverages shall be subordinate to the principal use which shall be a restaurant providing table service with hot meals; and, where subordinate shall mean that no more than 20% of the floor area of the restaurant is devoted to a bar or cocktail lounge area.
4. For a restaurant or similar use, live or recorded entertainment shall cease no later than 1 A.M. Sunday through Thursday and 2 A.M. on Friday and Saturday, except that the Commission may further limit these hours where live or recorded entertainment has the potential to become a nuisance to the area.
5. For a restaurant, outdoor seating areas allowed only as specifically shown on a Site Plan and approved by the Commission and where the Commission may further restrict the hours noted in Section 5.0.1.2 in order to achieve compatibility with adjoining uses.
6. Walk-up windows and drive-through windows are prohibited at any facility selling open alcoholic beverages.
7. In determining the appropriateness of the use and if necessary, specifying a time limit, the Commission may consider the following conditions:
  - a. traffic safety;
  - b. density of similar establishments;
  - c. the size of the facility;
  - d. service of alcoholic liquor;
  - e. type of entertainment provided;
  - f. proximity to residences;
  - g. proximity to residential zone boundaries;
  - h. appropriateness of abutting land uses;
  - i. any proposed fencing or buffering;
  - j. architectural quality; and
  - k. details of the building and site.
8. The foregoing regulations set forth in this Section shall not be deemed to be retroactive, except that any location actually being used for the sale of open alcoholic liquors on the date of adoption of these Regulations, whether conforming or not to the provisions of these Regulations, and at which location said selling of alcoholic liquors is discontinued by the designated permittee for such location, shall not be permitted to again be used for the sale of alcoholic liquors except in conformity with the provisions set forth in this Section.

## **5.O.2 SALE OF UNOPENED ALCOHOLIC BEVERAGES**

Liquor permits associated with the sale of unopened alcoholic beverages for consumption off the premises (such as from a liquor store, package store, or grocery store) may be permitted when specifically permitted within these Regulations and when in accordance with the following requirements.

1. A Grocery Store permit for the sale of alcoholic beverages for off-premises consumption is permitted by Special Permit as an accessory use to a bona fide grocery store in the Main Street (MS), Village Square (VS), and Neighborhood Convenience (NC) Districts.
2. A Liquor Store permit or a Package Store permit is only permitted by Special Permit granted by the Planning and Zoning Commission.
3. The center of the main entrance of a liquor store or package store shall be at least one thousand (1,000) feet, measured by a straight line as established by the Planning and Zoning Commission, from the main entrance of any other such facility used for the sale of alcoholic liquors for consumption off the premise;
4. The center of the main entrance of the liquor store or package store shall be at least five hundred (500) feet, measured by a straight line as established by the Planning and Zoning Commission, from any part of any lot used for a college, school, place of worship, library, park or playground.
5. In determining the appropriateness of the use and if necessary, specifying a time limit, the Commission may consider the following conditions:
  - a. traffic safety;
  - b. density of similar establishments;
  - c. the size of the facility;
  - d. proximity to residences;
  - e. proximity to residential zone boundaries;
  - f. appropriateness of adjoining land uses;
  - g. any proposed fencing or buffering;
  - h. architectural quality; and
  - i. details of the building and site.
6. Sale of unopened alcoholic beverages may be permitted at a Farmer's Market in Hebron provided:
  - a. the grapes, grains, fruits, or ingredients used as the main ingredient in the winery, brewery, or distillery operation were grown in Connecticut or as otherwise permitted by State law;
  - b. the alcoholic beverage is produced in Connecticut; and
  - c. the winery, brewery, or distillery operation has obtained all required permits from the Liquor Control Division of the Connecticut Department of Consumer Protection.

## Section 5.0

### DEVELOPMENT STANDARDS

#### ALCOHOLIC BEVERAGES

##### 5.0.3 TEMPORARY LIQUOR PERMIT

1. A Special Permit for a temporary liquor permit may be granted in any zone provided:
  - a. the temporary liquor permit is for a non-profit or non-commercial organization;
  - b. the liquor permit is for one event of up to four (4) days duration;
  - c. a non-profit or non-commercial organization may apply for more than one such permit;
  - d. the initial approval for the event shall be granted by the Commission;
  - e. a Zoning Permit for the same event in subsequent years may be granted by the Zoning Enforcement Officer provided the event is substantially the same as originally approved by the Commission or is less intensive and further provided that the Zoning Enforcement Officer may choose to refer any renewal request to the Commission;
  - f. all applications shall submit a sketch of the event indicating where parking is located, where liquor and any food will be served, arrangements for sanitary facilities, etc.;
  - g. all applications shall be referred to the Police, Fire, Building, Planning, and, if food is to be cooked, Health; and
  - h. should the property change ownership, a new Zoning Permit must be sought from the Commission.
2. Temporary Liquor Permits associated with a Recreational Facility (as defined in these Regulations) in a Residence District may be permitted only as an accessory use by Special Permit issued to a non-profit organization subject to compliance with all applicable state statutes and regulations regarding the sale of alcoholic beverages and further subject to the following minimum requirements:
  - a. said Special Permit for a Temporary Liquor Permit may be approved for up to three events per calendar year, per property, where such event may be one day or multiple consecutive days as set forth in the Special Permit, and said Special Permit shall expire at the end of such event; reapplication for subsequent events in subsequent years shall require a new Special Permit application and approval by the Commission; and, for each application the Commission shall include, but not be limited to, consideration of the following criteria as part of their Special Permit review: the projected attendance for the event; the length of time of each event; and, the potential impacts on the surrounding neighborhood particularly from traffic and noise levels; and
  - b. the Special Permit application for such Temporary Liquor Permit for a Recreational Facility shall be accompanied by:
    - i. a Site Plan which shall show 1) the single proposed location where alcoholic beverage sales and consumption shall be conducted on the property, 2) the entire property and acreage, and 3) the nearest distance to property boundaries and to the nearest residential property;
    - ii. a detailed map of the enclosed area where sales and consumption of alcoholic beverages shall take place including serving area, seating layout, area for standing patrons, enclosures for the facility to prevent unauthorized access and security control; and
    - iii. a Narrative which shall include but not be limited to identification of the permittee, an explanation of the operation of the proposed use including the exact dates and hours of operation, the products intended for sale, the security plan as proposed, the training undertaken by servers, the capacity of the sales and consumption area, the plan to limit consumption in a manner that would be consistent with a Recreational Facility open to the general public, and any efforts to promote Connecticut grown and produced beverages.



- c. sales and consumption to be limited to beer and wine;
- d. sales are to be made only in an enclosed space used exclusively for the sale and consumption of food and beverages; and, consumption of alcoholic beverages shall occur only in such enclosed space;
- e. the sales and consumption shall operate only during limited hours defined in the Special Permit approved by the Commission; however in no event shall such sales commence earlier than noon on any day of operation and sales shall terminate no less than one hour prior to close of the Recreational Facility for the day;
- f. the area designated for sales and consumption shall have a controlled access point, monitored by the permittee and patrolled by police to insure that minors and intoxicated persons are denied entry;
- g. the applicant shall employ a sufficient number of uniformed police officers to oversee security and procedural enforcement of operational rules, regulations and protocol in such manner as the Hebron Police Chief shall determine is appropriate; and this enforcement plan shall be included in detail in the required "Narrative";
- h. prior to any favorable action on the application, at minimum the Commission shall receive comments and recommendations of the Hebron Fire Marshal and the Hebron Police Chief as to safety and security and operational control issues, but shall also reserve the right to request additional comment from other authorities as is deemed appropriate; and,
- i. the Recreational Facility shall be fully insured for any dram shop liability.

## Section 5.P

### DEVELOPMENT STANDARDS

#### WIRELESS TELECOMMUNICATION SITES

## 5.P. WIRELESS TELECOMMUNICATION SITES

### 5.P.1 PURPOSE

It is the purpose of this Regulation to enable the siting of commercial wireless telecommunication sites within the Town of Hebron while protecting neighborhoods and minimizing any adverse effects through careful design, siting and screening.

In Connecticut, certain telecommunication facilities may be regulated exclusively by the Connecticut Siting Council (CSC) or the Public Utilities Regulatory Authority (PURA).

**Connecticut Siting Council** - As provided in Chapter 277a of the Connecticut General Statutes (CGS Section 16-50g et seq.), the Connecticut Siting Council regulates telecommunications towers owned or operated by the state, a public service company, certified telecommunications provider or used in a cellular system including:

- a. establishment of new towers (or built to support telecommunications antennae),
- b. co-location of new antennae on existing CSC-regulated towers,
- c. modification of approved CSC-regulated towers; and
- d. applications to attach small cell antenna systems to a new structure, an electric transmission pole or other freestanding structure.

**Public Utilities Regulatory Authority** – As provided in Chapter 283 of the Connecticut General Statutes (CGS Section 16-228 et seq.), the Public Utilities Regulatory Authority regulates the placement of small cell antenna systems or other similar telecommunication facilities on utility poles (including a replacement or convenience poles) that are part of the electric distribution system.

The Planning and Zoning Commission has jurisdiction over municipally-owned towers and building-mounted antennae.

## **5.P.2 DEFINITIONS**

For the purpose of this Section, the terms below shall be defined as follows:

**Antenna** - A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.

**Co-Location** – The placement of antennae and wireless communication facilities from more than one provider on a single site.

**Commercial Wireless Telecommunication Services** - Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

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

**Height Of Tower** - A distance from the ground elevation of such tower to the topmost point of the tower including any antenna or other appurtenances. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower including the antenna and all other appurtenances.

**Tower** - A structure that is intended to support equipment used to receive or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.

## **5.P.3 TELECOMMUNICATION PREFERENCES**

### **5.P.3.1 LOCATION PREFERENCES**

The locations for siting the equipment involved in receiving or transmitting electromagnetic waves associated with commercial wireless telecommunication services are listed in 1 through 7 below, in order of preference.

1. On or within existing buildings and structures such as water towers, utility poles, and silos using camouflage techniques in order to blend the facilities into the character of the neighborhood.
2. On or within new buildings or structures, using camouflage techniques in order to blend the facilities into the character of the neighborhood.
3. On existing or approved towers.
4. On new towers less than 75 feet in height located in commercial, technology, or industrial zones.
5. On new towers less than 75 feet in height located in residential zones.
6. On new towers 75 feet or greater in height located in commercial, technology, or industrial zones.
7. On new towers 75 feet or greater in height located in residential zones.

## Section 5.P

### DEVELOPMENT STANDARDS

#### WIRELESS TELECOMMUNICATION SITES

##### 5.P.3.2 ADDITIONAL PREFERENCES

1. Maximize use of existing and approved towers and other structures to accommodate new sites in order to minimize the number of necessary sites in the community.
2. Encourage co-location of facilities.
3. Site facilities below visually prominent hilltops.
4. Encourage creative design.
5. Protect historic and residential areas from adverse impacts.
6. Avoid potential damage to adjacent properties through sound engineering and careful siting.
7. Promote the public health, safety and general welfare of the residents of Hebron.

##### 5.P.4 PERMITTED USES

The following telecommunication uses may be permitted as indicated in all zoning districts:

1. Commercial wireless telecommunication sites located on nonresidential buildings in a manner that is architecturally compatible to the building on which they are mounted.	Site Plan (PZC)
2. Commercial wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards or other structures not classified as buildings provided the following standards are met: <ol style="list-style-type: none"><li>a. no changes are made to the height of such structure;</li><li>b. no panel antenna shall exceed 60 inches in height and 24 inches in width;</li><li>c. no dish antenna shall exceed 1 meter in diameter; and</li><li>d. all accompanying equipment buildings or boxes shall be screened and fenced as required by the Commission.</li></ol>	Site Plan (PZC)
3. Commercial wireless telecommunications sites where the antenna is located on or within existing or new buildings or structures, using camouflage techniques including but not limited to those techniques listed in Section 5.P of these Regulations, in order to blend the facilities into the character of the neighborhood in a manner acceptable to the Commission.	Site Plan (PZC)
4. Other commercial wireless telecommunication sites, not otherwise permitted above, except within the Amston Lake District.	Special Permit (PZC)

## **5.P.5 STANDARDS**

### **1. Locational Requirements -**

- a. The applicant shall demonstrate to the Commission's satisfaction that it has exhausted all available space on existing or approved towers, structures and buildings, and shall provide a description of the applicant's process for eliminating potential co-location opportunities.
- b. No towers shall be located within 500 feet of a playground, school, church, day care center, or elderly housing areas.
- c. No towers shall be located within a distance equal to three (3) times the tower height from any residence, but in no event shall such distance be less than 360 feet.
- d. No tower exceeding 75 feet in height shall be located within 1,000 feet of the boundary of an approved local, State or National Register historic district.
- e. No tower shall be located on municipally owned land designated as open space or for recreation use unless the plan has been reviewed by the Hebron Conservation Commission and the Hebron Board of Selectmen.
- f. No proposed commercial wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.

### **2. Minimum Lot Size -**

- a. Commercial wireless telecommunication sites containing a freestanding tower shall not be located on any lot less than two (2) acres.

### **3. Maximum Height -** The maximum height of a tower, including the antenna and all other appurtenances, proposed under this Regulation shall be:

- a. the minimum height necessary to carry out the function of the facility as determined by the Commission after considering the following:
  - the unique features of the site, including but not limited to the site's natural topography and existing vegetation;
  - the potential visibility of the tower from off-site locations taking into consideration the site's and the neighborhood's unique features;
  - the location of the tower in proximity to hilltops; and
  - the proposed tower height versus the height of trees on the site that may serve to buffer the tower from surrounding views.
- b. not more than 60 feet if a lattice tower;
- c. not more than 120 feet in any residential district;
- d. not more than 150 feet in other district; and
- e. the applicant shall demonstrate to the Commission's satisfaction, the necessity of the height of the proposed telecommunication tower.

### **4. Minimum Yard Setbacks -**

- a. All towers (including commercial radio, television, and other transmitting or relay antenna towers, when permitted) shall be set back from property lines at least 100 feet or a distance equal to 1.5 times the height of the tower, whichever is greater.
- b. If the tower needs to be supported by guide wires, the setbacks shall apply also to the wires and anchors.
- c. All equipment buildings/boxes or equipment areas shall comply with the minimum property line setbacks for a principal building in the underlying zone.

## Section 5.P

### DEVELOPMENT STANDARDS

#### WIRELESS TELECOMMUNICATION SITES

##### 5. Antenna Design -

- a. All dish antennas shall be of mesh construction unless otherwise approved by the Commission.
- b. Dish antennas shall not exceed 1 meter in diameter.
- c. Panel antennas shall not exceed 5 feet in height.

##### 6. Site Layout -

- a. Each tower site must be served by a driveway with parking for at least one vehicle.
- b. Any new buildings or structures shall be designed architecturally to fit into their surroundings and any antennas, equipment, boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building.
- c. All utilities proposed to serve a commercial wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
- d. Each tower and accessory utility building shall be surrounded by a six (6) foot high chain link (or comparable) fence with a locked gate.
- e. Existing vegetation shall be preserved to the maximum extent possible. Where the Commission determines that existing landscaping is not adequate, it may require the planting of evergreen trees, along the outside of the fence, with a minimum planted height of six feet and located so as to form an effective screen.

##### 7. Tower Design -

- a. All towers shall be a monopole design unless otherwise approved by the Commission.
- b. A tower shall be designed to collapse upon itself and the applicant shall submit proof of such a design by a certified engineer.
- c. No lights shall be mounted on proposed towers unless required by the Federal Aviation Administration (FAA) and such requirement shall be communicated to the Commission as part of the application.
- d. With regard to tower color and design, the Commission may require:
  - that towers be of such design and treated with an architectural material so that it is camouflaged to resemble a woody tree with a single trunk and branches on its upper part;
  - that towers be concealed within or camouflaged on an existing or proposed agricultural building or silo particularly in the rural or agricultural areas of the community;
  - other available measures to camouflage proposed facilities which may be proposed attached to existing or proposed buildings or structures; or
  - that towers not requiring special FAA painting or markings be a non-contrasting, neutral gray.
- e. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is between 50 and 100 feet in height.
- f. The Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.

##### 8. Generators -

- a. Any generator installed in conjunction with any commercial wireless telecommunication site shall comply with all State and local noise regulations.
- b. All fuel storage tanks shall be above ground and the location and design of any generator and fuel storage facility shall include provisions for 100% containment of the fuel in the event of a spill or tank failure.
- c. In environmentally sensitive areas, the Commission may require that the fuel source be fuel gas rather than fuel oil.
- d. A report from the Fire Marshal shall be received indicating that the proposal complies with all provisions of the Fire Safety Code.

## **5.P.6 APPLICATION PROCESSING**

1. **Visual Simulation** - As part of review of an application, the Commission may require that:
  - a. the applicant provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal; and/or
  - b. the applicant demonstrate the proposed height of any new telecommunications tower by flying a weather balloon or equivalent from the proposed tower site at the proposed tower height and:
    - such balloon test shall be conducted for a minimum 48 hour period at some time after the publication of the legal notice for the public hearing and before the close of the public hearing; and
    - the applicant shall, by certified mail, notify the Commission and the owners of property within 500 feet of the subject property of the dates of the test at least ten days prior to the beginning of the test.
2. **Advisory Reports** –
  - a. The Commission may request an advisory recommendation from the Hebron Conservation Commission, local land trust, or other similar organization or agency to advise as to any negative environmental impacts, or impacts to wildlife, resulting from a proposed facility.
  - b. The Commission may also request an advisory report and recommendations from the Environmental Review Team.
  - c. In making a final decision on an application under this Section, the Commission may consider any recommendations from such organizations or agencies and may incorporate said recommendations into conditions of any approval.
3. **Technical Review** -
  - a. As part of review of an application, the Commission may hire consultants who are experts in the field of telecommunication towers including but not limited to the tower's design, proposed or potential camouflage techniques, siting, electromagnetic radiation or other factors, for the purpose of reviewing the applicant's submittal and to advise the Commission on the application's compliance to local, state or federal requirements.
  - b. The cost of such review shall be borne in total by the applicant in accordance with Town Ordinance regarding application processing fees.
  - c. When the Commission determines that such review is warranted, it shall notify the applicant by certified mail to deposit a sum of \$5,000 with the Town, which shall be used exclusively for such purposes.
  - d. Failure of the applicant to comply with this provision within 30 days of the request will constitute a finding of an incomplete application and shall constitute a reason for denial of the application.
  - e. The Commission shall promptly return any unexpended funds to the applicant following final action.

## Section 5.P

### DEVELOPMENT STANDARDS

#### WIRELESS TELECOMMUNICATION SITES

4. **Decision Considerations** - In reviewing an application for a commercial wireless telecommunication site, the Commission shall consider the following.
  - a. Whether a commercial wireless telecommunication site that is proposed to be located on a property designated on the National Historic Register or within an approved historic district, such proposal will preserve the historic or architectural character of the landscape or any structure.
  - b. Whether the applicant has made diligent efforts to minimize the proximity of the facility to, and its visibility from, residential properties and public rights-of-way.
  - c. Whether the applicant has adequately addressed the telecommunication preferences in Section 5.P.3 or provided adequate information to demonstrate that a higher preference location was not technologically, legally or economically feasible based on the following documentation:
    - that the planned equipment would cause unacceptable interference with the operation of other existing or planned equipment as documented by a qualified engineer, licensed in the State of Connecticut, and whether the interference cannot be prevented or eliminated at a reasonable cost;
    - that the planned equipment cannot be accommodated on existing or approved towers, buildings or structures described in preferences 1 through 3, due to structural deficiencies as documented by a qualified engineer, licensed in the State of Connecticut, and whether such deficiencies cannot be eliminated at a reasonable cost;
    - that the existing or planned equipment on an existing or approved tower, building or structures, as described in preferences 1 through 3, would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified engineer, licensed in the State of Connecticut, and whether the interference cannot be prevented or eliminated at a reasonable cost; and
    - any restriction or limitation imposed by the FCC.

#### 5.P.7 COMPLETION AND MAINTENANCE

1. The service provider shall be responsible for the continual upkeep and maintenance of the tower, buildings, and other facilities (including fencing and landscaping) approved under this Section and failure to do so shall constitute a violation of the Hebron Zoning Regulations.
2. All commercial wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions and, after a facility is operational, the applicant shall within 90 days of beginning operations from that site and annually thereafter, submit existing and maximum future projected measurements of non-ionizing electromagnetic emissions as well as the Federal standards established for such emissions, as amended. Failure to comply with the Federal standards shall constitute a violation of the Hebron Zoning Regulations and any approvals granted under these provisions.
3. **Abandonment** -
  - a. A commercial wireless telecommunication site shall be removed by the service facility owner within 90 days of being abandoned.
  - b. Upon removal, the site shall be restored to its previous appearance and, where appropriate, revegetated to blend with the surrounding area.
  - c. As part of an application to the Commission under this Section, both the property owner and the potential facility owner shall execute a statement, to be recorded in the land records, agreeing to the requirement for removal in the event of abandonment.



## SECTION 6 SPECIAL PROVISIONS

### 6.A. DIMENSIONAL EXCEPTIONS

#### 6.A.1 LOT AREA

1. In the Hebron Green (HG), Amston Village (AV), Neighborhood Commercial (NC) Main Street (MS), and Commercial-Technology (CT) Districts, any lot legally existing as of the effective date of these Regulations and/or any lot existing on an approved plan of subdivision recorded prior to the effective date of these Regulations may be developed and used for a permitted use provided such lots comply with applicable setback, coverage, parking, loading, water supply, sewage disposal, and other standards.
2. In the R-1 and R-2 residential districts, any lot legally existing as of the effective date of these Regulations and/or any approved lot in an approved subdivision recorded prior to the effective date of these Regulations may be developed and used for a permitted use provided such lots comply with applicable setback, coverage, parking, loading, water supply, sewage disposal, and other standards.

#### 6.A.2 SETBACKS

1. Architectural features such as pilasters, chimneys, belt courses, sills and cornices, but not including any vertical projections, may extend or project into a required yard setback not more than two (2) feet.
2. Steps, terraces, decks and walls not over four (4) feet high may be erected in any required yard setback.
3. Fences not over eight (8) feet high may be erected in any required yard setback.
4. In the Main Street (MS) District, lots legally existing as of the effective date of these Regulations and lots existing on an approved plan of subdivision established prior to the effective date of these Regulations may utilize the following yard setbacks:
  - a. minimum front yard setback - 20% of the average lot depth;
  - b. minimum rear yard setback - 20% of the average lot depth; and/or
  - c. minimum side yard setback - 10% of the average lot width.
5. In non-residential districts, side yard setback requirements may be reduced or eliminated between two parcels by the Commission when development on such parcels in the same district will be integrated with shared parking, driveways, and/or other shared improvements.

## Section 6.A

### SPECIAL PROVISIONS

#### DIMENSIONAL EXCEPTIONS

6. In the R-1 and R-2 residential districts, additions or alterations to dwellings may be permitted to encroach within the yard setbacks required by these Regulations and utilize the yard setbacks in effect at the time of original construction of such dwelling provided:
  - a. the lot conformed to area and frontage requirements in effect for the applicable district at that time; and
  - b. the dwelling was built in conformance with the yard setback requirements in effect for the applicable district at that time.
7. For all lots under one acre with structures existing as of the date of adoption of these Regulations where such structures are legally non-conforming as to setbacks; the setback requirement for each side of the structure shall be the existing distance of the structure from the property line or the stated setback, whichever is smaller.

#### 6.A.3 COVERAGE

1. For lots in any District which are smaller than one acre in size, the maximum building coverage may be increased to the standard for the district plus 10%.

#### 6.A.4 HEIGHT

1. Certain structures may be erected above the height limits herein prescribed provided:
  - a. no such building or structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located;
  - b. no such building or structure shall have a total area greater than ten percent (10%) of the roof area of the building or structure on which it is located;
  - c. no such building or structure shall be used for any residential purpose or for any commercial, technology, or industrial purpose other than a use incidental to the principal use of the building or structure on which it is located;
  - d. such structures include penthouses or roof structure for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls, skylights, towers, domes, bulkheads, church steeples, spires, belfries, cupolas, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials, and wireless masts, water tanks, silos, or similar structures; and/or
  - e. such structure is a solar collector on a building roof and:
    - i. does not extend more than 12 inches above the roof surface on a sloping roof; or
    - ii. does not extend more than 48 inches above the roof surface on a flat roof unless such solar collector is fully shielded from view by a building parapet or other visual shield.

## **6.B. NON-CONFORMING CONDITIONS**

### **6.B.1 PURPOSE AND INTENT**

It is the purpose and intent of these Regulations to permit non-conforming lots, uses and structures to continue until they are removed. It is further the purpose and intent of these Regulations that non-conforming lots, uses and structures shall not be enlarged upon, expanded or extended unless such enlargement, expansion or extension is specifically approved by the Commission by Special Permit.

### **6.B.2 NON CONFORMING LOTS**

1. In any district, a principal building and customary accessory buildings and structures may be erected on a lawful lot existing as of the effective date of adoption or amendment of these Regulations, or any applicable amendments hereto, provided that:
  - a. the yard dimensions and requirements other than those applying to lot area or lot frontage shall conform to the requirements of the district in which such lot is located; and
  - b. no lot in the Amston Lake (AL) District shall be considered buildable unless it contains at least 10,000 square feet of lot area.
2. A non-conforming lot shall not be reduced in area, dimension or any other manner which would increase its non-conformity.
3. If a non-conforming lot is converted to a conforming lot, it shall thereafter conform to the requirements of the district in which it is located, and the non-conforming lot shall not thereafter be resumed.
4. If a non-conforming lot shall ever be or ever have been in common ownership or use with an adjacent property, such land shall be deemed merged into a single lot for zoning purposes and such land shall not thereafter be divided, transferred or improved in any manner which would re-create a nonconformity or increase or enlarge any nonconformity remaining after such merger.

### **6.B.3 NON CONFORMING USES**

1. Where a lawful use exists at the effective date of adoption or amendment of these Regulations, or any applicable amendments hereto, which use is no longer permitted under these Regulations as adopted or amended, such use may be continued so long as it remains otherwise lawful.
2. Ordinary repairs may be made or remodeling done to any structure devoted in whole or in part to a non-conforming use, provided that such work does not increase the non-conformity.
3. Any building or structure containing a non-conforming use, which has been destroyed or damaged by fire, explosion, act of God, or by public enemy may be restored only to the same dimensions, gross square foot area and cubic volume existing immediately prior to such damage or destruction.
4. A nonconforming use shall not be considered terminated or deemed abandoned unless the property owner of such use voluntarily discontinues such use and such discontinuance is accompanied by an intent to not reestablish such use.

## Section 6.B

### SPECIAL PROVISIONS

#### NON-CONFORMING CONDITIONS

5. After the effective date of adoption or amendment of these Regulations or any applicable amendments hereto, unless a Special Permit has been granted by the Commission in accordance with Section 7.D of these Regulations to allow the particular non-conforming use to be altered, a non-conforming use shall not be:
  - a. enlarged or increased, nor extended to occupy a greater floor area or area of land than was occupied at the effective date of adoption or amendment of these Regulations;
  - b. moved in whole or in part to any portion of the land other than that occupied by such use at the effective date of adoption or amendment of these Regulations; or
  - c. extended or enlarged by the attachment to a building or land of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
6. A non-conforming use may, by granting of a Special Permit by the Commission in accordance with Section 7.D of these Regulations, be changed to another non-conforming use provided that:
  - a. the Commission shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use; and
  - b. the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations.
7. A non-conforming use in the R-1 District may, by granting of a Special Permit by the Commission in accordance with Section 7.D of these Regulations, be changed to a conforming Rural Business Use provided that:
  - a. Rural Business Uses include but are not limited to the following: farmers' market; sales of agricultural products including maple sugar; sales of post and beam buildings, sale of fireplaces stoves and accessories; and other uses determined by the Commission to be similar to and compatible to this list of uses and which in the opinion of the Commission can be operated consistent with the standards established herein and in a manner compatible to the surrounding residential and rural character of the community;
  - b. the Commission shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use;
  - c. such Rural Business Uses must be located on an arterial road or within 1,500 feet of an arterial road as defined in the Hebron Subdivision Regulations and shall not be located inside established residential subdivisions;
  - d. new construction shall be setback 100 feet from any property line containing a residential building or use;
  - e. parking adjacent to a residential property line shall be separated by a minimum distance of 50 feet to said line and shall be screened by means of berms, and landscaping, fencing or other features as deemed appropriate by the Commission;
  - f. significant attention shall be given by the applicant and the Commission to ensuring that the architectural character of the building, the configuration of the site, and the management of the operation shall make it compatible with the location and its environs;
  - g. the design guidelines incorporated in Section 5.A shall be utilized to evaluate compatibility of the design with the location; and
  - h. the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations.
8. If a non-conforming use is abandoned by the establishment of a permitted use or a less intensive non-conforming use, the previous non-conforming use shall not thereafter be resumed.

#### **6.B.4 NON CONFORMING STRUCTURES**

1. Where a lawful structure exists at the effective date of adoption or amendment of these Regulations, or any applicable amendments hereto, which could not be built under the provisions of these Regulations as enacted or amended by reason of restrictions on area, building coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful.
2. A non-conforming structure may be moved within its existing lot so long as such move decreases its non-conformity.
3. Provided that such work does not increase the non-conformity, nothing in these Regulations shall prevent:
  - a. ordinary repairs made to a non-conforming structure;
  - b. the strengthening or restoring to a safe condition of a non-conforming structure declared unsafe by the Building Official; or
  - c. the strengthening or restoring to a safe condition of any part of a non-conforming structure where required by any lawful order.
4. A nonconforming building or structure shall not be considered terminated or deemed abandoned unless the property owner of such building or structure voluntarily discontinues such building or structure and such discontinuance is accompanied by an intent to not reestablish such building or structure. The demolition or deconstruction of a nonconforming building or structure shall not by itself be evidence of such property owner's intent to not reestablish such building or structure.
5. Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any part of the building declared unsafe by the Building Official or where required by any lawful order.
6. A legal nonconforming structure may be maintained, repaired, restored, rebuilt, replaced or altered provided such work:
  - a. results in a building or structure with the same dimensions, gross square foot area, cubic volume, density, bulk and site location existing in the previously existing structure;
  - b. does not increase the non-conforming aspect of the structure; and,
  - c. complies with other applicable parts of these Regulations for the specific use and zone.
7. After the effective date of adoption or amendment of these Regulations or any applicable amendments hereto, a non-conforming structure:
  - a. may be altered to decrease the non-conformity provided a Special Permit has been granted by the Commission in accordance with Section 7.D of these Regulations;
  - b. shall not be enlarged or altered in a manner which increases the non-conformity.
8. A legal nonconforming structure which is damaged or destroyed by fire, explosion, act of God, or the public enemy, may be rebuilt:
  - a. in conformance with these Regulations; or
  - b. only to the same dimensions, gross square foot area, cubic volume, density, bulk and site location existing immediately prior to such damage or destruction, but not to any greater extent than in the previously existing structure.

## Section 6.C

### SPECIAL PROVISIONS

#### MISCELLANEOUS PROVISIONS

## 6.C. MISCELLANEOUS PROVISIONS

### 6.C.1 CONSTRUCTION SITE TRAILER

1. Trailers or semi-trailers used, occupied or intended to be used or occupied for field office or storage purposes on the premises of a bona fide and active commercial or institutional construction job may be permitted on such premises of such construction job in any district, subject to the conditions of such district.
2. Any such trailer or semi-trailer shall be located only as approved by the Building Official, who shall consider the location of the premises, adjacent properties, surrounding development, both existing and proposed, and the purpose for which such trailer, mobile home or semi-trailer is to be used.
3. **Permit requirements and limitations -**
  - a. A permit for a trailer or semi-trailer can only be issued after a Building Permit has been obtained for the premises where the trailer or semi-trailer is to be parked.
  - b. A six (6) month temporary permit shall be issued for each such trailer on a construction site to the contractor who will be using the trailer or semi-trailer.
  - c. Such permit shall be renewable once for an additional six (6) months.
  - d. The permit shall state:
    - the location at which the trailer is to be parked;
    - the purpose for which it is to be used; and
    - the term for which occupancy is allowed.

### 6.C.2 JUNK YARDS

1. No person shall operate a motor vehicle junk yard (Section 9.C) on any parcel of land unless it is a legally authorized "motor vehicle junk yard" as in CGS Section 14-67(H) and it is a permitted use in the zone in which the parcel falls.
2. General junk yards are not a permitted use in the Town of Hebron.

### 6.C.3 OUTDOOR WOOD BURNING FURNACES

1. Outdoor wood burning furnaces are not a permitted use in the Town of Hebron.

### 6.C.4 VOTING PLACE

1. The provisions of these Regulations shall be so constructed as not to interfere with the temporary use of any premises as a voting place in connection with a municipal, state or federal election or primary.

## SECTION 7 PROCEDURES

### 7.A. STAFF PROCEDURES

#### 7.A.1 ZONING PERMIT

1. A Zoning Permit shall be required from the Zoning Enforcement Officer whenever:
  - a. a building, structure or part thereof shall be constructed, reconstructed, altered, extended, enlarged, moved, or occupied;
  - b. a Building Permit shall be issued except that a Zoning Permit shall not be needed for interior alterations, provided there is no change of use, number of uses, or number of bedrooms,
  - c. a non-conforming use shall be altered, changed, intensified or extended after the date of adoption of these Regulations, or
  - d. these Regulations provide that a Zoning Permit is required.
2. An application for a Zoning Permit shall be accompanied by plans and/or other information that comply with the requirements in the Appendix of these Regulations.
3. **Location Verification –**
  - a. After a foundation has been completed and prior to any additional construction thereon, the Zoning Enforcement Officer may require the submission of a certified plot plan drawn by a land surveyor currently licensed to practice in Connecticut showing the exact location of the foundation on the site.
  - b. No building or structure shall thereafter be constructed above the foundation walls until the certified survey has been approved by the Zoning Enforcement Officer or the Commission as complying with the Zoning Permit and all applicable provisions of the Zoning Regulations.
4. In accordance with CGS Section 8-3(f), the recipient of a Zoning Permit may publish notice of issuance of the Zoning Permit in a newspaper with substantial circulation in Hebron in order to establish the appeal period per CGS Section 8-7. Any such notice to be published by the recipient shall contain:
  - a. a description of the building, use or structure and its location;
  - b. the identity of the applicant; and
  - c. a statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS Section 8-7.
5. Any Zoning Permit issued under these Regulations shall expire twelve months from the date of issuance unless:
  - a. a valid Building Permit for the use, construction and site development authorized by the Zoning Permit is in effect; or
  - b. the Zoning Enforcement Officer renews the Zoning Permit for periods not to exceed twelve months, when the building and/or site development authorized by the Zoning Permit is in conformity with these Regulations and any amendments made subsequent to the date of original issuance of the Zoning Permit.
6. In the event that any Zoning Permit is issued based on incorrect information or the specific conditions of approval are not strictly adhered to, such Zoning Permit shall be null and void.

## Section 7.A

### PROCEDURES

#### STAFF PROCEDURES

#### 7.A.2 CERTIFICATE OF ZONING COMPLIANCE

1. Until the Zoning Enforcement Officer has issued a Certificate of Zoning Compliance which certifies conformance of the building, structure or use with these Regulations or with a variance granted by the Zoning Board of Appeals or that the building, structure or use is a valid nonconforming building, structure or use under these Regulations:
  - a. no use of land shall be occupied, used or changed in violation of these Regulations; and
  - b. no use of a building or structure shall be undertaken or changed.
2. Pursuant to CGS Section 8-3(f), no Certificate of Occupancy shall be issued until a Certificate of Zoning Compliance has been issued.
3. In the case of new construction, the Zoning Enforcement Officer may require submission of a certified plot plan drawn by a land surveyor currently licensed to practice in Connecticut showing the exact location of the improvements on the site prior to the issuance of a Certificate of Zoning Compliance.
4. In the event of substantial deviations from any plan approved by the Commission, the Zoning Enforcement Officer shall submit such "as built" drawings to the Commission for its determination of acceptance or need for plan amendment.
5. If the site improvements cannot be completed because of weather or for other pertinent reasons, a conditional Certificate of Zoning Compliance may be issued by the Zoning Enforcement Officer for a period not to exceed 180 days, provided that a financial guaranty shall be posted in an amount sufficient to cover the cost of completing the remaining site improvements. Upon satisfactory completion of the remaining site improvements and the written request of the applicant, the Zoning Enforcement Officer and/or the Commission shall then release the financial guaranty.
6. In accordance with CGS Section 8-3(f), the recipient of a Certificate of Zoning Compliance may publish notice of issuance of the Zoning Permit in a newspaper with substantial circulation in Hebron in order to establish the appeal period per CGS Section 8-7. Any such notice to be published by the recipient shall contain:
  - a. a description of the building, use or structure and its location,
  - b. the identity of the applicant; and
  - c. a statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS Section 8-7.
7. In the event that any Certificate of Zoning Compliance is issued based on incorrect information or the specific conditions of approval are not strictly adhered to, such Certificate of Zoning Compliance shall be null and void.



## **7.B. PRE-APPLICATION REVIEWS (STAFF / PZC)**

### **7.B.1 PRE-APPLICATION REVIEW BY STAFF**

1. Prior to the submission of an official application, it is recommended that the applicant meet with the Director of Planning to discuss the proposed application in order to:
  - a. suggest possible enhancements and identify areas of concern or further study;
  - b. identify the potential need for third party consultants in accordance with Section 7.H.5 of these Regulations; and
  - c. minimize delay, expense and inconvenience to the applicant.
2. This meeting is recommended in order to facilitate consideration of factors that may be associated with a particular proposal before the applicant proceeds with preparation of detailed maps, plans and documents required for formal consideration.
3. Neither the pre-application plan nor the informal consideration by the Director of Planning shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General Statutes.

### **7.B.2 PRE-APPLICATION REVIEW BY COMMISSION**

1. For larger or more complex applications, it is recommended that the applicant present a pre-application plan for informal consideration by the Commission prior to the submission of an official application in order to:
  - a. facilitate consideration of factors that may be associated with a particular proposal before the applicant proceeds with preparation of materials required for formal consideration by the Commission; and/or
  - b. identify the potential need for third party consultants in accordance with Section 7.H.5 of these Regulations.
2. Such pre-application submission shall, at a minimum, include the following:
  - a. a plan providing sufficient information for the Commission to visualize how the proposed use or development might be configured and to identify the location of significant natural and proposed features, and other relevant information; and
  - b. a written summary of the project the Commission is being asked to address.
3. The pre-application materials shall be submitted to the Director of Planning for scheduling on a future Commission agenda.
4. Neither the pre-application plan nor the informal consideration by the Commission shall be deemed to constitute any portion of the official and formal procedure of applying for any approval as contemplated herein or under the provision of the Connecticut General Statutes.
5. While the meeting and optional pre-application plan should benefit any formal application, neither the applicant nor the Commission shall be bound by any statement made during such informal review, nor shall the statement of any Commission member be deemed to be an indication of prejudgment or prejudice, it being acknowledged by the applicant that the Commission response like the request itself are preliminary and subject to further refinement.

## Section 7.C

### PROCEDURES

#### SITE PLAN APPLICATION (PZC)

## 7.C. SITE PLAN APPLICATION (PZC)

### 7.C.1 PURPOSE

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

### 7.C.2 APPLICATION REQUIREMENTS

1. A Site Plan Application shall be submitted to the office of the Director of Planning for any activity designated in the Regulations as requiring Site Plan Approval.
2. A Site Plan Application shall be accompanied by:
  - a. twelve (12) full-size (24" by 36") sets of detailed plans, signed and sealed by an appropriate professional, for review by the Commission and its designees that comply with Appendix D to these Regulations;
  - b. one (1) reduced-size (11" by 17") set of the same materials; and
  - c. one (1) electronic set of the same materials in PDF format.
3. The application shall be accompanied by a fee, as provided in the fee schedule of the Town to cover the cost of administration.
4. In accordance with Appendix D to these Regulations, the Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
5. If a Site Plan Application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Conservation Commission not later than the day such application is filed with the Commission.

### **7.C.3 PROCEEDINGS**

1. The date of receipt for the Site Plan Application shall be determined in accordance with Section 7.H.2.
2. An incomplete Site Plan Application shall be denied in accordance with Section 7.H.3.
3. For new construction or other activity considered to be significant in the sole judgment of the Commission, the Commission may hold a public hearing on the application provided that:
  - a. legal notice of such public hearing shall be published in accordance with Section 7.H.6 at the cost of the Commission; and
  - b. the applicant give notice to property owners within 100 feet in accordance with the requirements of Section 7.H.7.
4. Notification to adjoining municipalities may be required in accordance with the requirements of Section 7.H.8.
5. Notification to water companies may be required in accordance with the requirements of Section 7.H.9.
6. The Commission may require the applicant make a written inquiry to the Connecticut Office of State Archeology to determine whether there is evidence or a likelihood of sites of archeological significance within the property. Such written inquiry shall be made part of the record. The lack of reply shall not delay the processing of the application.
7. Whenever approval of another application required by these Regulations (such as a Special Permit Application) must be approved before a Site Plan Application can be approved:
  - a. the time period for acting on the Site Plan Application shall coincide with the time period for acting on the related application; and
  - b. a decision on the application shall be rendered within sixty-five (65) days after the close of the public hearing on such other application except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.
8. Whenever approval of a Site Plan Application is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan Application, regardless of whether a public hearing is held, except that the applicant may consent to one or more extensions of such period provided the total period of any such extension or extensions shall not exceed sixty-five (65) days.
9. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Conservation Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
10. The applicant may withdraw such application at any time prior to action by the Commission.

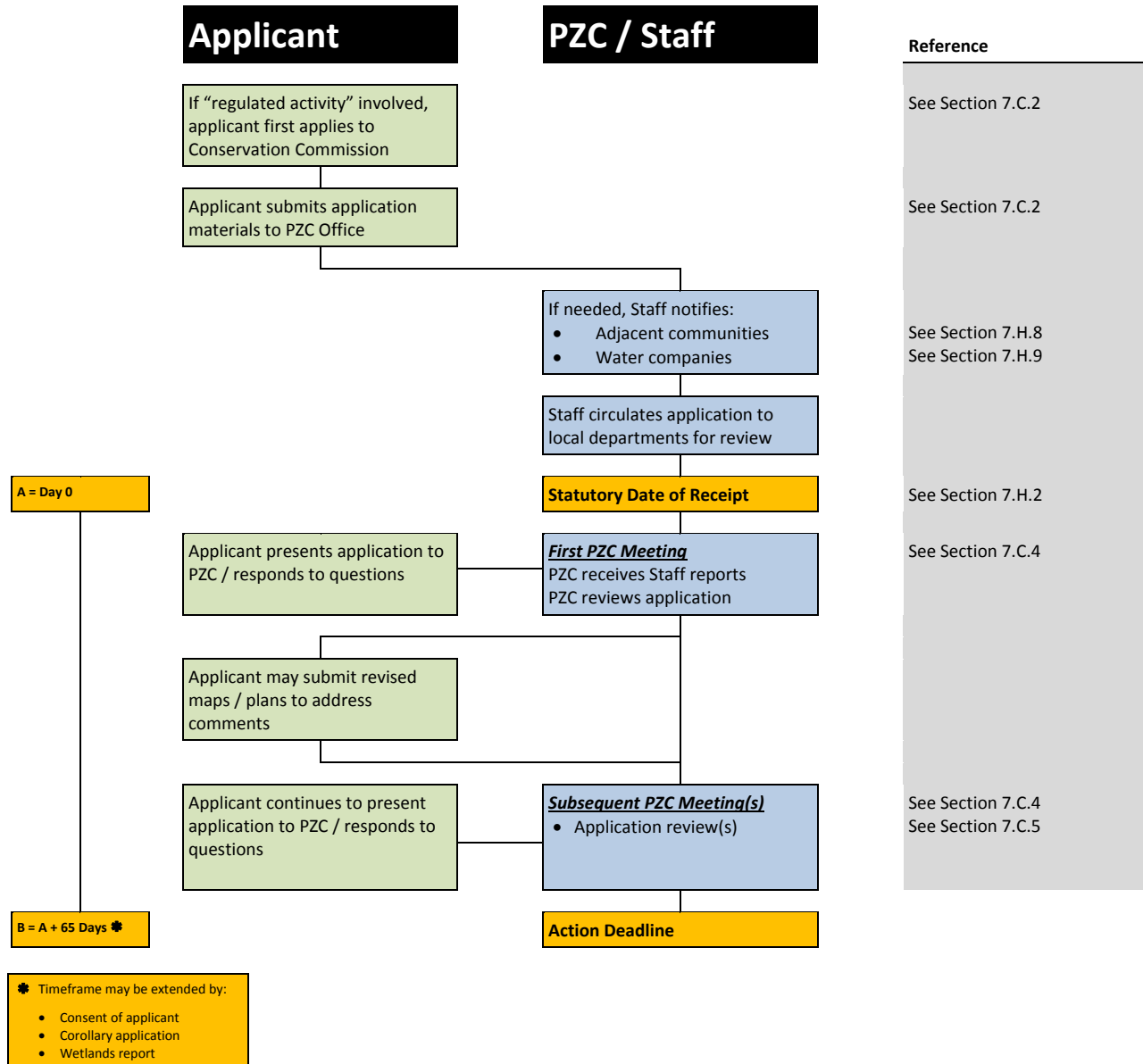
## Section 7.C

### PROCEDURES

#### SITE PLAN APPLICATION (PZC)

#### Hebron Zoning Regulations

# Site Plan Application



#### **7.C.4 DECISION CONSIDERATIONS**

1. On a Site Plan Application involving an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the Commission shall:
  - a. wait to render its decision until the Conservation Commission, acting as the Inland Wetlands Agency for the Town, has submitted a report with its final decision; and
  - b. give due consideration to any report of the Conservation Commission when making its decision.
2. On a Site Plan Application involving notice to adjoining municipalities under Section 7.H.8 or notice to water companies under Section 7.H.9, the Commission shall give due consideration to any report received.
3. Before the Commission approves a Site Plan Application, it shall determine that the application is in conformance with the applicable provisions of these Regulations.
4. Application for Site Plan Approval shall be evaluated by the Commission under the requirements of these Regulations and the supplemental considerations listed within this Section.
5. The Commission may request reports on the application from Town Departments and/or any other agency deemed appropriate by the Commission.
6. In approving a Site Plan Application, the Commission may impose conditions deemed necessary to ensure compliance with these Regulations as well as protect the public health, safety, welfare, convenience, and property values.
7. In accordance with CGS Section 8-3(g), the Commission may require that a financial guaranty be posted in accordance with the provisions of Section 7.H.13 before any permits are issued for the activities shown on the approved plan, in an amount and form acceptable to the Commission, to ensure:
  - a. the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality;
  - b. the implementation of any erosion and sediment controls required during construction activities; and/or
  - c. the maintenance of roads, streets, retention or detention basins or other improvements approved with such site plan for up to one year after the date on which such improvements have been completed to the reasonable satisfaction of the Commission or the Director of Planning or accepted by the Town.

#### **7.C.5 ACTION DOCUMENTATION**

1. The Commission shall, whenever it grants or denies a Site Plan Application, state upon its record the reason(s) for its decision.
2. The Commission shall send, by Certified Mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.
3. The Commission shall cause notice of the approval or denial of site plans to be published in a newspaper having a general circulation in the community within fifteen (15) days after such decision is rendered.
4. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.

## Section 7.C

### PROCEDURES

#### SITE PLAN APPLICATION (PZC)

##### 7.C.6 FOLLOWING APPROVAL

1. Following approval of a Site Plan Application, two (2) sets of the approved plan(s) with any required revisions to reflect Commission approval shall be submitted to the Office of the Director of Planning:
  - a. bearing the seal of the appropriate professionals which prepared the drawing(s);
  - b. bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity; and
  - c. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.
2. Following signature by the Chairman, the Zoning Enforcement Officer shall be authorized to issue a Zoning Permit as described in Section 7.A.1 for work to commence.
3. Minor changes in an approved and signed Site Plan may be approved by the Director of Planning or other Commission designee, when in the discretion of the Director of Planning or other designee, such changes do not significantly affect the overall layout, design, density, impact, or nature of the approved Site Plan. The Director of Planning or other designee shall report the approval of minor changes to an approved Site Plan to the Commission at their next regularly scheduled meeting and the modified plans shall be signed and filed in accordance with Section 7.C.6.1. Minor changes shall include, but are not limited to:
  - a. minor grading changes due to field conditions, that do not significantly impact drainage patterns;
  - b. minor changes in pavement or pavement marking;
  - c. (re)location of underground utilities;
  - d. location and screening of utility equipment;
  - e. location of directional or informational signage;
  - f. substitution of plant species due to availability or disease; and
  - g. any other minor technical change that does not materially detract from the original development concept.
4. Whenever a change to an approved Site Plan is determined to be a major change by the Director of Planning or other designee, a formal amendment shall be submitted by the applicant to the Commission for its consideration for subsequent approval and signing. Major changes shall include, but are not limited to:
  - a. change in use;
  - b. substantial reduction of the landscaping or open space area;
  - c. expansion, demolition or reconstruction of any structure or building;
  - d. additional signage other than directional or informational signs;
  - e. significant changes in grading so as to affect the drainage system; and
  - f. any other change that may be construed to detract materially from the original development concept.
5. In accordance with CGS Section 8-3(g), no Certificate of Occupancy shall be issued before a required financial guarantee is posted and/or the approved site improvements are completed to the reasonable satisfaction of the Commission or the Director of Planning.
6. If an “as-built” plan is required by the Zoning Enforcement Officer, no Certificate of Occupancy shall be issued until such “as-built” plan has been submitted and found acceptable.

#### **7.C.7 EXPIRATION AND COMPLETION**

1. Unless otherwise provided by State law, all work in connection with a site plan shall be completed within five (5) years after the approval of the plan and failure to complete all work within such five-year period shall result in automatic expiration of the approval of such site plan unless the Commission shall have granted an extension of the time to complete work in connection with such site plan.
2. The Commission may grant one or more extensions of the time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten years from the date such site plan is approved.
3. Any Site Plan approved by the Commission prior to the effective date of this revised Section shall be exempt from its provisions, notwithstanding any other applicable requirements, provided however, construction shall have started on said approved Site Plan within one year from the date the Commission approved and signed said Site Plan.
4. The Commission may condition the approval of such extension on a determination of the adequacy of the financial guaranty.

## Section 7.D

### PROCEDURES

#### SPECIAL PERMIT APPLICATION

## 7.D. SPECIAL PERMIT APPLICATION

### 7.D.1 PURPOSE

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

### 7.D.2 APPLICATION REQUIREMENTS

1. A Special Permit Application shall be submitted for any activity designated in the Regulations as requiring approval of a Special Permit.
2. Each application for a Special Permit shall, unless expressly waived by the Commission or in writing by the Director of Planning, be accompanied by a Site Plan Application. If a Site Plan Application is required, such application is subordinate to the Special Permit Application and cannot be acted upon until the Special Permit Application is decided by the Commission.
3. Twelve (12) copies of the Special Permit Application shall be made in the form prescribed by the Commission, and shall include the following information:
  - a. a detailed statement describing the existing and proposed use or use;
  - b. a detailed statement describing how the Special Permit criteria in Section 7.D.4 are addressed;
  - c. any approval from any local, regional, state, or federal agency or department having jurisdiction over any aspect of the application;
  - d. a list of all property owners, together with addresses, required to be notified by Section 7.H.7 or other section of these Regulations; and
  - e. all applications shall be accompanied by a fee, as provided in the fee schedule of the Town, to cover the cost of administration.
4. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
5. If a Special Permit Application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Conservation Commission not later than the day such application is filed with the Commission.
6. The Commission shall not be required to hear the same Special Permit application, or substantially the same Special Permit application for a period of 12 months after a decision by the Commission or by a Court on an earlier such application.



### **7.D.3 PROCEEDINGS**

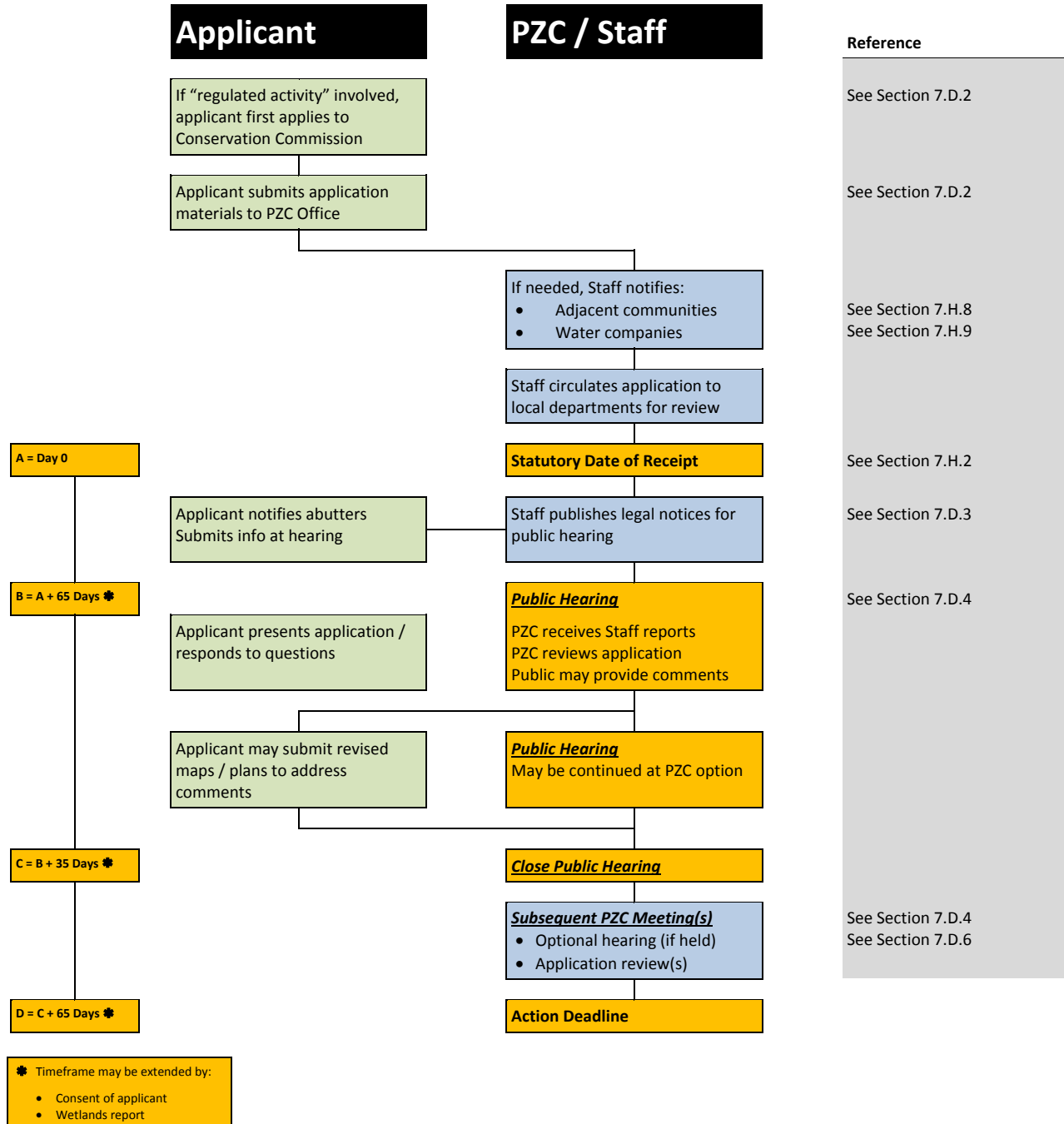
1. The date of receipt of the Special Permit Application shall be determined in accordance with Section 7.H.2.
2. An incomplete Special Permit Application shall be denied in accordance with Section 7.H.3.
3. The Commission shall hold a public hearing on the Special Permit Application and:
  - a. publish a legal notice in accordance with the requirements of Section 7.H.6; and
  - b. require that the applicant give notice to property owners within 100 feet in accordance with the requirements of Section 7.H.7.
4. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Office of the Director of Planning or the application shall be considered incomplete:
  - a. a copy of the complete package of information sent to abutters;
  - b. a list of the abutters to whom the notices were sent; and
  - c. proof of mailing to property owners required to be notified by Section 7.H.7 or other section of these Regulations.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 7.H.8.
6. Notification to water companies may be required in accordance with the requirements of Section 7.H.9.
7. The Commission shall process the Special Permit Application within the period of time permitted under CGS Section 8-7d:
  - a. the public hearing shall commence within sixty-five (65) days after receipt of the application;
  - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences;
  - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing; and
  - d. the applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
8. Notwithstanding the provisions of this Section, if an application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty-fifth day after a decision by the Conservation Commission, the time period for a decision shall be extended to thirty-five (35) days after the decision of such agency.
9. The applicant may, at any time prior to action by the Commission, withdraw such application.

## Section 7.D

### PROCEDURES SPECIAL PERMIT APPLICATION

#### Hebron Zoning Regulations

# Special Permit Application



**7.D.4 DECISION CONSIDERATIONS**

1. On a Special Permit Application involving an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the Commission shall:
  - a. wait to render its decision until the Conservation Commission has submitted a report with its final decision; and
  - b. give due consideration to any report of the Conservation Commission when making its decision.
2. On a Special Permit Application involving notice to adjoining municipalities under Section 7.H.8 or notice to water companies under Section 7.H.9, the Commission shall give due consideration to any report received.
3. Before the Commission approves a Special Permit Application, it shall determine that the application:
  - a. is in conformance with the applicable provisions of these Regulations;
  - b. has, in the sole discretion of the Commission, satisfied the Special Permit Criteria in Section 7.D.5; and
  - c. is in harmony with the purposes and intent of these Regulations and the currently adopted Plan of Conservation and Development.
4. Where two (2) or more Special Permit uses shall apply to the same premises, the minimum requirements shall be the minimum requirements for each use as specified in these Regulations, or in case of two (2) or more Special Permit uses in the same building, whichever requirements shall be more restrictive.
5. Before granting a Special Permit, the Commission shall determine that any accompanying Site Plan Application is in conformance with the applicable provisions of these Regulations.
6. In granting a Special Permit, the Commission may:
  - a. stipulate such conditions as are reasonable and necessary to protect or promote the public health, safety or welfare; property values; the environment; sound planning and zoning principles; improved land use, site planning and land development; or better overall neighborhood compatibility;
  - b. impose additional requirements, conditions or safeguards as a prerequisite to the issuance of the Certificate of Zoning Compliance by the Zoning Enforcement Officer, if it shall be found necessary in order as reasonably necessary to serve public safety and welfare; and
  - c. set time limits on the Special Permit and/or require periodic renewal of the Special Permit without a public hearing. In the event an appeal is taken from the Commission approval of a Special Permit, then the time period shall commence on the date of final disposition of such litigation. An expired Special Permit shall be considered null and void.
7. Where the Commission finds or has reason to believe that circumstances or conditions upon which a Special Permit is warranted may change over time, the Commission may limit the time during which the Special Permit shall remain valid and may cause the review and substantiation of the justifying circumstances or conditions at periodic intervals or when occupancy or tenancy of the premises changes.
8. Whenever the Commission acts upon a Special Permit, it shall state upon its records the reason for its decision.

## Section 7.D

### PROCEDURES

#### SPECIAL PERMIT APPLICATION

#### 7.D.5 SPECIAL PERMIT CRITERIA

##### **A. Suitable Location for Use -**

1. The location and size of the site, the nature and intensity of the operations involved in or conducted in connection with the use, and the location of the site with respect to streets giving access to it are such that the use shall be in harmony with the appropriate and orderly development in the district in which it is located and shall promote the welfare of the Town.
2. The proposed use shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and shall not tend to depreciate the value of property in the neighborhood and shall not be detrimental to the orderly development of adjacent properties in accordance with the zoning classifications of such properties.

##### **B. Appropriate Improvements -**

1. The design elements of the proposed development are in accordance with the design guidelines incorporated in Section 5.A of these Regulations and are suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and probable future character of the neighborhood in which the use is located.
2. The location, nature, and height of buildings, walls and fences, planned activities and the nature and extent of landscaping on the site will be such that the use shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
3. The proposed use or activity shall not have adverse effect upon the neighboring area resulting from the use of signs, artificial illumination, or any noise-making device(s).

##### **C. Suitable Transportation Conditions -**

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

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**D. Adequate Utilities and Services -**

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

**E. Environmental Protection & Conservation -**

1. Appropriate consideration shall be given to the protection, preservation, and/or enhancement of natural resources and unique resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve such resources and features.
2. Appropriate consideration shall be given to whether the proposed development is compatible with soil types, terrain, and the natural capacity of the land.
3. Appropriate consideration shall be given to the protection, preservation, and/or enhancement of historic and archeologic resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve such resources and features.
4. Appropriate consideration shall be given to the protection, preservation, and/or enhancement of scenic resources including, where appropriate, the use of conservation restrictions to protect and permanently preserve such resources and features.

**F. Long Term Viability -**

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

**G. Consistency With Overall Objectives -**

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

## Section 7.D

### PROCEDURES

#### SPECIAL PERMIT APPLICATION

##### 7.D.6 ACTION DOCUMENTATION

1. The Commission shall, whenever it grants or denies a Special Permit, state upon its record the reason(s) for its decision.
2. The Commission shall send, by Certified Mail, a copy of any decision on a Special Permit Application to the applicant within fifteen days after such decision is rendered.
3. The decision shall:
  - a. state the name of the owner of record;
  - b. contain a description of the premises to which it relates;
  - c. identify the Section of the Regulations under which the Special Permit was granted or denied; and
  - d. specify the nature of the Special Permit.
4. The Commission shall cause notice of the approval or denial of the Special Permit Application to be published in a newspaper having a general circulation in the community within fifteen days after such decision is rendered.
5. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

##### 7.D.7 FOLLOWING APPROVAL

1. A Special Permit granted by the Commission shall only become effective upon the filing of a copy, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS Section 8-3d.
2. A Special Permit shall only authorize the particular use or uses specified in the Commission's approval.
3. Failure to adhere strictly to the documents, plans, terms, conditions, and/or safeguards approved by the Commission or its staff shall be a violation of these Regulations.
4. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit except that amendments which shall be found to be of a minor nature or which do not materially alter the Special Permit, as determined by the Commission, may be authorized with Commission approval only, without another public hearing.
5. Notwithstanding any other provision of these Regulations, when an amendment to these Regulations or boundaries of zoning districts is adopted, a Special Permit that has been approved according to the Regulations in effect at the time of filing shall not be required to conform to such amendment provided:
  - a. construction of any of the proposed improvements, including but not limited to roads, sewer lines, landscaping, recreational facilities, etc. shall have commenced within 12 months from the effective date of the Special Permit and Site Plan approvals; and
  - b. construction of the improvements shall have been diligently pursued and prosecuted in substantial completion within the original time constraints set forth at the time of approval or within three years following the effective date of such amendment in these Regulations or boundaries of zoning districts.

## Section 7.D

### PROCEDURES

#### SPECIAL PERMIT APPLICATION

6. Any condition or safeguards attached to the granting of a Special Permit shall remain with the property as long as the Special Permit use shall be in operation. These condition and safeguards shall continue in force regardless of any change in ownership of the property.
7. Any authorized Special Permit shall be subject to revocation by the Commission if any condition or safeguard imposed by the Commission upon buildings, structures, land or uses for said permit shall not be strictly adhered to by the applicant, user and/or owner. Notification thereof shall be filed in the Office of the Town Clerk.
8. **Amendments or Modifications -**
  - a. Applications for amendment of a Special Permit that increase the existing ground coverage by less than ten percent (10%), that are necessitated by site conditions or are deemed to be in the public interest shall be made in the same manner as the original application; except that amendments which shall be found to be of a minor nature or which shall not materially alter the Special Permit as determined by the Commission, may be authorized with Commission approval only, without another public hearing.
  - b. Applications for Special Permit amendments that enlarge the existing ground coverage by ten percent (10%) or more, or require a change of use, may be authorized with Commission approval, only after another public hearing.

## Section 7.E

### PROCEDURES

#### REGULATION AMENDMENT APPLICATION

## 7.E. REGULATION AMENDMENT APPLICATION

### 7.E.1 APPLICATION REQUIREMENTS

1. A Regulation Amendment Application shall be submitted for any proposal to amend, change, or repeal any Section of these Regulations.
2. Any such application shall be accompanied by fifteen (15) copies of the precise wording of the existing and proposed text and any other supporting information.
3. The application shall be accompanied by a fee, as provided in the fee schedule of the Town to cover the cost of administration.
4. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.
5. A Regulation Amendment Application shall only be submitted by:
  - a. an owner of real property,
  - b. residents or persons having an interest in land in Town, or
  - c. by the Commission on its own initiative.
6. The Commission shall not be required to hear any petition or petitions relating to the same changes, or substantially the same changes, more than once in a period of twelve months unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.
7. The Commission shall not be required to hear a Regulation Amendment Application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action.



## **7.E.2 PROCEEDINGS**

1. The date of receipt for the Regulation Amendment Application shall be determined in accordance with Section 7.H.2.
2. An incomplete Regulation Amendment Application shall be denied in accordance with Section 7.H.3.
3. The Commission shall hold a public hearing on the Regulation Amendment Application and:
  - a. shall cause a legal notice to be published in accordance with the requirements of Section 7.H.6; and
  - b. may publish the full text of such proposed regulation in full in such notice.
4. For any proposed amendment to these Regulations initiated by the Commission:
  - a. any fees shall be waived; and
  - b. the notice requirements of Section 7.H.6 shall be sufficient.
5. The Commission may refer any application to amend these Regulations to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.
6. Notification to regional planning agencies may be required in accordance with the requirements of Section 7.H.10.
7. Notification to adjoining municipalities may be required in accordance with the requirements of Section 7.H.8.
8. Notification to water companies may be required in accordance with the requirements of Section 7.H.9.
9. A copy of the proposed regulation shall be filed by the applicant in the Office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
10. In accordance with CGS Section 8-7d(g), the Commission shall notify any person or organization on the public notice registry at least seven (7) days prior to the commencement of the public hearing on the Regulation Amendment application.
11. The Commission shall process the Regulation Amendment Application within the period of time permitted under CGS Section 8-7d:
  - a. the public hearing shall commence within sixty-five (65) days after receipt of the application;
  - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences;
  - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing;
  - d. the applicant may consent to one (1) or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days; and
  - e. these provisions shall not apply to any action initiated by the Commission regarding adoption or change of any Regulation.
12. The applicant may, at any time prior to action by the Commission, withdraw such application.

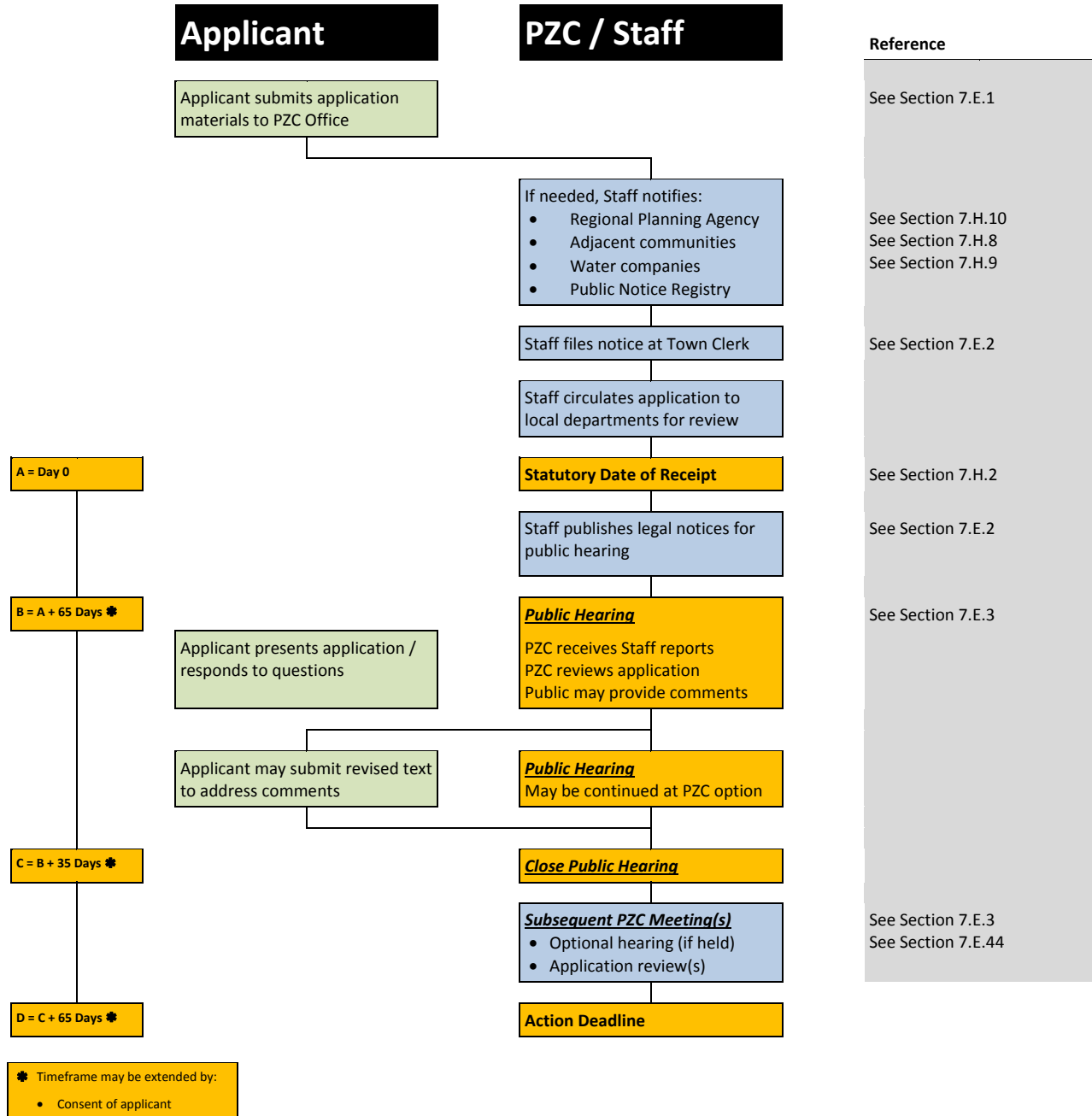
## Section 7.E

### PROCEDURES

#### REGULATION AMENDMENT APPLICATION

##### Hebron Zoning Regulations

# Regulation Amendment Application



Note that Regulation Amendment applications initiated by the Commission are not subject to these timeframes and the timeframes may be extended.

### **7.E.3 DECISION CONSIDERATIONS**

1. The Commission shall act upon the changes requested in such Regulation Amendment Application.
2. Any report from an adjacent municipality or a regional planning agency shall be made a part of the record of such hearing.
3. On a Regulation Amendment Application involving notice to adjoining municipalities under Section 7.H.8, notice to water companies under Section 7.H.9, or notice to a regional planning agency under Section 7.H.10, the Commission shall give due consideration to any report or testimony received.
4. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
5. Before approving any Regulation Amendment Application, the Commission shall determine that the proposed regulation change will aid in:
  - a. protecting the public health, safety, welfare, or property values;
  - b. attaining the purposes of these Regulations; and
  - c. accomplishing the provisions contained in Section 8-2(a) of the Connecticut General Statutes.
6. Such Regulation(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission.

## Section 7.E

### PROCEDURES

#### REGULATION AMENDMENT APPLICATION

##### 7.E.4 ACTION DOCUMENTATION

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

##### 7.E.5 FOLLOWING APPROVAL

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

## **7.F. ZONE CHANGE APPLICATION**

### **7.F.1 APPLICATION REQUIREMENTS**

1. A Zone Change Application shall be submitted in writing on forms provided by the Commission for any proposal to alter the zoning designation of any parcel of land or part thereof.
2. A Zone Change Application shall be:
  - a. Initiated by the affected property owner(s);
  - b. initiated by petition; or
  - c. commenced by the Commission on its own initiative.
3. If a Zone Change Application is initiated by petition, the application shall include evidence that notification was sent by Certified Mail to the affected property owner(s) at least fifteen (15) days before the initial public hearing on the request.
4. Unless such application is initiated by the Commission, the application shall include:
  - a. a metes and bounds description of the land to be included in the amendment;
  - b. written reason(s) for the proposed amendment;
  - c. fifteen (15) copies of a map, accurately drawn to a maximum scale of 50 feet or a minimum of two-hundred (200) feet to the inch, showing north arrow, name of the petitioner and all existing lots, dimensions, property lines, streets, the location size and use of existing structures within the area of proposed change, existing and proposed zoning for the area included in and within five-hundred (500) feet of the subject property, and any other information considered pertinent by the applicant;
  - d. a list of all property owners required to be notified in Section 7.H.7 plus the names, addresses, tax map and lot numbers of all owners of property subject to the proposed amendment; and
  - e. a fee, as provided in the fee schedule of the Town to cover the cost of administration.
5. The Commission shall not be required to hear a Zone Change Application that has been rejected within one (1) year from the date of rejection unless it finds, on facts presented in writing, that a material change in the situation justifies this action. A change of ownership of property or any interest therein shall not be deemed a material change in the situation for the purpose of this Section.

## Section 7.F

### PROCEDURES

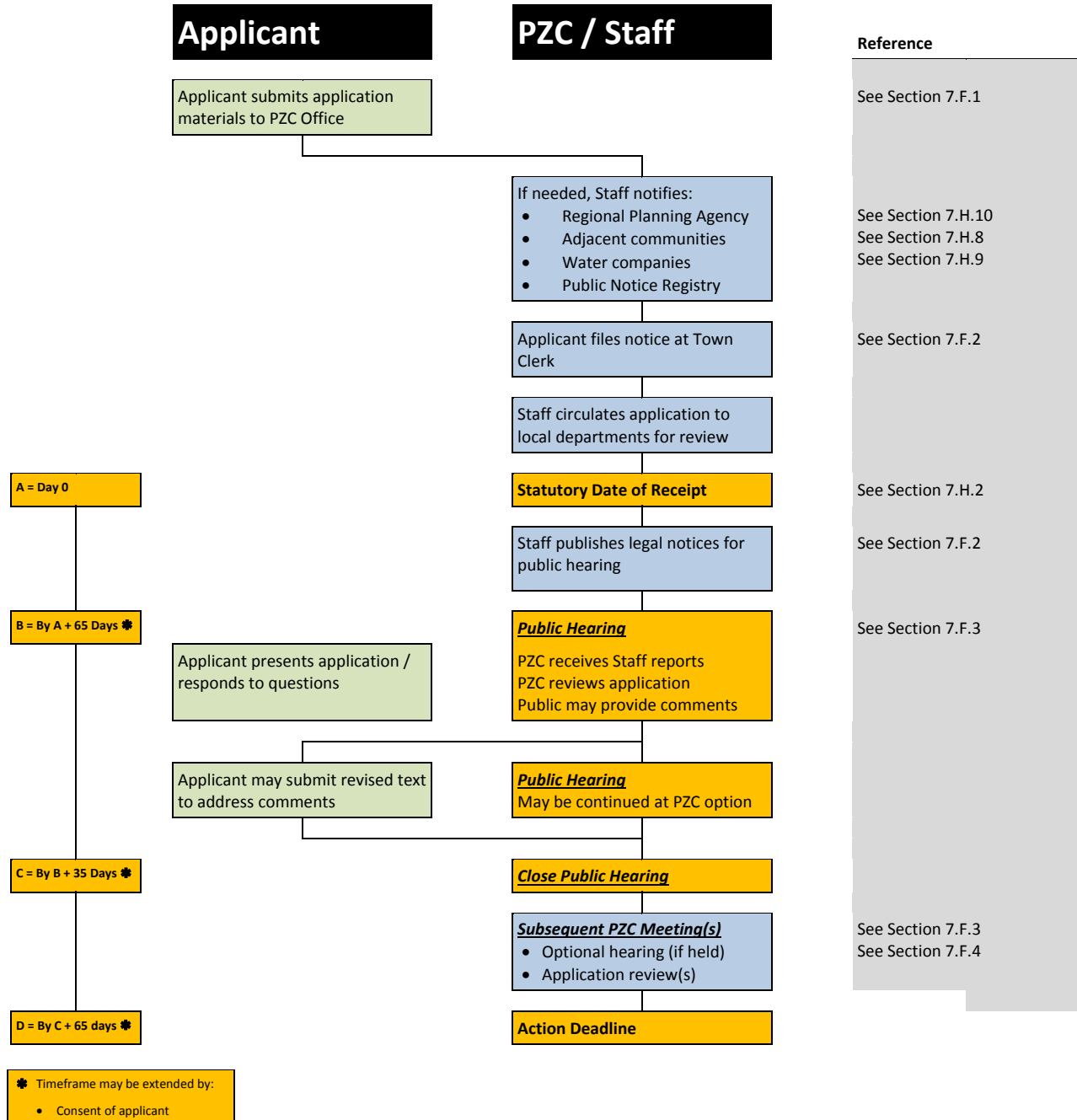
#### ZONE CHANGE APPLICATION

##### 7.F.2 PROCEEDINGS

1. The date of receipt of the Zone Change Application shall be determined in accordance with Section 7.H.2.
2. The Commission shall hold a public hearing on the Zone Change Application and:
  - a. shall cause a legal notice to be published in accordance with the requirements of Section 7.H.6.; and
  - b. require that the applicant give notice to property owners within 100 feet in accordance with the requirements of Section 7.H.7.
3. The Commission may refer any application to amend the Zoning Map to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.
4. In accordance with Section 7.H.10 of these Regulations, any proposed change of zone affecting any properties within 500 feet of the Town line shall be referred to the Regional Planning Agency.
5. Notification to adjoining municipalities may be required in accordance with the requirements of Section 7.H.8.
6. Notification to water companies may be required in accordance with the requirements of Section 7.H.9.
7. A copy of the proposed zone change shall be filed by the applicant in the Office of the Town Clerk for public inspection at least ten (10) days before the public hearing.
8. The Commission shall process the Zone Change Application within the period of time permitted under CGS Section 8-7d:
  - a. the public hearing shall commence within sixty-five (65) days after receipt of the application;
  - b. the public hearing shall be completed within thirty-five (35) days after such hearing commences;
  - c. all decisions shall be rendered within sixty-five (65) days after completion of such hearing;
  - d. the applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days; and
  - e. these provisions shall not apply to any action initiated by the Commission regarding a Zone Change Application.
9. In accordance with CGS Section 8-7d(g), the Commission shall notify any person or organization on the public notice registry at least seven (7) days prior to the commencement of the public hearing on the of the Zone Change application.
10. The applicant may at any time prior to action by the Commission, withdraw such application.

Hebron Zoning Regulations

# Zone Change Application



Note that Zone Change applications initiated by the Commission are not subject to these timeframes and the timeframes may be extended.

## Section 7.F

### PROCEDURES

#### ZONE CHANGE APPLICATION

##### 7.F.3 DECISION CONSIDERATIONS

1. On a Zone Change Application involving notice to adjoining municipalities under Section 7.H.8, notice to water companies under Section 7.H.9, or notice to a regional planning agency under Section 7.H.10, the Commission shall give due consideration to any report or testimony received.
2. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
3. Before approving any Zone Change Application, the Commission shall determine that the proposed zone change:
  - a. is in accordance with the Plan of Conservation & Development'
  - b. is suitable for the intended location'
  - c. will aid in protecting the public health, safety, welfare, or property values'
  - d. will aid in attaining the purposes of these Regulations; and
  - e. will help accomplish the provisions contained in Section 8-2(a) of the Connecticut General Statutes.
4. Such Zone Change shall be established, changed or repealed only by a majority vote of all the members of the Commission except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty percent (20%) or more of the area of the lots affected by such proposed change or of the lots within five-hundred (500) feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds (2/3) of all the members of the Commission.



#### **7.F.4 ACTION DOCUMENTATION**

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

#### **7.F.5 FOLLOWING APPROVAL**

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

## Section 7.G

### PROCEDURES

#### ZONING BOARD OF APPEALS PROCEDURES

## 7.G. ZONING BOARD OF APPEALS PROCEDURES

### 7.G.1 GENERAL PROVISIONS

1. **Appointment** - There shall be a Zoning Board of Appeals (ZBA) established pursuant to the provisions of any special or public act adopted by the General Assembly and any Charter provisions adopted by the Town.
2. **Powers And Duties** - The Board shall have the following powers and duties:
  - a. to hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer except that no order, requirement, or decision made by the Planning and Zoning Commission shall be subject to a review by the Board of Appeals;
  - b. to determine and vary the application of the Zoning Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship and only when such determination or variance shall:
    - be in harmony with the general purpose and intent of these Regulations,
    - give due consideration for conserving the public health, safety, convenience, welfare and property values; and
    - result in substantial justice being done and the public safety and welfare secured.
  - c. to hear and decide all matters referred to it and upon which it shall be required to pass under any provision of these Regulations or State law.
3. **Meetings** -
  - a. All meetings of said Board shall be held at the call of the Chairman or Secretary at such times as the Board may determine and shall be open to the public.
  - b. The Chairman or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.
  - c. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, shall indicate such fact, and shall keep records of its examinations and other official acts.
  - d. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the Board shall immediately be filed in the Planning and Zoning Department and shall be a public record.
  - e. If a regular member of the Board of Appeals is absent, the member may designate an alternate from the panel of alternates to act in his place but if the member fails to make such designation or if he is disqualified, the chairman of the Board shall designate an alternate from such panel.
  - f. In choosing an alternate, the Chairman shall choose alternates in rotation so that they shall act as nearly equal a number of times as possible and, if any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.
4. A member of the Board shall disqualify himself to act in a given case by reason of his relationship to any party involved or of financial interest in the matter before the Board.

**7.G.2 APPEALS OF ENFORCEMENT DECISIONS**

1. **Authority** - In accordance with CGS Section 8-7, an appeal may be taken to the Board of Appeals by a person alleging to be aggrieved by an order, requirement, or decision made by the Zoning Enforcement Officer.
2. **Application Materials** –
  - a. Any such appeal shall be taken within thirty (30)-days of the issuance of the order, requirement, or decision by filing a notice of appeal on the application forms provided by the Town with the Zoning Enforcement Officer and the Zoning Board of Appeals specifying the grounds thereof.
  - b. An appeal shall be accompanied by a fee as provided in these Regulations.
  - c. The Zoning Enforcement Officer shall forthwith transmit to said Board all the papers constituting the record upon which the appeal was taken.
  - d. The Board of Appeals may require the filing of a survey meeting the Class A-2 accuracy standards of the Code of Practice for Standards of Accuracy of Surveys and Maps, by the Connecticut Association of Land Surveyors, Inc., when warranted by the proximity of the proposed change of use or construction or alteration of a structure to any property line.
3. **Effect of Appeal** –
  - a. Where such appealable decision by the Zoning Enforcement Officer prohibits further construction or expansion of a use in violation of the Zoning Regulations, an appeal shall not be cause for such construction or expansion to continue except to such extent that the Board may allow when ruling on the appeal.
  - b. In situations other than that described in Section 7.G.2.3.a above, an appeal shall temporarily stop all zoning enforcement and proceedings with regard to such order, requirement or decision unless the Zoning Enforcement Officer certifies to the Board of Appeals after the appeal has been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.
  - c. If the Zoning Enforcement Officer certifies to the Board of Appeals that a stay would cause imminent peril to life or property, enforcement and proceedings shall only be stayed by a restraining order granted by a court of record, on notice to the Zoning Enforcement Officer and on due cause shown.

## Section 7.G

### PROCEDURES

#### ZONING BOARD OF APPEALS PROCEDURES

##### 4. Proceedings -

- a. The Board shall hold a public hearing on the appeal and:
  - publish a legal notice in accordance with the requirements of Section 7.H.6;
  - not less than fifteen (15) days before the subject hearing, the appellant shall mail a copy of the legal notice of the hearing to the owners of each parcel or property within 200 feet of the appellant's property, as determined from the latest real estate list of the Town in the Tax Assessor's Office; and
  - at the hearing, the applicant, or his/her legal representative, shall submit evidence of the required mailing in the form of U.S. Postal Service Certificates of Mailing, a list showing the names and address of the owners of all such properties, and a copy of the notification (including attachments) which were mailed.
- b. At such hearing, any party may appear in person or may be represented by agent or by attorney.
- c. Notification to adjoining municipalities may be required in accordance with the requirements of Section 7.H.8.
- d. Notification to water companies may be required in accordance with the requirements of Section 7.H.9.
- e. The Board shall process the appeal within the period of time permitted under CGS Section 8-7d:
  - the public hearing shall commence within sixty-five (65) days after receipt of the appeal;
  - the public hearing shall be completed within thirty-five (35) days after such hearing commences;
  - all decisions shall be rendered within sixty-five (65) days after completion of such hearing; and
  - the applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
- f. The applicant may, at any time prior to action by the Board, withdraw such application.

##### 5. Considerations –

- a. The Board shall have all the powers of the Zoning Enforcement Officer from whom the appeal has been taken but only in accordance with the provisions of this Section.
- b. The Board shall make such order, requirement or decision as in its opinion should be made in the circumstances.
- c. The Board may reverse, affirm wholly or partly, or may modify any order, requirement, or decision from which an appeal has been taken.
- d. The concurring vote of four (4) members of the Board shall be necessary to reverse, affirm partly, or modify any order, requirement, or decision of the official charged with the enforcement of the Regulations.
- e. Whenever the Board sustains or reverses wholly or partly any order, requirement or decision appealed from, it shall state upon its records the reason for its decision and the Regulation which is varied in its application or to which an exception is granted.

##### 6. Action Documentation -

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

**7.G.3 VARIANCES**

1. **Authority** - In accordance with CGS Section 8-6, the Board of Appeals shall have the power and duty to determine and vary the application of the Regulations solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship.
2. **Application Requirements** -
  - a. A Variance Application shall be accompanied by ten (10) copies of sufficiently detailed plans for review by the Board and its designees.
  - b. An accurate and detailed plan drawn to scale is required showing the type and the degree of the variance requested, however, the Board of Appeals may require the filing of a survey meeting the Class A-2 accuracy standards of the Code of Practice for Standards of Accuracy of Surveys and Maps, by the Connecticut Association of Land Surveyors, Inc., when the variance is dimensional in nature or such survey is integral to the understanding of the application.
  - c. An application to the ZBA shall be accompanied by a fee as provided in Appendix C to these Regulations.
  - d. If a Variance Application involves an activity regulated pursuant to CGS Sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application for a permit to the Conservation Commission not later than the day such application is filed with the Board.
  - e. The Board shall not be required to hear any application for the same variance or substantially the same variance for a period of six (6) months after a decision by the Board or by a court on an earlier such application.
3. **Nature of Variance** -
  - a. Any variance granted by a Board of Appeals shall run with the land and shall not be personal in nature to the person who applies for and receives the variance.
  - b. A variance shall not be extinguished solely because of the transfer of title to the property or the invalidity of any condition attached to the variance that would affect the transfer of the property from the person who initially applied for and received the variance.
  - c. A variance shall only authorize the particular activity specified in the Board's approval.

## Section 7.G

### PROCEDURES

#### ZONING BOARD OF APPEALS PROCEDURES

##### 4. Proceedings -

- a. The date of receipt for the Variance Application shall be determined in accordance with Section 7.H.2.
- b. The Board shall hold a public hearing on the Variance Application and:
  - publish a legal notice in accordance with the requirements of Section 7.H.6;
  - not less than fifteen (15) days before the subject hearing, the applicant shall mail a copy of the legal notice of the hearing to the owners of each parcel or property within 200 feet of the appellant's property, as determined from the latest real estate list of the Town in the Tax Assessor's Office; and
  - at the hearing, the applicant, or his/her legal representative, shall submit evidence of the required mailing in the form of U.S. Postal Service Certificates of Mailing, a list showing the names and address of the owners of all such properties, and a copy of the notification (including attachments) which were mailed.
- c. At such hearing, any party may appear in person or may be represented by agent or by attorney.
- d. Notification to adjoining municipalities may be required in accordance with the requirements of Section 7.H.8.
- e. Notification to water companies may be required in accordance with the requirements of Section 7.H.9.
- f. An incomplete Variance Application shall be denied in accordance with Section 7.H.3.
- g. The Board shall process the Variance Application within the period of time permitted under CGS Section 8-7d:
  - the public hearing shall commence within sixty-five (65) days after receipt of the application;
  - the public hearing shall be completed within thirty-five (35) days after such hearing commences;
  - all decisions shall be rendered within sixty-five (65) days after completion of such hearing; and
  - the applicant may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days.
- h. The applicant may, at any time prior to action by the Board, withdraw such application.

##### 5. Decision Considerations -

- a. Whenever a Variance Application is joined with an enforcement appeal pursuant to Section 7.G.2, the Board shall first decide the issues presented by such appeal.
- b. The application of a regulation affirming a statute shall not be subject to variance.
- c. In order to approve an application for a variance, the Board shall find that a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship:
  - solely with respect to the parcel of land that is the subject of the application;
  - owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated; and
  - shall not be based upon the non-conforming use of neighboring lands, structures, or buildings.
- d. The Board shall only grant the minimum variance necessary to alleviate the exceptional difficulty or unusual hardship:
  - in harmony with the general purpose and intent of these Regulations;
  - with due consideration for conserving the public health, safety, convenience, welfare and property values; and
  - so that substantial justice shall be done and the public safety and welfare secured.
- e. Whenever the Board of Appeals grants or denies any variance in the Zoning Regulations applicable to any property it shall state upon its records:
  - the reason for its decision;
  - the Regulation which is varied in its application; and
  - when a variance is granted, a specific description of the exceptional difficulty or unusual hardship on which its decision is based.
- f. The concurring vote of four (4) members of the Board shall be necessary to vary the application of the Zoning Regulations.

**6. Action Documentation -**

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

**7. Following Approval -**

- a. A variance granted by the Board shall only become effective upon the filing of a copy, certified by the Board, in the Office of the Town Clerk, in accordance with the provisions of CGS Section 8-3d.

**7.G.4 LOCATION OF USES**

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

## Section 7.H

### PROCEDURES PROCEDURAL ELEMENTS

## 7.H. PROCEDURAL ELEMENTS

### 7.H.1 APPLICATION SUBMITTAL REQUIREMENTS

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

### 7.H.2 DATE OF RECEIPT

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

1. the day of the next regularly scheduled meeting of the Commission or the Board of Appeals immediately following the day of submission of the application to the Office of the Director of Planning; or
2. thirty-five (35) days after submission, whichever is sooner.

### 7.H.3 INCOMPLETE APPLICATIONS

1. Each application shall be reviewed by the Office of the Director of Planning to determine whether the application is substantially complete.
2. An application shall not be considered actually complete until all of the information as required by these Regulations, the Commission, or the Board of Appeals has been received by the Commission or the Board of Appeals at a regularly scheduled meeting.
3. An application considered by the Commission to be incomplete or an application submitted without the requisite fee shall be denied.

### 7.H.4 SEQUENCE OF HEARINGS

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



### **7.H.5 CONSULTATIONS**

On any application, the Commission or Board may:

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

### **7.H.6 NOTICE BY NEWSPAPER**

1. When a public hearing is required by these Regulations or scheduled by the Commission, the Office of the Director of Planning shall cause notice of the hearing to be published in a newspaper having a general circulation in the community.
2. Such notice shall be published at least twice at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date of the hearing.

### **7.H.7 NOTICE TO NEARBY PROPERTY OWNERS**

1. Applicants or their representatives shall be responsible for notifying owners of property within 100 feet of the subject property of any pending application for Special Permit, Zone Change Application, or Variance.
2. As part of any such application, the applicant shall submit:
  - a. a list of the names and addresses of owners of property within 100 feet of the subject property utilizing the latest records of the Town Tax Assessor to determine the owner of each property; and
  - b. a map showing the subject property, the surrounding properties and the approximate location of structures within 100 feet of the subject property, including tax lot numbers.
3. The applicant shall notify each property owner within 100 feet of the subject property of the time, place, date, and purpose of the hearing by sending a copy of the legal notice to each property owner within 100 feet not less than ten (10) days prior to the scheduled hearing.
4. Notices from the applicant to the property owners within 100 feet shall be sent via Certified U.S. Mail and proof of mailing shall be evidenced by Certificates of Mailing from the U.S. Postal Service.
5. Prior to the date of the Commission's Public Hearing regarding the application, the applicant shall submit:
  - a. the Certificates of Mailing;
  - b. a list of the property owners to whom the notices were sent; and
  - c. a copy of the letter and any enclosures sent to the property owners.

## Section 7.H

### PROCEDURES

#### PROCEDURAL ELEMENTS

##### 7.H.8 NOTIFICATION OF ADJOINING MUNICIPALITIES

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

##### 7.H.9 NOTIFICATION OF WATER COMPANIES

1. In accordance with CGS Section 8-3i, an applicant shall provide written notice to a water company when an application, petition, request or plan is filed with the Commission or Board of Appeals concerning any project on any site which is within:
  - a. an aquifer protection area, provided such area has been delineated in accordance with CGS Section 22a-354c; or
  - b. the watershed of a water company, provided such water company has filed a map with the Commission or the Board of Appeals or on the land records showing the boundaries of the watershed.
2. Such notice shall be made by Certified Mail return receipt requested and shall be mailed within seven (7) days of the date of the day of the submission to the Office of the Director of Planning of the application, petition, request, or plan.
3. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Office of the Director of Planning or the application shall be considered incomplete:
  - a. a copy of the complete package of information sent to a water company;
  - b. proof of mailing; and
  - c. the return receipt(s).
4. Such water company may, through a representative, appear and be heard at any hearing on any such application, petition, request, or plan.

#### **7.H.10 REFERRALS TO REGIONAL PLANNING AGENCIES**

1. The Commission shall give written notice to the regional planning agency(ies) when any portion of the land affected by a Zoning Regulation or boundary change affecting the use of a district is located within five-hundred (500) feet of the boundary of another municipality.
2. Such notice shall be made not later than thirty (30) days before the public hearing and shall be made by electronic mail or by Certified Mail, return receipt requested.
3. The regional planning agency(ies) may submit advisory findings and recommendations to the Commission at or before the hearing.
4. The Commission shall read any comments submitted by the agency(ies) into the record of any public hearing or public meeting held on the application.
5. The lack of a response from any such agency shall not delay the processing of the application.

#### **7.H.11 BENEFICIARIES OF A TRUST**

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

## Section 7.H

### PROCEDURES

#### PROCEDURAL ELEMENTS

##### 7.H.12 FINANCIAL GUARANTY REQUIREMENTS

1. Where a financial guaranty is required by any section of these Regulations, the Director of Planning shall require evidence of compliance with the following standards before accepting any financial guaranty.
2. The required amount of the financial guaranty will be established by the Commission based on a listing provided by the applicant of the type and estimated quantities of materials needed to complete the approved improvements, exclusive of buildings. The amount of the financial guaranty shall be sufficient to cover the cost of any proposed or required site improvements, including but not necessarily limited to:
  - a. street grading, roadway paving, and street plantings;
  - b. installation of curbs, gutters, storm drainage facilities, landscaping, sidewalks, monuments, bridges, and culverts;
  - c. erosion and sedimentation control measures; and
  - d. all other such improvements that the Commission deems necessary to promote public health and safety and to safeguard the Town in regard to the future maintenance of said improvements.
3. The Commission may require a separate financial guaranty for all erosion and sedimentation controls required as part of the Site Plan approval.
4. All financial guaranties must be posted within ninety (90)-days after the signing of the approved Site Plan by the Commission. Site Plan approval(s), Special Permits(s), and any Certificate(s) of Zoning Compliance issued shall be null and void if the required financial guaranties are not posted as required. The Commission may grant an extension of the established time limit for good cause if in its opinion, unusual circumstances prevent filing of the financial guaranty within the prescribed time limit.
5. **Acceptable Forms of Financial Guaranties** - Financial guaranties shall be in one or more of the following forms:
  - a. cash deposited with the Town;
  - b. certified check(s) payable to the Town, when the amount of any check is fully insured by the FDIC;
  - c. bank deposit(s) assigned solely and irrevocably to the Town, when the amount of any deposit is fully insured by the FDIC; and/or
  - d. an irrevocable letter of credit naming the Town as sole beneficiary provided that:
    - such letter of credit shall be issued by a branch of a bank in Connecticut or by a branch of a bank in the United States provided that:
      - such bank is included in the most recent list issued by the Securities Valuation Office of the National Association of Insurance Commissioners (or any successor office or organization, "NAIC") as a bank meeting NAIC standards for issuing letters of credit for reinsurance purposes; or
      - the long-term unsecured debt of such bank (or the long-term unsecured debt of its holding company) is rated BBB or better by Standard & Poor's rating service or Baa or better by Moody's rating service;
    - the terms and conditions of such letter of credit shall be acceptable in form and substance to the Town; and
    - when through the passage of time, such letter of credit shall have less than thirty (30)-days remaining until its expiration or lapse date, and such expiration date has not been extended, the Town may draw the full amount under said letter of credit and the proceeds may be retained by the Town as the financial guaranty.

6. Upon completion of the proposed and required improvements, the applicant may be required to submit to the Commission:
  - a. an as-built, A-2 survey of the improvements;
  - b. certification of accurate monument location by a land surveyor registered in the State of Connecticut;
  - c. easements (if required) in a form satisfactory to the Commission; and
  - d. proof of fulfillment of any other requirements or conditions.
7. At the written request of the applicant, the Director of Planning may authorize release of all or the balance of any financial guaranty provided that:
  - a. the Town Engineer and/or Zoning Enforcement Officer has submitted a letter stating that all required improvements have been satisfactorily completed and that all conditions and requirements of the Commission's approval have been satisfied; and
  - b. the applicant's engineer or surveyor has certified to the Commission, through submission of a set of detailed "record" plans on mylar, that all improvements and other work are in accordance with approved site plans; and
  - c. the Director of Planning shall, not later than sixty-five days after receiving such request:
    - release or authorize the release of any such financial guarantee or portion thereof or
    - provide the person posting such financial guarantee with a written explanation as to the additional improvements that must be completed before such financial guarantee or portion thereof may be released.
8. To promote public health and safety and to safeguard the Town in regard to the future maintenance of said improvement, the Commission may retain a financial guaranty for maintenance, in cash or certified check, in the amount of ten percent (10%) of the total required financial guaranty for a period of one (1) year following completion of all proposed and required improvements.
9. If all work associated with a Site Plan Application approved by the Commission is not completed within the prescribed amount of time, the Site Plan approval shall expire and become null and void. Any financial guaranty shall be defaulted and the Town shall use the proceeds to ensure public health and safety and to safeguard the Town in regard to the future maintenance of said improvement.

## Section 7.H

### PROCEDURES PROCEDURAL ELEMENTS

#### 7.H.13 VILLAGE DISTRICT PROCEDURES

##### 7.H.13.1 COMMISSION APPROVAL REQUIRED UNLESS EXEMPTED

All new construction, substantial reconstruction, and rehabilitation of properties in a Village District and any changes of use or new uses not exempted below shall require Commission approval as specified in this Section.

##### 7.H.13.2 EXEMPTED ACTIVITIES

1. **Change of Use** - Village District review shall not be required, and a Zoning Permit may be issued by the Zoning Enforcement Officer for a change of use within the Village District when:
  - a. no or Minor Modifications to the site or structure are proposed;
  - b. such proposed use is permitted in the zone; and
  - c. such proposed use is substantially similar to the previous use or deemed to have less neighborhood impact and similar or less parking requirements than a previously permitted use.
2. **Routine Maintenance / Minor Modification** –
  - a. Village District review shall not be required, and a Zoning Permit may be issued by the Zoning Enforcement Officer for Routine Maintenance and Minor Modifications within view from any public roadway when the Planning Director determines that such Routine maintenance or minor modification will be consistent with the design guidelines incorporated in Section 5.A of these Regulations as well as all other applicable requirements of this Section.
3. **New Construction Not Visible** –
  - a. Village District review shall not be required for any new construction, any addition, any alteration or any other structural or site plan modification within the Village District when the entirety of such work is not within view from any public roadway.
  - b. Such new construction, addition, alteration or other structural or site plan modification within the Village District shall still require Site Plan or Special Permit approval from the Commission as appropriate and as set forth in these Regulations.
  - c. Any proposed construction shall be consistent with the design guidelines incorporated in Section 5.A of these Regulations.

##### 7.H.13.3 PROFESSIONAL DRAWINGS REQUIRED

1. Unless the Commission determines that professional drawings are not necessary due to the nature of the improvements proposed or other material provided, drawings of buildings and structures within a Village District shall be prepared by a Connecticut-licensed architect.
2. Unless the Commission determines that professional drawings are not necessary due to the nature of the improvements proposed or other material provided, site plans and landscape plans within a Village District shall be prepared by a Connecticut-licensed landscape architect.

**7.H.13.4 CRITERIA**

1. All applications submitted within the Village District shall be reviewed against the standards and criteria included in the CGS Section 8-2j, as contained elsewhere in these Regulations, and specifically the following:
  - a. the proposed buildings or modifications to existing buildings shall be harmoniously related to their surroundings, and the terrain in the district and to the use, scale and architecture of existing buildings in the district that have a functional or visual relationship to a proposed building or modification;
  - b. all spaces, structures and related site improvements visible from public roadways shall be designed to be compatible with the elements of the area of the Village District in and around the proposed building or modification;
  - c. the color, size, height, location, proportion of openings, roof treatments, building materials and landscaping of commercial or residential property and any proposed signs and lighting be evaluated for compatibility with the local architectural motif and the maintenance of views, historic buildings, monuments and landscaping;
  - d. the applicant shall provide information within the application indicating that the proposed building(s) architecture is compatible with the existing architecture of buildings within 200 feet of the site in question within the Village District;
  - e. in no event shall any building exceed a footprint of 3,000 square feet;
  - f. the removal or disruption of historic traditional or significant structures or architectural elements shall be minimized; and
  - g. any proposed construction shall be shall be consistent with the design guidelines incorporated in Section 5.A of these Regulations.
2. In addition, all development in the Village District shall be designed to achieve the following compatibility objectives:
  - a. the building and layout of buildings and included site improvements shall reinforce existing buildings and streetscape patterns and the placement of buildings and included site improvements shall assure there is no adverse impact on the district;
  - b. proposed streets and or driveway shall be connected to the existing Village District road and driveway network, wherever possible;
  - c. pedestrian access shall be provided to connect with adjacent Village District sidewalks, uses, and buildings;
  - d. open spaces within the proposed development shall reinforce open space patterns of the district, in form and siting;
  - e. locally significant features of the site such as distinctive buildings, specimen trees, or sight lines or vistas from within the district shall be integrated into the site design;
  - f. the landscape design shall complement the district's landscape patterns;
  - g. the accessory features and structures common in the Village District shall be continued in a uniform architectural theme throughout the proposed development and shall be compatible with their surroundings (including exterior signs, colonial style site lighting, white picket fences, brick paver walks, etc.); and
  - h. the scale, proportions, massing and detailing of any proposed building shall be in proportion to the scale, proportion, massing and detailing in the district.

## Section 7.H

### PROCEDURES

#### PROCEDURAL ELEMENTS

##### 7.H.13.5 PROCEDURE

1. All applications for new construction or substantial reconstruction within the Village District and in view from public roadways shall be subject to review and recommendation by a "Village District Consultant" selected and contracted by the Commission for such application and such "Village District Consultant" shall be:
  - a. an architect or architectural firm;
  - b. landscape architect; or
  - c. a planner who is a member of the American Institute of Certified Planners.
2. The Village District Consultant shall review the application and report to the Commission within 35 days of the official receipt of an application with regard to compliance with the Village District criteria contained herein.
3. Failure of the Village District Consultant to report within 35 days shall not alter or delay statutory time limits.
4. The report of the Village District Consultant shall be entered into the record of the public hearing and may be considered by the Commission in making its decision. The applicant shall be afforded the opportunity to review and comment upon any such report and to offer additional information to the Commission in response to said report.
5. The Commission may additionally seek the recommendation of any Town or Regional Agency or outside specialists with which it consults, including but not limited to, any historical organizations, the Capitol Region Council of Governments, the Connecticut Trust for Historic Preservation, and The University of Connecticut College of Agriculture and Natural Resources. Any report from such agency or organization shall be entered into the record of the public hearing and may be considered by the Commission in making its decision. The applicant shall be afforded the opportunity to review and comment upon any such report and to offer additional information to the Commission in response to said report.
6. No approval of the Commission shall be effective until a copy thereof, certified by the Commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision, is recorded in the land records of the Town of Hebron. The Town Clerk shall index the same in the Grantor's index under the name of the then record owner and the record owner shall pay for such recording.



## **SECTION 8      ADMINISTRATION**

### **8.A.      AUTHORITY**

The Planning and Zoning Commission of the Town of Hebron, Connecticut, in accordance with the provisions of Chapter 124 of the Connecticut General Statutes (CGS Section 8-1 et seq.), as amended, has adopted and established the following Zoning Regulations for the Town of Hebron, Connecticut.

### **8.B.      PURPOSES**

#### **8.B.1      STATUTORY PURPOSES**

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

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

#### **8.B.2      ADDITIONAL PURPOSES**

These Regulations are also adopted for the purposes as may be stated herein.

## Section 8.C

### ADMINISTRATION

#### APPLICATION OF REGULATIONS

## 8.C. APPLICATION OF REGULATIONS

### 8.C.1 USES PROHIBITED IF NOT PERMITTED

1. Any use not specified in these Regulations as permitted in a zoning district with “No Zoning Permit Required”, with a Zoning Permit, by Site Plan, or by Special Permit shall be deemed to be prohibited within such district.

### 8.C.2 MINIMUM REQUIREMENT

1. In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and welfare unless the context clearly indicates that the provision is intended to be a maximum limitation.

### 8.C.3 RELATIONSHIP TO OTHER REGULATIONS

1. These Regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance, or any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to law, relating to the use of lots, buildings or structures; nor are these Regulations intended to interfere with, abrogate or annul any easements, covenants or other agreement between parties.
2. Where these Regulations impose a greater restriction upon the use or dimensions of buildings or structures, or require larger yards, or other open areas than are imposed or required by existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, the provisions of these Regulations shall control.

## **8.D. COMPLIANCE WITH REGULATIONS**

### **8.D.1 USE OF LAND OR BUILDINGS**

1. No building, structure or land shall be used or occupied, in whole or in part, except in conformity with applicable Sections of these Regulations.

### **8.D.2 CREATION OR ALTERATION OF BUILDING OR STRUCTURE**

1. No building, structure or any part thereof shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with applicable Sections of these Regulations.

### **8.D.3 REDUCTION OF LOT AREA OR DIMENSION**

1. No lot shall be so reduced, divided, or created such that the area, width or other dimensions of the lot or any of its required yards or required open areas shall be less than prescribed by these Regulations.

### **8.D.4 BUILDING REQUIREMENTS**

1. The minimum yard setbacks or other spaces required by these Regulations for each and every building or structure existing at the time of the adoption of these Regulations or for any building or structure hereafter erected, shall not be encroached upon or considered as yard or space requirements for any other building or structure except in conformity with applicable Sections of these Regulations.

### **8.D.5 EXCEPTION**

1. Nothing in these Regulations shall be deemed to require any change in the place, construction or designed use of a building or structure or premises for which:
  - a. a Building Permit has been issued and the construction of which shall have been diligently prosecuted; or
  - b. plans have been approved by the Commission and the completion of improvements shall have been diligently prosecuted within the time frame established by CGS 8-3(i).

## Section 8.E

### GLOSSARY OF TERMS

#### ENFORCEMENT AND PENALTIES

## 8.E. ENFORCEMENT AND PENALTIES

1. These Regulations shall be enforced by the Zoning Enforcement Officer.
2. The Zoning Enforcement Officer is hereby empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist therein or thereat in violation of any provision of these Regulations in accordance with all powers granted by Section 8-12 of the Connecticut General Statutes.
3. Any of the following parties who take part or assist in any violation of these Regulations or who shall maintain any building or premises in which such violations shall exist may be subject to enforcement pursuant to Section 8-12 of Connecticut General Statutes:
  - a. The owner or agent of a building or premises where a violation or any provision of said Regulations shall have been committed or shall exist,
  - b. the lessee or tenant of an entire building or an extra premises where such violations shall have been committed or shall exist;
  - c. the owner, agent, lessee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist; or
  - d. the agent architect, builder, contractor or any other person who shall take part or assist in any violation.

## 8.F. VALIDITY AND SEVERABILITY

If any Section, paragraph, subdivision, clause or provision of these Regulations is adjudged to be invalid, such adjudication shall apply only to the Section, paragraph, subdivision, clause or provision so adjudged, and the remainder of these Regulations shall be deemed valid and effective.

## 8.G. EFFECTIVE DATE

1. Zoning Regulations were originally adopted in Hebron in 1947.
2. These Zoning Regulations were comprehensively reorganized and updated with an effective date of April 9, 2018.

## **SECTION 9      GLOSSARY OF TERMS**

### **9.A.      SCOPE**

This Section shall control the definition of all terms relating to the Town of Hebron Zoning Regulations.

### **9.B.      INTERPRETATION**

1. Words used in the singular shall include the plural, and vice versa. Words used in the present tense shall include the future tense, and vice versa.
2. The word "shall" is mandatory and not discretionary. The word "may" is permissive.
3. The word "structure" shall include the word "building".
4. The word "lot" shall include the words "piece", "parcel", "lot", "site", "property", and "premises".
5. The word "person" shall include a "partnership", "firm", "association", or "corporation".
6. The words "occupied" or "used" shall include the words "designed", "arranged", "intended to be occupied", and "intended to be used".
7. The words "zone", "zoning district", and "district" shall have the same meaning.
8. The phrase "these Regulations" shall refer to the entire Zoning Regulations or to any Section or Subsection.
9. The word "Commission" shall include the words "Hebron Planning and Zoning Commission".
10. Except where specifically defined herein, all words used in these Regulations shall carry their customary meaning.

**Section 9.C**  
**GLOSSARY OF TERMS**  
**DEFINITIONS**

**9.C. DEFINITIONS**

**Abut / Adjoin**

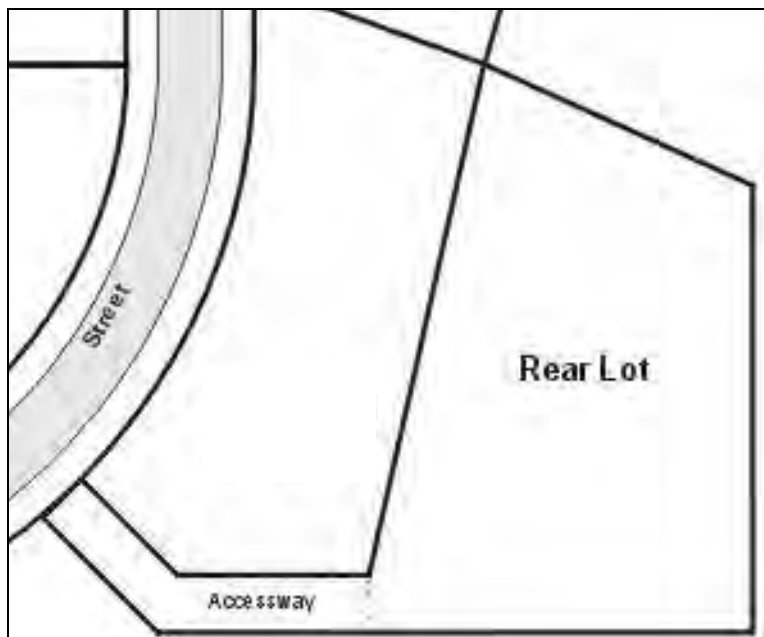
**Abut** – Directly next to and shares a property line or other physical feature.

**Adjoin** - Property that abuts and property across a street.

**Accessory** - See “Principal vs Accessory”.

**Accessory Apartment** - See “Dwelling-Related Terms”.

**Accessway** - A strip of land between a road and the main part of a rear lot sufficient to allow the construction of a driveway to the existing or proposed principal structure on the said lot.



**Acre** - For the purpose of these Zoning Regulations; one acre shall be forty three thousand, five hundred and sixty (43,560) square feet.

**Adjoin** - See “Abut / Adjoin”.

**Affordable Housing** – For the purposes of these Regulations, housing for persons and families whose income is less than or equal to 100 percent of the area median income for at least thirty (30) years after the initial occupation of the dwelling unit.

### **Agriculture-Related Terms**

**Agriculture** – (See “Farm”) As adapted from CGS Section 1-1(q), except as otherwise specifically defined, the word "agriculture" shall include:

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

**Agricultural Processing Building** - An agricultural processing building or structure is a building located on agricultural property and used to dehydrate, mill, pack, or otherwise process farm products grown on the premises. This type of agricultural building requires human occupancy to fulfill its intended use.

**Barn** – A structure used for agricultural activities.

**Farm** - The term "farm" includes land and principal and accessory buildings used primarily or incidentally for those activities included under the definition of "agriculture".

**Farm Brewery** - A small scale production facility for the processing, production and packaging of beer, ale, porter, stout and similar malt-based or grain based beverages, provided that it is located on a parcel of land that is part of a working farm of a minimum size of 50 acres, and where a portion of the hops, cereal grains and other ingredients are grown by the farmer-brewer on site or on a farm property under the same ownership located within the Town of Hebron.

**Farmers' Market** - a location on a farm where multiple farmers and vendors sell foods (such as fruits, vegetables, meats, cheeses, etc.) and other products directly to consumers (provided the array of products are primarily agricultural-related).

**Plant Nursery** - An agricultural use where the primary use is the growing and/or sale of flowers, plants, shrubs or trees.

**Alteration** - As applied to a building or structure, or its service equipment, means a change or rearrangement in the structural parts or in the exit facilities or a vital change in the service equipment; or an enlargement by an increase in area or volume, or the moving from one location or position to another; or the change in use or occupancy from one use group to another.

## Section 9.C

### GLOSSARY OF TERMS

#### DEFINITIONS

**Amusement Arcade** - A building or part of a building in which five (5) or more pinball machines, video games, or other similar player-operated amusement devices are maintained.

**Apartment** – See “Dwelling Unit”

**Approved** - Approved by the Chairman, or Secretary of the Hebron Planning and Zoning Commission or other authority given jurisdiction specifically by these Regulations.

**Arterial Street**– Any street listed as an arterial street in the Appendix of the Subdivision Regulations.

**Assisted Living Community** - A managed residential facility, providing a combination of housing, support services, personalized assistance and some health care services primarily for people age 55 and older, which services are provided by a Connecticut licensed assisted living services agency as defined under the regulations of the State of Connecticut Department of Public Health, for the purposes of assisting residents with activities of daily living while maintaining a maximum level of independence.

**Barn** - See “Agriculture-Related Terms”.

**Basement** - See “Story-Related Terms”.

**Bed and Breakfast** - Any dwelling or other situation where overnight accommodations for transient guests are offered or provided for compensation (including AirBnB or similar on-line or other service).

**Bicycle Shop** - The retail sale, repair and service of non-motorized bicycles and sale of associated accessories and equipment.

**Brewpub** - A facility manufacturing and/or producing beer, wine, and/or spirits and including the packaging of such alcoholic beverages for consumption on the premises and/or for retail or wholesale sales, or a combination thereof.

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

**Building** - Any structure used or intended for use supporting or sheltering any use or occupancy.

**Building Area** - The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts.

**Building Code** - Connecticut State Building Code, as amended, which regulates the building of structures and buildings within the Town of Hebron.

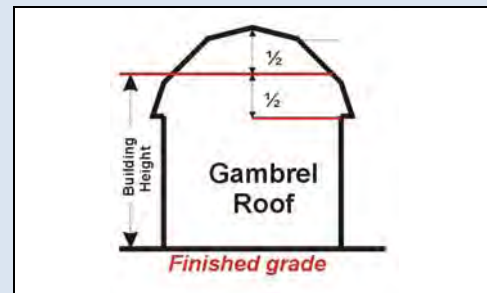
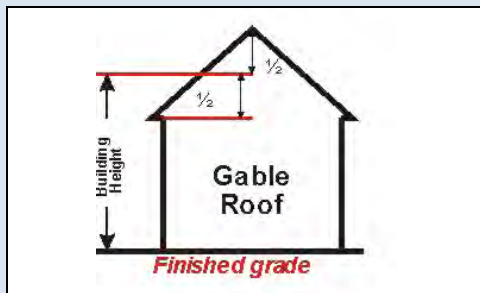
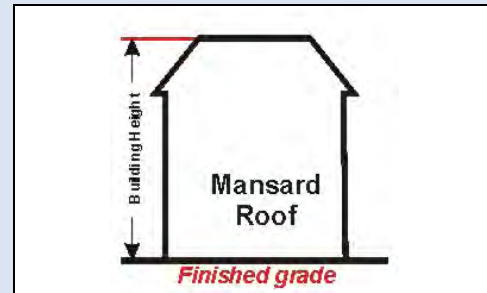
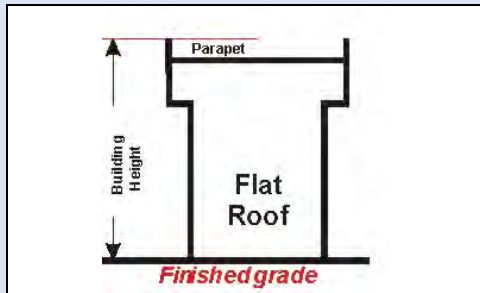
**Building Complex** - Any group of buildings in the same use group which are located on a single parcel of land or on contiguous parcels of land and share common ownership or management.

**Building Coverage** - See “Coverage”



### **Building Height-Related Terms**

**Building Height**– The greatest vertical distance between the finished grade elevation to the highest point of the roof on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.



**Grade, Finished** - A reference plane representing the median of the finished ground level adjoining and within ten (10) feet of the building at all exterior walls as measured following the completion of site grading associated with building construction. Artificial mounding against the building, inconsistent with the natural grade, will not be considered to be finished grade. See restrictions on site grading set forth in Section 5.M.2.

**Building Line** – See “Yards and Setbacks”

**Building, Non-conforming** - See “Non-Conforming Terms”

**Building Permit** - A permit issued by the Town Building Official or Building Department allowing construction only after a zoning compliance permit has been issued by the Zoning Enforcement Officer.

**Building, Principal** – See “Principal versus Accessory”

**Business Service Establishment** – An establishment providing services primarily of a business nature including but not limited to accounting, advertising, banking, clerical, collection, copy services, data processing, financial, graphic design and display, insurance, management, real estate, personnel.

## Section 9.C

### GLOSSARY OF TERMS

#### DEFINITIONS

**Cellar** - See *"Story-Related Terms"*.

**Certificate of Approval** - A certificate issued by the Building Official indicating that work done complies with the plans authorized by the Building Permit.

**Certificate of Occupancy** - A certificate issued by the Building Official indicating that work done under the Building Permit complies with the plans authorized and that the building may be occupied or used.

**Certificate of Zoning Compliance** - The certificate issued by the Zoning Enforcement Officer which permits the use of a building in accordance with the approved plans and specifications and certifies compliance with the provisions of the Hebron Zoning Regulations.

**Club** - Premises owned or occupied by a corporation or association of persons which is operated solely for a recreation, social, patriotic, political, benevolent or athletic purpose, but not primarily for profit.

**Collector Street** – Any street listed as a collector street in the Appendix of the Subdivision Regulations.

**Commercial Vehicle** – For the purposes of these Regulations, any vehicle or equipment which exhibits any of the following characteristics:

- a. Designed to sell food or merchandise from the vehicle or trailer itself;
- b. Step vans, cargo vans, walk-in vans, box trucks, beverage trucks, flat bed or stake bed trucks, semitrailers, tractor trailers, or wreckers;
- c. Trailers used to carry, deliver, handle or move goods in the conduct of business, commerce, profession or trade
- d. Commercial plate or registration;
- e. Exceeds a gross vehicle weight rating (GVWR) of ten thousand pounds (10,000);
- f. Trailers exceeding twenty (20) feet in length;
- g. Vehicle with a bed greater than eight feet (8') in length with the tailgate up;
- h. Vehicle with a dump body (i.e., a "mason dump"); or
- i. Vehicles with intrastate or interstate DOT numbers.

Exceptions:

- Commercial vehicles used on a farm for activities associated with that farm, and which are not in violation of any other Town regulation and/or ordinance, are exempt from the definition of Commercial Vehicle;
- Vehicles or equipment with a DMV farm registration; or
- Recreational vehicles / campers stored in accordance with the provisions of these Regulations.

**Community Center** - A building or structure which is operated primarily, but not exclusively, for a recreational, social, patriotic, benevolent, or athletic purpose for residents of Hebron or for residents of a housing development in Hebron.

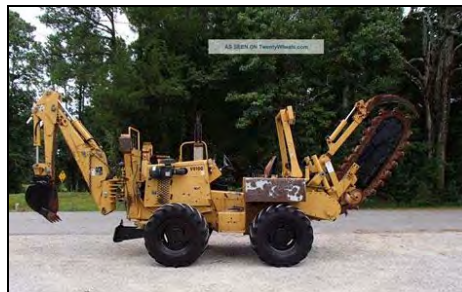
**Conservation Easement** - Conservation Easement shall mean the grant of a property right transferred to a non-profit or government entity where the landowner retains legal title and all rights associated with the land except provided the land shall remain in its natural state and precluding future development as set forth in the standard "Conservation Easement" used by the Town of Hebron, including easements preserving agricultural rights.

**Construction Equipment** – For the purposes of these Regulations, construction equipment shall include, but not be limited to, the following:

- earth moving equipment including but not limited to a backhoe or a bulldozer;
- cement mixers;
- dump trucks;
- bucket trucks;
- trenching or pipe laying equipment; and
- other similar type of contractors/ construction/ site work equipment.

Construction equipment used on a farm for activities associated with that farm, and which are not in violation of any other Town regulation and/or ordinance, are exempt from the definition of Construction Equipment.

#### **Examples of Types Of Construction Equipment**



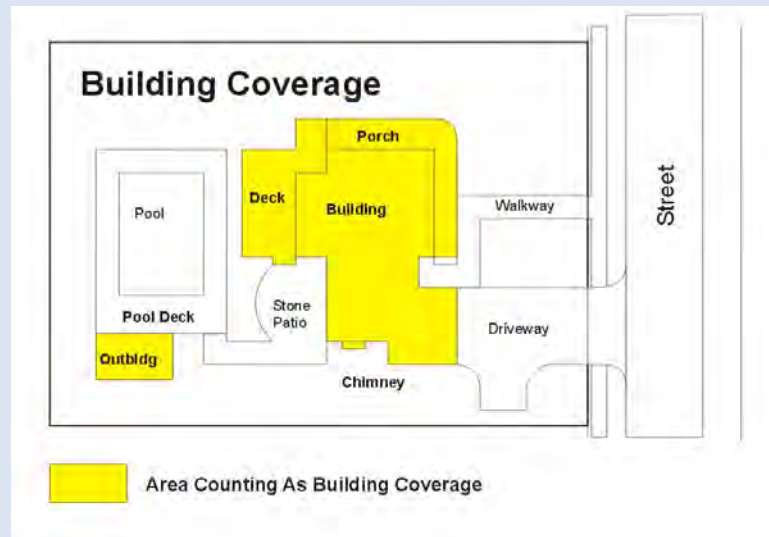
## Section 9.C

### GLOSSARY OF TERMS

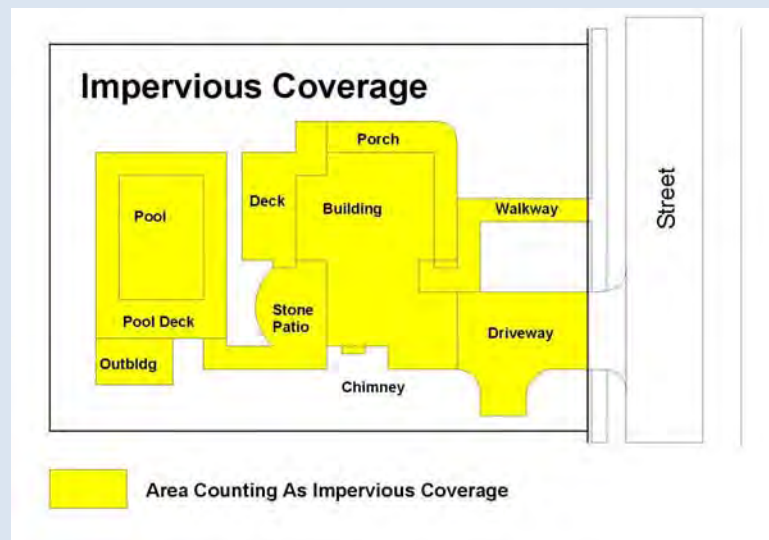
#### DEFINITIONS

### **Coverage-Related Terms**

**Building Coverage** - The percentage which the aggregate area of the footprints of all buildings and other structures on a lot bears to the lot area. In the following graphic, the yellow areas ("buildings") would be tabulated to compute building coverage.



**Impervious Coverage** - The percentage which the aggregate area of all impervious surfaces on a lot bears to the lot area. In the following graphic, the yellow areas would be tabulated to compute impervious coverage.



**Court** - An open, uncovered, and unoccupied space on the same lot with a building.

### **Day Care-Related Terms**

**Day Care** - A program of supplementary care or instruction provided, generally for remuneration, to people on a regular basis for a part of the 24 hours in one or more days in the week.

**Day Care, Child** – Day care provided to children outside their own homes.

**Day Care, Adult**- Day care provided to adults outside their own homes.

**Family Child Care Home** - A private family home caring for not more than six (6) children, including the providers' own children not in school full time, where the children are cared for not less than three nor more than 12 hours during a 24 hour period and where care is given on a regularly recurring basis, except that care may be provided in excess of twelve hours but not more than seventy-two consecutive hours to accommodate a need for extended care or intermittent short-term overnight care. During the regular school year, a maximum of three additional children who are in school full time, including the provider's own children, are permitted, except that if the provider has more than three children who are in school full time, all of the provider's children are permitted.

**Group Child Care Home** - An establishment that offers or provides day care:

- to not less than seven or more than twelve related or unrelated children on a regular basis in a private family home; and
- that meets the definition of a family child care home except that it operates in a facility other than a private family home.

**Child Care Center** - An establishment that offers or provides day care:

- to more than twelve related or unrelated children outside their own home on a regular basis; or
- other than a family child care home or a group child care home.

**Family Adult Care Home** - A private family home caring for not more than six (6) adults, including the providers' own relatives, where the adults are cared for not less than three nor more than 12 hours during a 24 hour period and where care is given on a regularly recurring basis, except that care may be provided in excess of twelve hours but not more than seventy-two consecutive hours to accommodate a need for extended care or intermittent short-term overnight care.

**Group Adult Care Home** - An establishment that offers or provides day care:

- to not less than seven or more than twelve related or unrelated adults on a regular basis in a private family home; and
- that meets the definition of a family adult care home except that it operates in a facility other than a private family home.

**Adult Care Center** - An establishment that offers or provides day care:

- to more than twelve related or unrelated adults outside their own home on a regular basis; or
- other than a family adult care home or a group adult care home.

## Section 9.C

### GLOSSARY OF TERMS

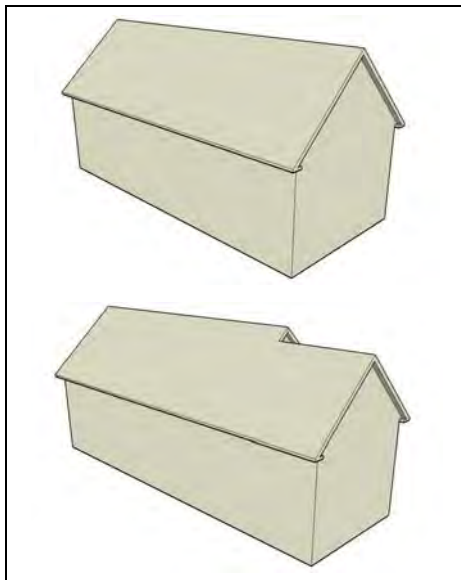
#### DEFINITIONS

**Directly Connected Impervious Area (DCIA)** - The impervious area on the site from which stormwater runoff discharges directly to waters of the state or directly to a storm sewer system that discharges to waters of the state, but specifically not including impervious areas on the site that discharge through a system designed to retain the appropriate portion of the Water Quality Volume.

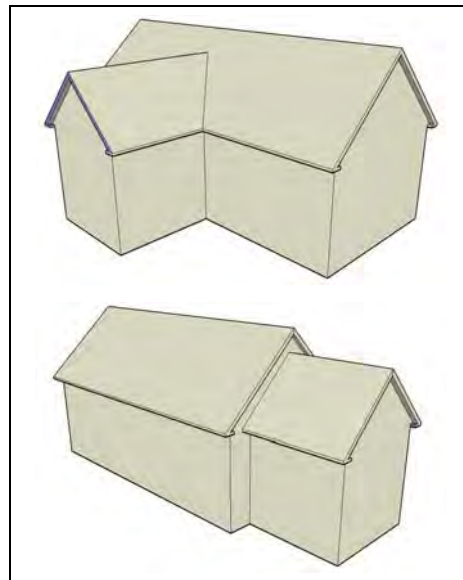
**District** - A geographic area within the Town of Hebron in which certain zoning regulations apply. Also known as zoning district. Compare to "Overlay District."

**Distinct Portion** - A portion of a building, defined by its footprint, walls or other feature(s), which is visually discrete from other portions of the same building due to articulation, roof orientation, size, height, shape, form, bulk, or other measures of volume, dimension, spatial relationship, or location.

**Buildings Without A Distinct Portion**



**Buildings With A Distinct Portion**





**Dormer, Eye** - A second story dormer located on a street-facing façade of a building where:

- the length of any individual eye dormer does not exceed eight (8) feet;
- the length of all eye dormers combined does not exceed fifty percent (50%) of the length of the wall immediately below; and
- the main building roof has a minimum of two feet (2 ft.) returns on either side of the eye dormer.

**Dormer, Partial** - A second story dormer or dormers not located on a street-facing façade of a building:

- which cumulative length of the dormer(s) does not exceed ninety percent (90%) of the length of the wall immediately below; and
- where the main building roof has a minimum of two feet (2 ft.) returns on the rear portion of the roof on either side of the dormer(s).

**Examples of Eye Dormers**



**Examples Of Partial Rear Dormers**



## Section 9.C

### GLOSSARY OF TERMS

#### DEFINITIONS

#### **Dwelling-Related Terms**

**Dwelling Unit** - A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit shall consist of contiguous floor area and no habitable space of a dwelling unit shall be separated from other habitable space of the same dwelling unit by a solid wall or by a garage, breezeway, or other unheated or uninhabitable space.

**Dwelling Unit (Elderly)** - A single unit providing complete, independent living facilities for one or more elderly or handicapped persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Dwelling, Seasonal** - A Dwelling which was originally designed or intended to be used for residential purposes only during the warmer seasons of the year, and for which no approval required by these Regulations, or any previous versions hereof, has been granted to permit year-round use.

**One Family Dwelling** - A building containing one (1) dwelling unit for one family as defined by these Zoning Regulations.

**Two Family Dwelling** - A building containing two (2) dwelling units with not more than one family per dwelling unit.

**Multi-family Apartment House Dwelling** - A building or portion thereof containing more than two (2) dwelling units and not classified as a one- or two-family dwelling.

**Apartment** – A dwelling unit as defined in these Zoning Regulations.

**Accessory Apartment** – One or more rooms within or attached to a single-family dwelling and used for independent residential purposes. In general, an accessory apartment shall be inferred when there is a sleeping area, a separate kitchen / kitchen area, and a separate bathroom with a toilet and a bathtub/shower.



### **Earthwork-Related Terms**

**Excavation** - Any operation involving the removal of earth, sand, stone, gravel, soil, minerals, loam, peat moss, or any other earth product from one site to another site (i.e. – the exportation of an earth product).

**Filling** - Any operation involving the deposition of earth, sand, stone, gravel, soil, minerals, loam, peat moss, or any other earth product on a site from another site (i.e. – the importation of an earth product).

**Regrading** - Any operation involving the grading of earth, sand, stone, gravel, soil, minerals, loam, peat moss, or any other earth product on a site without importing or exporting the earth products.

**Elderly Persons** - Persons sixty two (62) years of age and over.

**Family** – Any number of people related by blood, marriage, legal adoption or other legal guardianship, and up to three (3) additional unrelated people occupying a dwelling unit and living together as a separate housekeeping unit with a common set of cooking facilities.

**Farm** - See “Agriculture-Related Terms”.

**Farm Brewery** - See “Agriculture-Related Terms”.

**Farmer’s Market** - See “Agriculture-Related Terms”.

**Fire Suppression System** - A mechanical system designed and equipped to detect a fire, actuate an alarm and suppress or control a fire.

### **Flood-Related Terms**

*See Section 4.A of these Regulations.*

## Section 9.C

### GLOSSARY OF TERMS

#### DEFINITIONS

**Floor Area, Gross** - The floor area within the perimeter of the outside walls of the building under consideration without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

**Floor Area, Net** - For the purpose of determining the required number of parking spaces to be provided, net floor area shall:

- include, in the case of office uses, service uses, retail trade uses, and culture, entertainment and recreational uses, the floor area used, designed or intended to be used for service to the public as customers, patrons, clients, patients or members, including those areas occupied by fixtures and equipment used for the display and/or sale of merchandise; but
- not include areas used principally for non-public purposes such as storage and incidental repair, for rest rooms, for utilities, residence, or for required stairways or elevators.

**Garage, Private** - A building or part thereof accessory to a principal building and providing for storage.

**Garage, Public** - A building other than a private or municipal garage used for maintenance, repair and storage of motor vehicles as well as sale, lease and hire of vehicles and equipment.

**Grade, Finished** - See *"Building Height-Related Terms"*.

**Grooming, Dogs and Cats** - As defined by the Connecticut General Statutes, Section 22-344 all inclusive, as may be amended.

**Handicapped Persons** - Persons who have certified by the Social Security Board as being totally disabled under the Federal Social Security Act.

**Height, Building** – See *"Building Height"*

**Height, Wall** - The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

**Hereafter** - After the time that this Regulation becomes effective.

**Heretofore** - Before the time that this Regulation became effective.

**Historic and Monument Sites** - Those locations set aside for no other purpose than to commemorate an historical event, activity or person.

**Housing for the Elderly** - An apartment building or group of apartment buildings which are located on a single parcel of land, share common management, and of which at least one (1) resident of each unit is an elderly or handicapped person.

**Housing for the Elderly Apartment Complex** - All buildings and structures located on the development site.

**Interior Design Shop** - A business establishment that offers interior decorating or design services, which may provide for mail-ordered associated retail products delivered directly to the customer. Such products shall not be produced or assembled on the premises.

**Junk Yard, General** - Shall include the outside storage (whether in connection with a business or not) of four (4) or more second-hand items such as appliances, furniture, bedding, building parts including but not limited to doors, plumbing fixtures, windows, lighting fixtures, etc.; and excluding outdoor furniture and outdoor recreational equipment such as swings, slides, etc. (see Section 3.3.15 outside storage).

**Junk Yard, Motor Vehicle** - "Junk Business" or "Motor Vehicle Junk Yard" shall include any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to cut up the parts thereof.

**Kennel** - A commercial establishment, which boards dogs on any lot, which has four or more dogs over the age of six months.

**Living Quarters** - Living quarters as used herein means those portions of the building soundly and permanently constructed and finished with materials and methods conforming to the Building Code in effect in the Town of Hebron. Floor area for living quarters shall be computed from the finished outside walls.

Living quarters may include customary rooms, halls, and closets, but shall not include rooms for heating equipment, garages, open or closed outside vestibules, or porches or verandas, or breezeways or terraces.

Living quarters shall not include stairways, public halls, attic or basement spaces.

Living quarters above the first floor shall have access by a permanent built in stairway.

## Section 9.C

### GLOSSARY OF TERMS

#### DEFINITIONS

### **Lot-Related Terms**

**Lot** - One or more adjacent pieces or parcels of land under single ownership actually occupied, used, or developed, or intended to be occupied, used, or developed, by one principal building or use and its accessory buildings and uses and including such open spaces as are provided, or as are intended to be used in connection therewith, or as are required by these Regulations. A "lot" may consist of multiple Lots of Record, or Lots of Record and any adjoining Lot(s), which have merged in accordance with the applicable provisions of these Regulations. "Lot" shall include the terms parcel, plot, site, or similar words.

**Lot of Record** - A Lot for which a deed has been recorded in the office of the Town Clerk of the Town of Hebron, which lot met the requirements of these Regulations and of the Hebron Subdivision Regulations, as the same were in force at the time of such recording; or which predated the adoption of such Regulations.

**Lot Area** - The required area as set forth in the Regulations governing each zone and use as applied.

**Lot, Depth Of** - The mean distance from the street line of the lot to its rear line measured on the mean line of the side lines of the lot.

**Lot Frontage** – The continuous distance between lot sidelines measured at the building line applicable for the zone.

**Lot, Coverage** – See “Coverage”

**Lot Line** - The property line bounding the lot.

**Lot Lines, Front** - All lines dividing the lot from the street or streets.

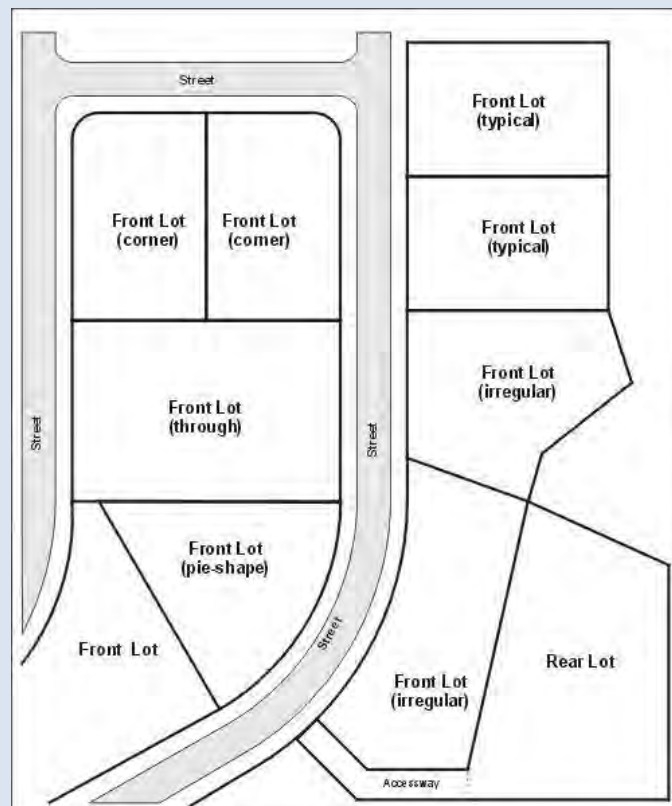
**Lot Lines, Side** - All lines extending from a street which divides separate lots abutting the street.

**Lot Line, Rear** - The lot line which is generally opposite the front lot line; if the rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the lot line shall be deemed to be a line parallel to the front line not less than ten (10) feet long lying wholly within the lot and farthest from the front lot line.

**Lot, Corner** - A lot having two adjacent sides facing a street or streets so that the interior angle of the intersection is not more than one hundred twenty (120) degrees also, a lot having two adjacent sides forming tangents of a curve with an inside radius not greater than fifty (50) feet, and a deflection angle of not less than sixty (60) degrees, all of which face a street or streets.

**Lot, Front** – A lot, other than a rear lot, fronting on a street.

**Lot, Rear** – A lot, either a lot of record or approved by the Commission by Special Permit, which has less than the minimum frontage required for a front lot by these Regulations for the district it is located in and where the buildable portion of the lot is generally located behind one or more front lots.



**Membrane Structure** - A structure with a fabric outer shell that is stretched over a frame supporting structure to form the supporting walls and roof.

**Mini-Self Storage** - A building or buildings designed and used for internally segregating storage units to be rented, leased or otherwise used for cold storage of household goods, recreational equipment, business inventory, fixtures and similar personal property.

## Section 9.C

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#### DEFINITIONS

**Mixed-Use** - Allowance for more than one type of permitted use on a single property or within a single building, specifically including a use of land for a development containing one or more Multifamily Dwellings, Single Family Dwellings, Duplexes, and a substantial component consisting of one or more commercial, public, institutional, retail, office, or industrial uses on a Lot in a Mixed Use Overlay District (see Section 4.C).

**Motor Fuel Service Station** - A structure, building or premise or any portion thereof where a flammable fluid is stored, housed, or sold for supply to motor vehicles.

**Motor Vehicle Repair Shop** - A building, structure, or enclosure in which the general business of repairing motor vehicles is conducted, including a public garage.

**Motor Vehicle Wash** - A building containing the facilities for washing motor vehicles in either an automatic wash bay where methods are used such as a chain conveyor, blower, or other mechanical devices, and/or a self-service bay where services are provided such as space, water, equipment or soap for the complete hand washing of motor vehicles by the customer.

### **Non-Conforming Terms**

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

**Legal Non-Conforming** – A situation where a use, structure or lot was legally existing as of December 1, 1976 or any pertinent amendments hereto and became nonconforming as a result of such adoption.

**Illegal Non-Conforming** – A situation where a nonconforming use, structure or lot is **not** a legal conforming use, structure or lot.

**“Grandfathered”** – An informal term used to describe a use, building, structure, dimensional standard or other non-conforming situation that legally existed prior to the adoption of these Regulations or any pertinent amendments hereto and is therefore considered a legal non-conforming situation.

**Non-Conforming Building Or Structure** - A building or structure that does not conform to the dimensional or locational or other applicable provisions of these Regulations, but which was legally existing at the effective date of original adoption of these Regulations (December 1, 1976) or of any pertinent amendment hereto.

**Non-Conforming Lot** - A parcel of land which does not conform to the acreage, dimensional or yard provisions of these Regulations but which was legally existing, in separate ownership from any other contiguous lot, at the effective date of original adoption of these Regulations (December 1, 1976) or of any pertinent amendment hereto.

**Non-Conforming Use** - A use of land, building or structure that does not conform to the applicable use provisions of these Regulations but which was legally existing at the effective date of original adoption of these Regulations (December 1, 1976) or of any pertinent amendment hereto. Any use which is permitted by Special Permit in a zone under the provisions of these Regulations shall not be deemed a non-conforming use in such zone.

**Nonresidential Districts** - All districts except the Residence-1, Residence-2, Amston Lake, and Planned Residential Development Districts.

**Nursery, Plant** - See *"Agriculture-Related Terms"*.

**Occupied** - As applied to a building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied".

**Open Space** - Open Space shall mean land or water areas which include but are not limited to:

- areas left in their existing state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity;
- areas and facilities for non-commercial, non-profit recreation;
- areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation; and
- other lands accomplishing similar purpose.

**Outside Storage** - The storage of any material other than in a permanent building built in accordance with these Zoning Regulations.

**Overlay District** - A zoning district which applies in addition to the underlying district and which imposes additional requirements ("restrictive") or enables additional uses ("permissive") or otherwise prescribes special conditions, standards, or options in the zones listed.

**Owner** - Any person, agent, firm, or corporation having a legal or equitable interest in the property.

**Single (Separate) Ownership** - Possession wherein the owner does not own adjoining property.

**Parking Garage** - An accessory building used only for the storage of self-propelled vehicles for the use of occupants of the lot on which such building is located.

**Parking Lot, Private** - Any tract of land which is used as an accessory use for parking or storage of motor vehicles for the occupants, tenants, visitors, employees or patrons of a use or uses and is located on the same lot as said use or uses.

**Parking Lot, Public** - Any tract of land which is used as the principal use of the lot for the parking or storage of motor vehicles.

**Parks** - Land and/or water primarily in their natural state except for man-made recreation facilities and dedicated and used for recreation, scenic, leisure or ornamental purposes.

**Permit** - An official document or certificate issued by the authority having jurisdiction authorizing performance of a special activity to show conformance with these Regulations.

**Person** - Includes a corporation or co-partnership as well as an individual.

## Section 9.C

### GLOSSARY OF TERMS

#### DEFINITIONS

**Personal Service Establishment** -- An establishment whose primary activity or activities is the provision of services relating to the repair, adjustment, alteration, cleaning or servicing of items owned by or being provided to a customer including hair care, nail salon, clothing rental, photographic studios, garment repair, tailoring, shoe repair, or comparable use.

**Plant Nursery** - See *"Agriculture-Related Terms"*.

**Premises** - That portion of a lot or structure or building actually in use for the specific purpose or use under consideration.

### **Principal versus Accessory**

**Principal** – That which is most important. The main or primary condition.

**Accessory** - That which is subordinate to the principal condition.

**Principal Building** - The primary or predominant building on a lot or a building in which is conducted the principal use of the lot on which it is situated. Buildings or structures connected by roofs or breezeways shall be considered part of the principal building. See also *"Principal Structure"* and *"Accessory Building"*.

**Accessory Building** - A detached building, the size and use of which is subordinate and customarily incidental to the principal building and use on the same lot. See also *"Principal Building"*.

**Accessory Structure** – A detached structure, the size and use of which is subordinate and customarily incidental to the principal structure and use on the same lot.

**Principal Use** - The primary or predominant use or activity of a lot, building, structure, or property. See also *"Accessory Use"*.

**Accessory Use** - A use or activity that is subordinate and customarily incidental to a principal use or activity on the same property or on a contiguous lot under the same ownership with the principal use. See also *"Principal Use"*.

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

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

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



**Private Road (residential)** - This shall mean streets, avenues, drives, roads, lanes, and any other way, exclusive of driveways, serving more than two lots intended for residential use only. When required by the State of Connecticut General Statutes the Private Road and right-of-way shall be owned and maintained by a Common Interest Ownership Association in accordance with Connecticut law.

**Professional** - An occupation requiring a specific program of study at the college level which is licensed by the state including but not limited to accountant, architect, attorney/lawyer, chiropractor, dentist, engineer, marriage-family-child and individual counselors, nurse, psychologist, physician/doctor, and for the purposes of these Regulations excluding banker, convalescent or nursing or rest home, insurance, mortician, optician, pharmacist, real estate, sanitarium, veterinarian.

**Professional Office** - The office of recognized professional as defined above and also including artists, musicians, designers, teachers and others, who through training or experience are qualified to perform services of a professional as distinguished from a business nature.

**Rear Lot** – See “*Lot, Rear*”

**Recreational Facility** - A property owned or leased by the Town or a non-profit entity containing not fewer than 75 acres on which fairs, festivals, concerts, and like activities open to the general public are conducted from time to time or are otherwise open to passive or active recreation by members of the general public.

**Restaurant, Fast Food** - An establishment where food is prepared and served to the customer in a ready to consume state for consumption either within the restaurant building, outside the building and on the same premises, or off the premises and having any combination of two (2) or more of the following characteristics:

- A limited menu, usually posted on a sign rather than printed on individual sheets or booklets;
- Self serviced rather than table service by restaurant employees;
- Disposable containers and utensils; and/or
- A kitchen area in excess of 45% of the total gross floor area.

**School** - Kindergarten and Grades 1-12 supported by public funds and or by nonprofit organizations and not for profit.

**Setback** – See “*Yards and Setbacks*”

**Sewer Service District** - The Sewer Service District (SSD) is the area identified by the Town of Hebron Water Pollution Control Authority as being served by public sewers.

### **Sign-Related Terms**

*See Section 5.B of these Regulations.*

**Soil Classification** - The grouping of soils into types by the USDA Soil Conservation Map.

## Section 9.C

### GLOSSARY OF TERMS

#### DEFINITIONS

### Story-Related Terms

**Story** - That portion of the building which is between the surface of a floor and the surface of the next floor above or, in the absence of a floor above, the next ceiling above. A story shall not exceed ten (10) feet of such vertical distance. A "cellar" shall not be considered a story but a "basement" shall be considered a story if the highest point of the unfinished ceiling is five (5) feet or more above the average finished grade.

**Story, Half** - Any space within a building under a gable, hip, or gambrel roof, the floor surface of which is not more than two (2) feet below the plate (intersection of roof and wall) when measured along the exterior wall and where the total floor area of said space, where there is over seven (7) feet in height, does not exceed sixty percent (60%) of the first floor area (see Section 2.F.1).

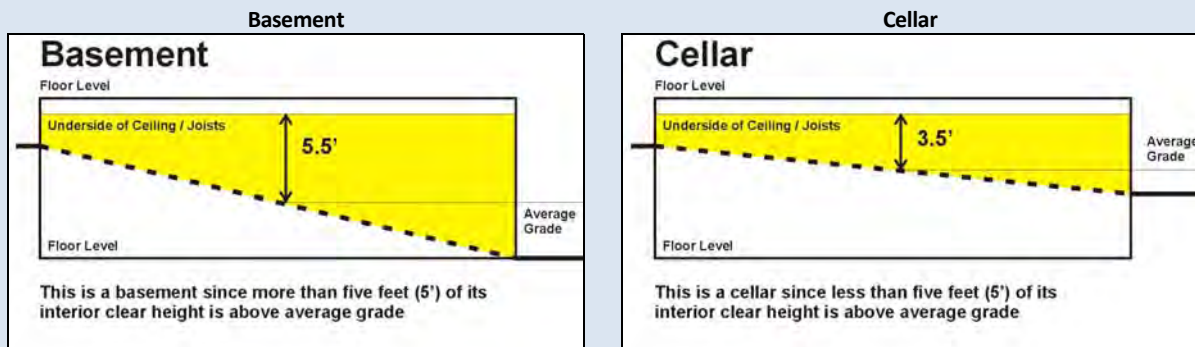
**Basement** - A portion of a building located partially below grade and where:

- 50 percent or more of the floor-to-ceiling height of that portion of the building is above the average finished grade at the walls of the structure; or
- the ceiling of such building level is more than five feet above the average finished grade at the walls of the structure. See "Cellar" and "Story".

**Cellar** - A portion of a building located partially below grade and where:

- less than 50 percent of the floor-to-ceiling height of that portion of the building is above the average finished grade at the walls of the structure; and
- the ceiling of such building level is less than five feet above the average finished grade at the walls of the structure. See "Basement" and "Story".

For all dwellings with cellar, there shall be direct outside access from the cellar.



**Street** - Shall mean, and include but not be limited to streets, avenues, boulevards, roads, lanes, highways, places and any other thoroughfares which afford a principal means of access to abutting property and dedicated for public use Town or State owned.

**Street Lot Line** - The lot line dividing a lot from a street or other public space.

**Structure** - Anything constructed or erected which requires location on the ground, including signs, but not including fences or walls used as fences the maximum height of which is less than four feet above the ground.

**Structural Alteration** - Any change or modification in or addition to the structural or supporting members of a structure.

### **Subdivision-Related Terms**

**Subdivision** – As defined in CGS Section 8-18.

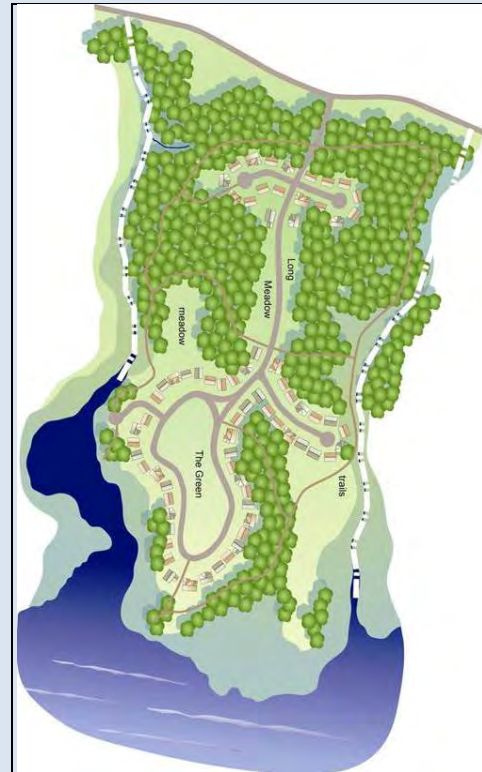
**Conservation Subdivision** – A development of residential lots laid out primarily on the basis of site characteristics where lots are located away from important resources so that those resource areas can be used for open space, recreation, wildlife habitat, agriculture, and/or the preservation of historic or environmentally-sensitive features, including the maintenance or preservation of community character.

**Conventional Subdivision** – A development of residential lots laid out primarily on the basis of strict dimensional standards such as lot area and/or frontage and where the provision of open space or conservation areas is typically a secondary consideration.

**Conventional Subdivision**



**Conservation Subdivision**



## Section 9.C

### GLOSSARY OF TERMS

#### DEFINITIONS

**Trailer-Mobile Home** - Any vehicle which is or can be used for sleeping, living or working quarters and which is, has been, or can be mounted on wheels, including those units which can be, have been or are mounted on a pickup or truck chassis.

**Underlying District** - In the case of any lot located in an overlay district, an Underlying District is that zoning district upon which an Overlay District is located.

**Use (Used)** - The purpose for which the building or structure is designed, used or intended to be used.

**Use, Accessory** - A use of land or a portion of a structure or building customarily incidental to the actual principal use of the land, structure or building and located on the same lot with such principal use, structure or building.

**Use, Non-conforming** – See *“Non-Conforming Terms”*

**Water Quality Volume (WQV)** - The volume of runoff generated by one inch of rainfall on a site as defined in the Connecticut Stormwater Quality Manual.

**Wood Burning Furnaces, Outdoor** - An accessory structure, attached or unattached to the principal structure or located within another accessory structure on the premises, designed and intended, through the burning of wood, for the purpose of heating and / or providing hot water to the principal structure or any other structure on the premise.

**Written Notice** - A notification in writing delivered in person to the individual or parties intended, or delivered at, or sent by certified or registered mail to the last residential or business address of legal record.

**Yard** - An open space of generally uniform width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line, and is unoccupied and obstructed from the ground upward except as otherwise provided herein. In measuring a yard as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line, drawn through the point of the building or the point of a group of buildings nearest to such lot line.

### **Yards Versus Setbacks**

**Setback** - A line parallel to a street line or a lot line at a distance established by the minimum yard requirements of these Regulations for the zoning district, behind which buildings and structures may be legally erected. For corner lots in all districts, the front yard setback requirement shall apply on both streets. For through lots in all districts, the front yard setback requirements shall apply on both frontages.

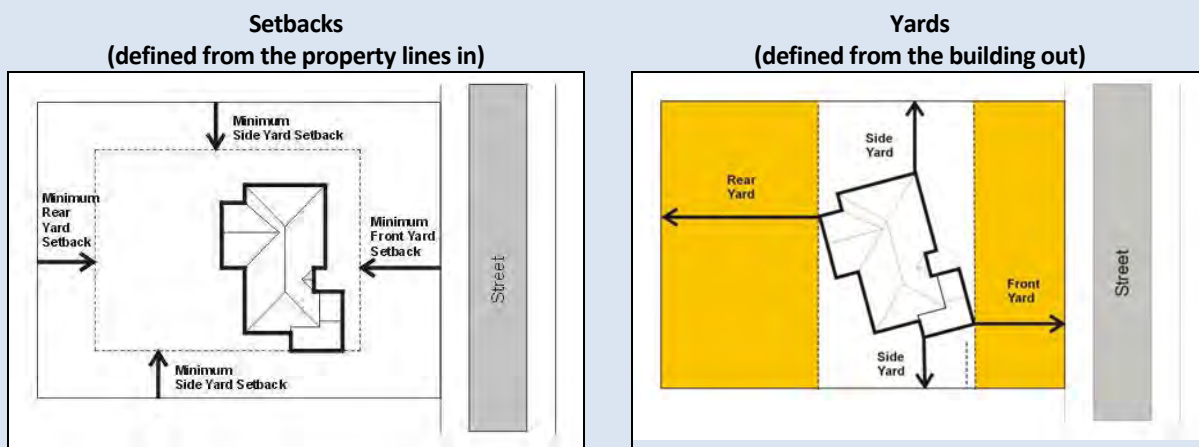
**Building Line** - A setback line parallel to a street at a distance equal to the required front yard setback or at a greater or lesser distance when so indicated in these Regulations or otherwise legally established by the Town.

**Yard** - The area between the principal structure and a lot line. Any measurement shall be taken at right angle from the lot line to the nearest point of the structure.

**Yard, Front** – A yard extending across the full width of the lot and lying between the front property line of the lot and the nearest line of the principal building.

**Yard, Rear** - A yard extending across the full width of the lot and lying between the rear property line of the lot and the nearest line of the principal building.

**Yard, Side** - A yard between any side line of the lot and the principal building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot line, as the case may be, except that on a corner lot the side yard adjacent to a street shall extend the full depth of the lot. Any yard not a rear yard or a front yard shall be deemed a side yard.



**ZEO** – Zoning Enforcement Officer.

**Section 9.C**  
**GLOSSARY OF TERMS**  
**DEFINITIONS**

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## SECTION 10 ZONING DISTRICTS

### 10.A. ZONING MAP

1. To accomplish the purposes of these Regulations, the Town of Hebron is divided into different zoning districts as depicted on the official Zoning Map approved by the Planning and Zoning Commission and filed in the Office of the Town Clerk.
2. Such Zoning Map is hereby declared to be a part of these Regulations.

**For convenience, reduced scale copies of the town-wide zoning map and some area detail maps may be found in this Section.**

### 10.B. INTERPRETATION OF DISTRICT BOUNDARIES

1. The boundaries of the zoning districts shall be as shown on the most current Zoning Map adopted by the Commission.
2. Where a lot of record at the time of passage of these Regulations or any amendments thereto falls into two or more Zoning Districts, each portion of the lot shall be subject to the uses and regulations of the district in which it falls.
3. Where uncertainty exists with respect to the boundaries of any districts shown on the Zoning Map, the following rules shall apply:
  - a. Unless otherwise indicated, the zone boundaries are either property lines, contour lines, waterways, lines dividing areas of different drainage or center lines of streets or to be parallel or perpendicular thereto;
  - b. In undivided property or where a district boundary divides a lot, the location of any such boundary shall be determined by the use of the map scale thereon, unless shown by dimensions on said Map
  - c. All dimensions to or from streets shown on the Zoning Map shall be taken from the centerline of the street right of way where such right-of-way has been established, or from the centerline of the traveled portion of the street where the right-of-way has not been established
  - d. Measurements shown to the intersection of two or more streets shall be deemed to be taken from the intersection of the center lines of such streets; and
  - e. In cases of uncertainty, the Planning and Zoning Commission shall determine the location of the boundary.

### 10.C. ZONING MAPS

Reduced scale zoning maps are presented on the following pages.

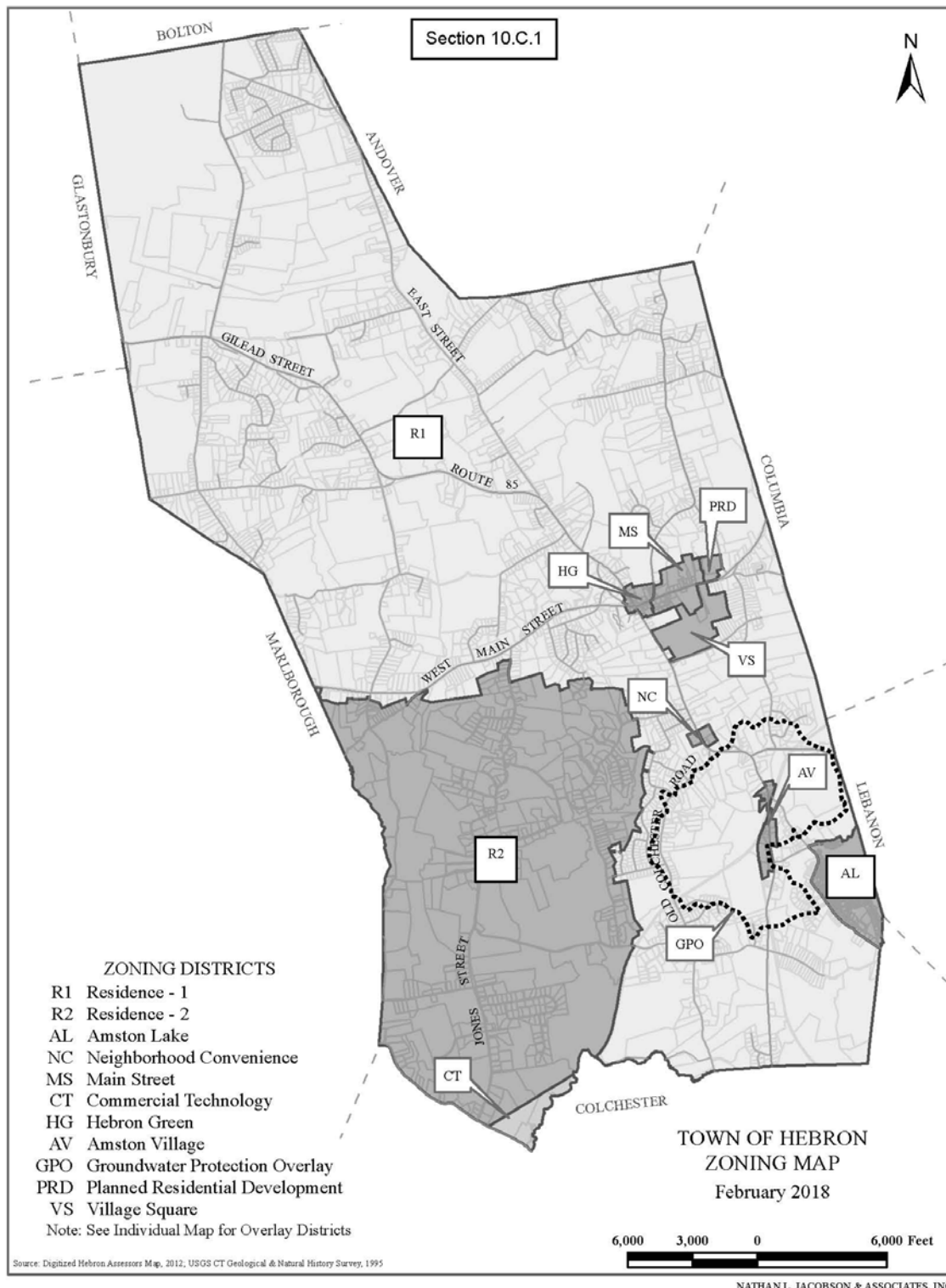


## Section 10.C

### ZONING DISTRICTS

### ZONING MAPS

#### 10.C.1 TOWN OF HEBRON ZONING MAP



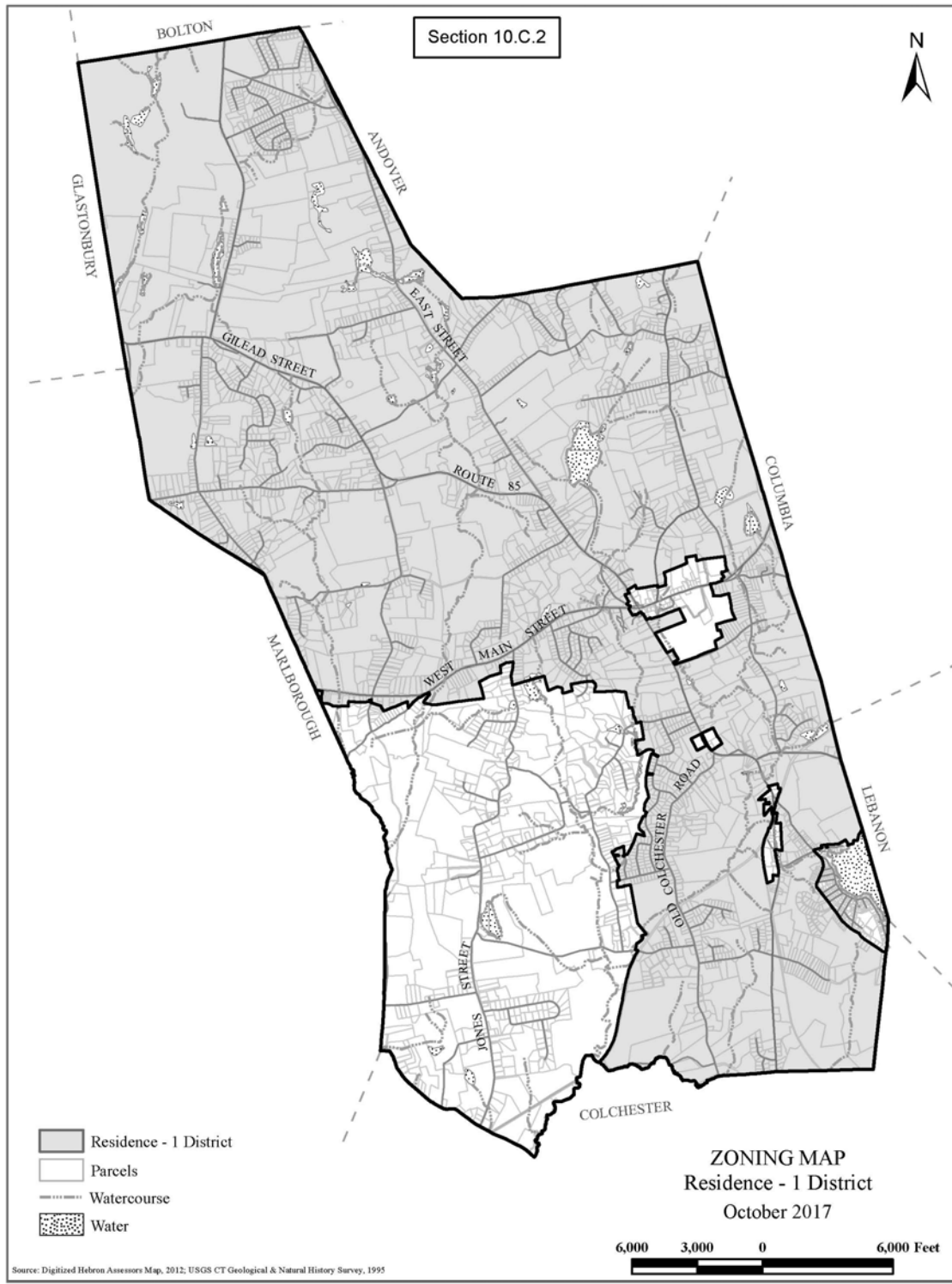


## Section 10.C

### ZONING DISTRICTS

### ZONING MAPS

## 10.C.2 RESIDENCE 1 (R-1) DISTRICT

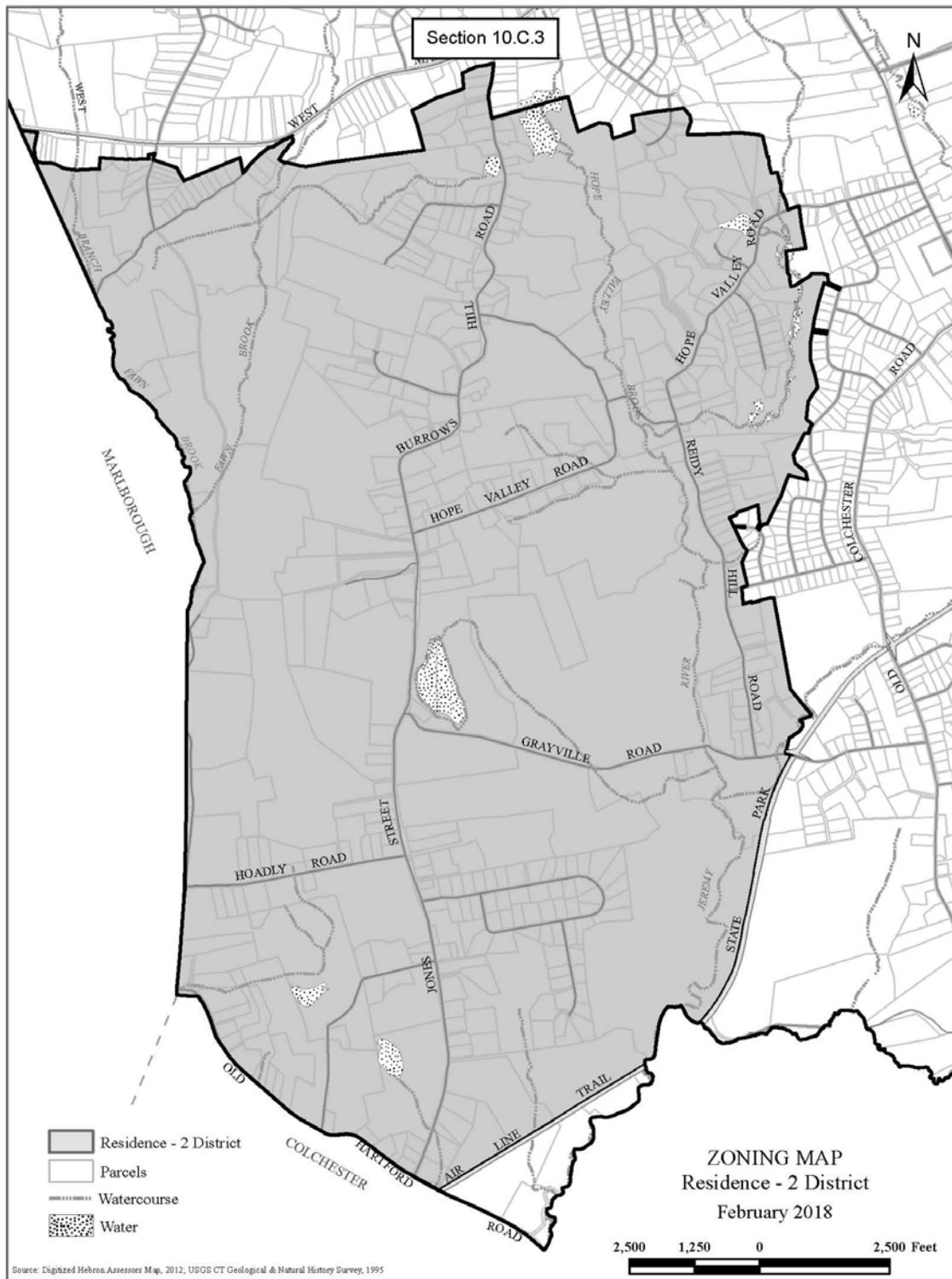


## Section 10.C

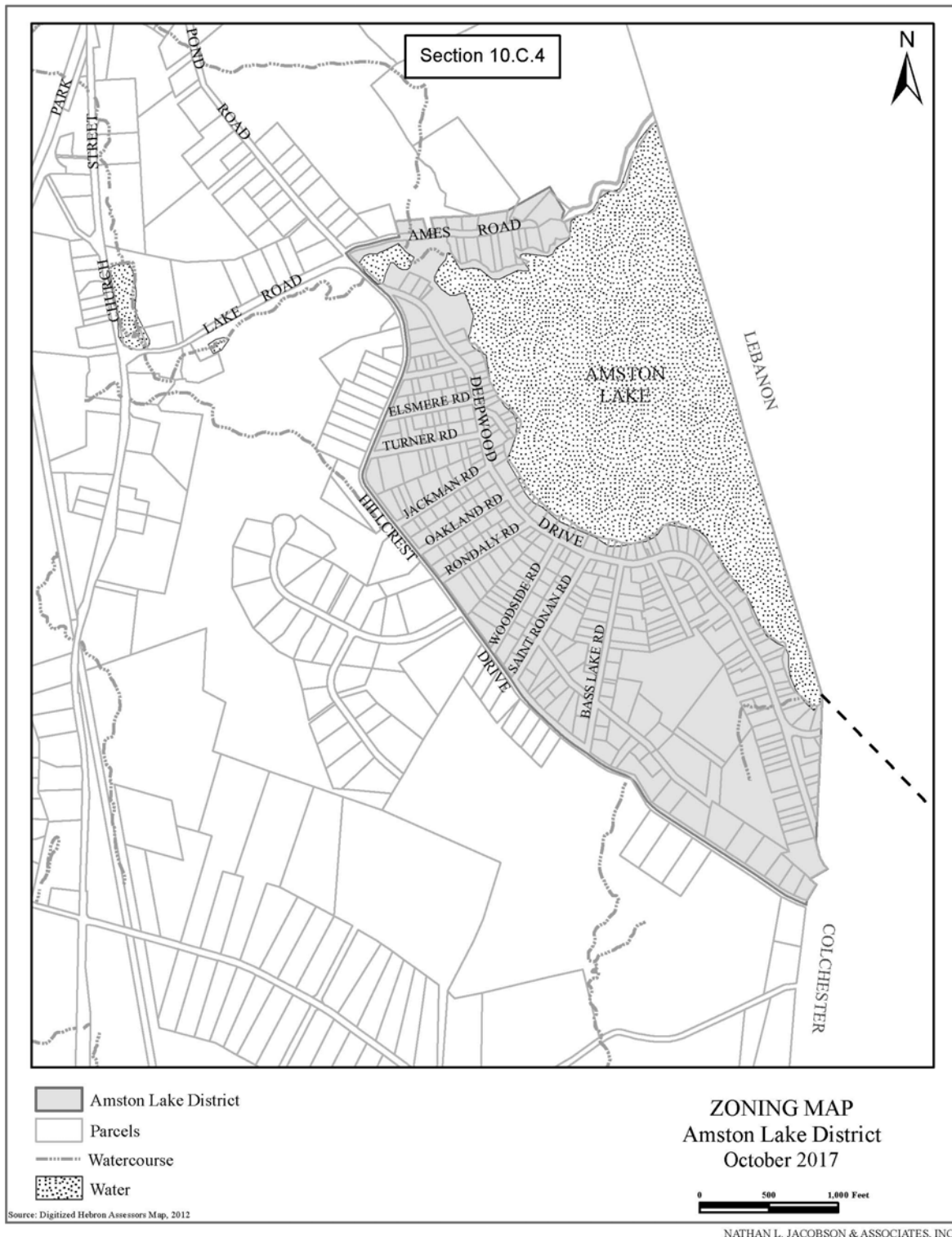
### ZONING DISTRICTS

#### ZONING MAPS

### 10.C.3 RESIDENCE 2 (R-2) DISTRICT



10.C.4 AMSTON LAKE (AL) DISTRICT

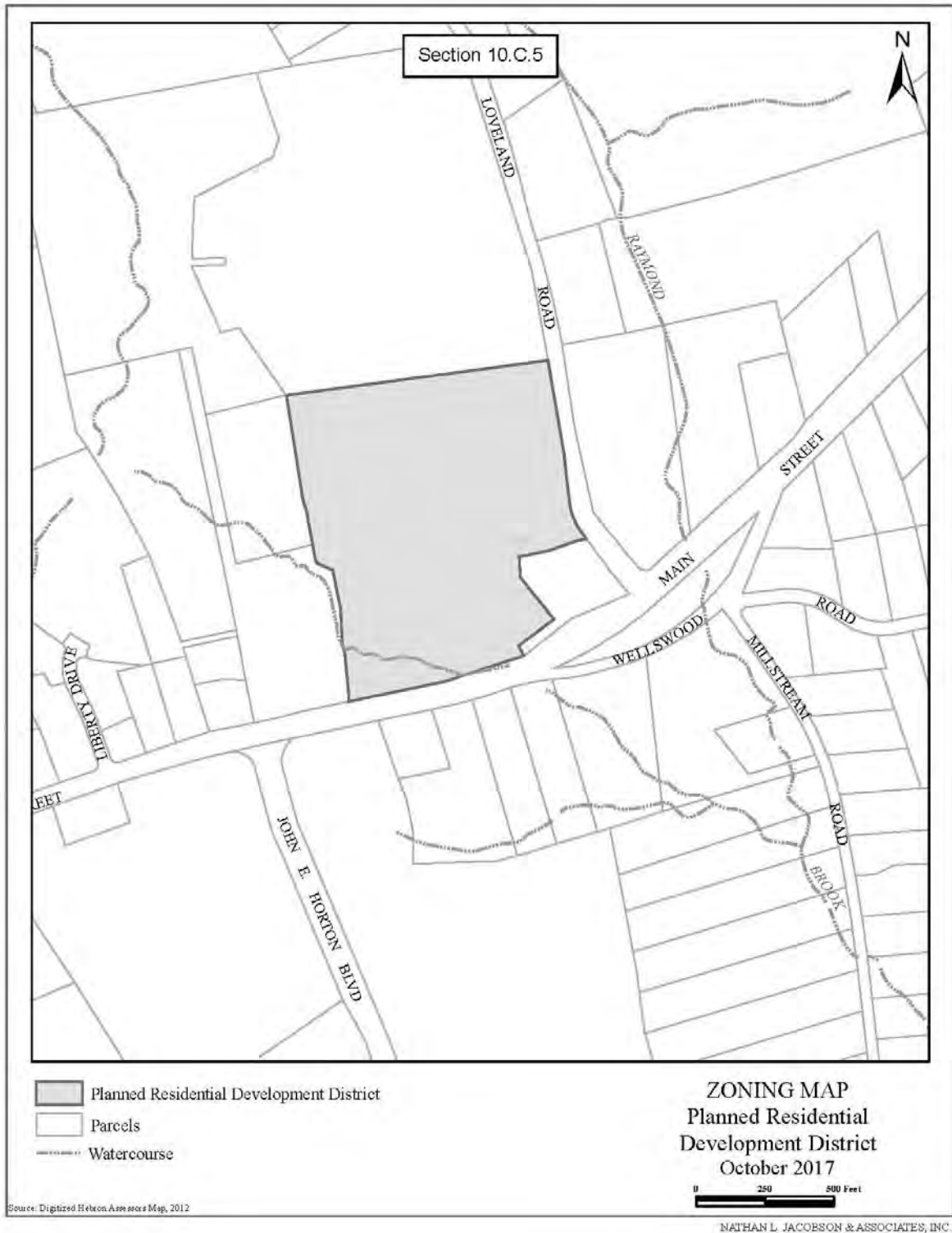


## Section 10.C

### ZONING DISTRICTS

### ZONING MAPS

#### 10.C.5 PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT





10.C.6 HEBRON GREEN (HG) DISTRICT

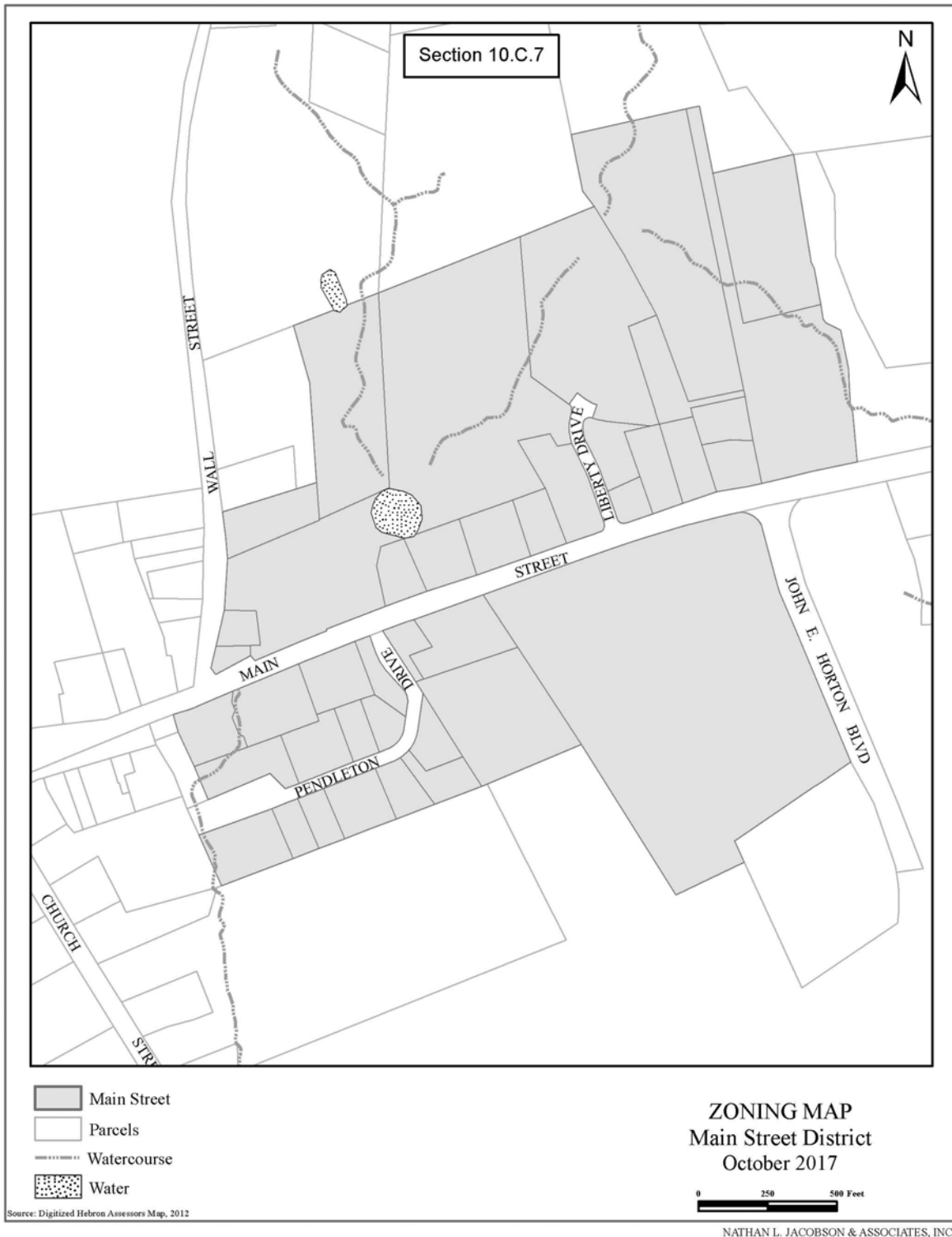


## Section 10.C

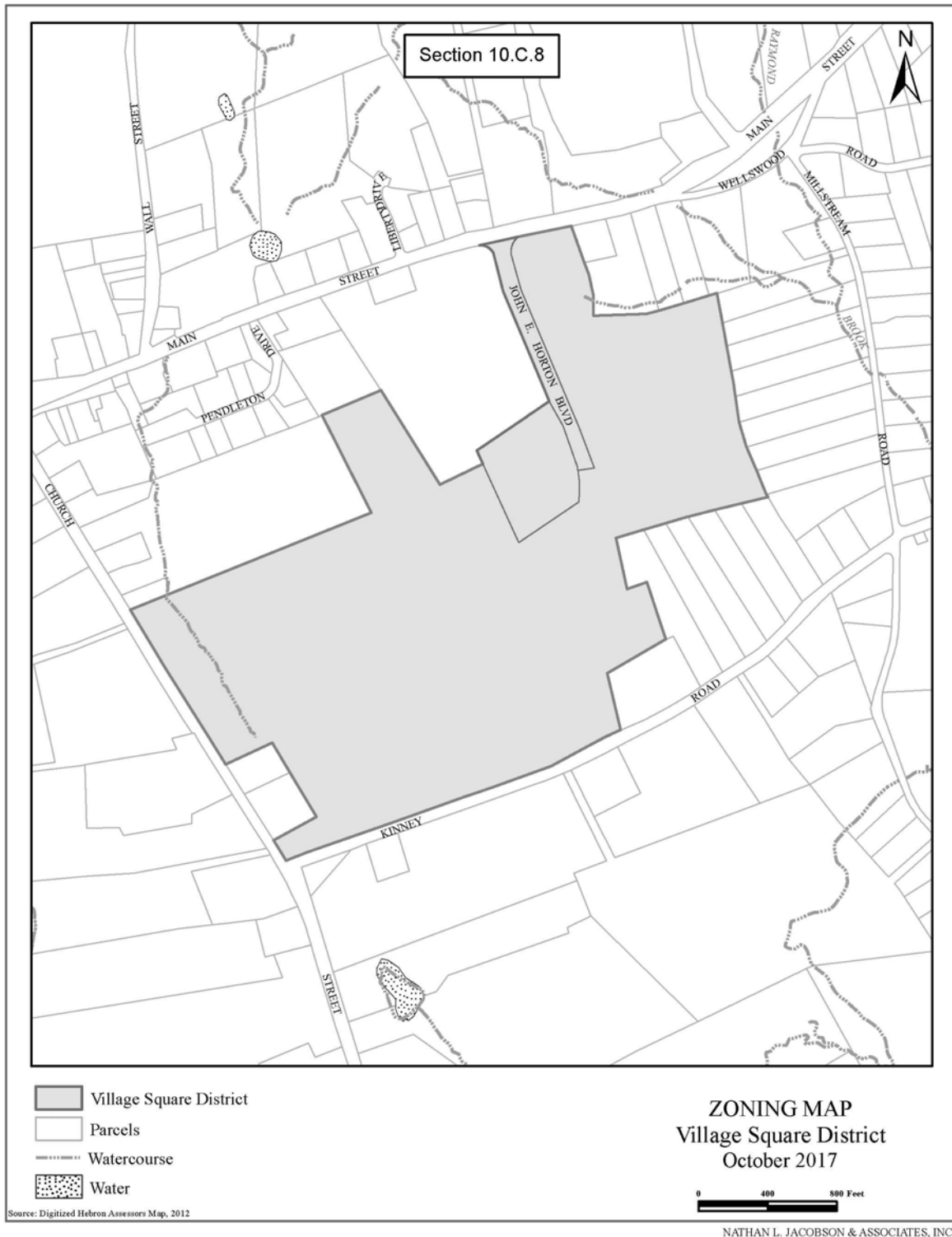
### ZONING DISTRICTS

### ZONING MAPS

#### 10.C.7 MAIN STREET (MS) DISTRICT



10.C.8 VILLAGE SQUARE (VS) DISTRICT

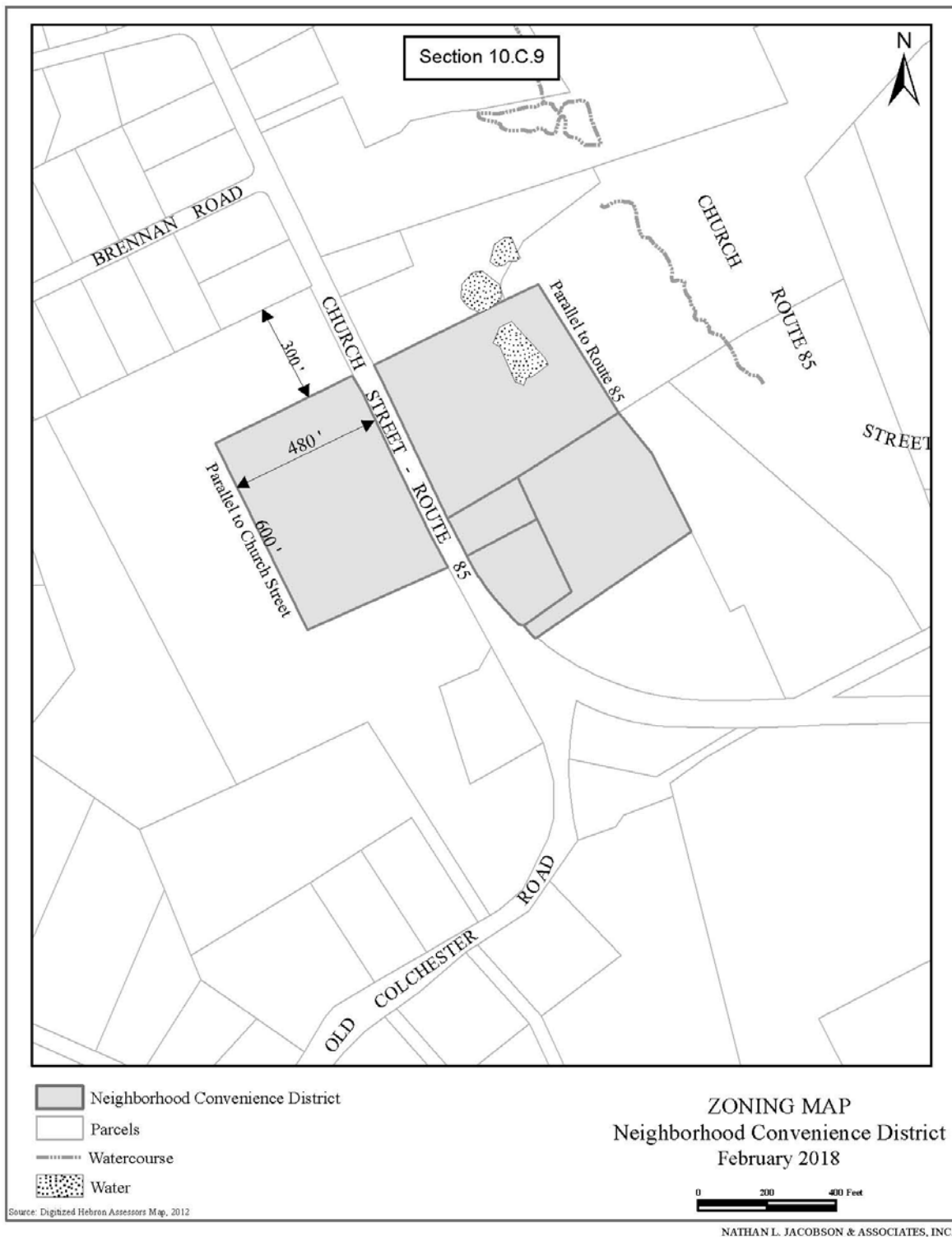


## Section 10.C

### ZONING DISTRICTS

#### ZONING MAPS

### 10.C.9 NEIGHBORHOOD CONVENIENCE (NC) DISTRICT





## Section 10.C

ZONING DISTRICTS

ZONING MAPS

### 10.C.10 AMSTON VILLAGE (AV) DISTRICT

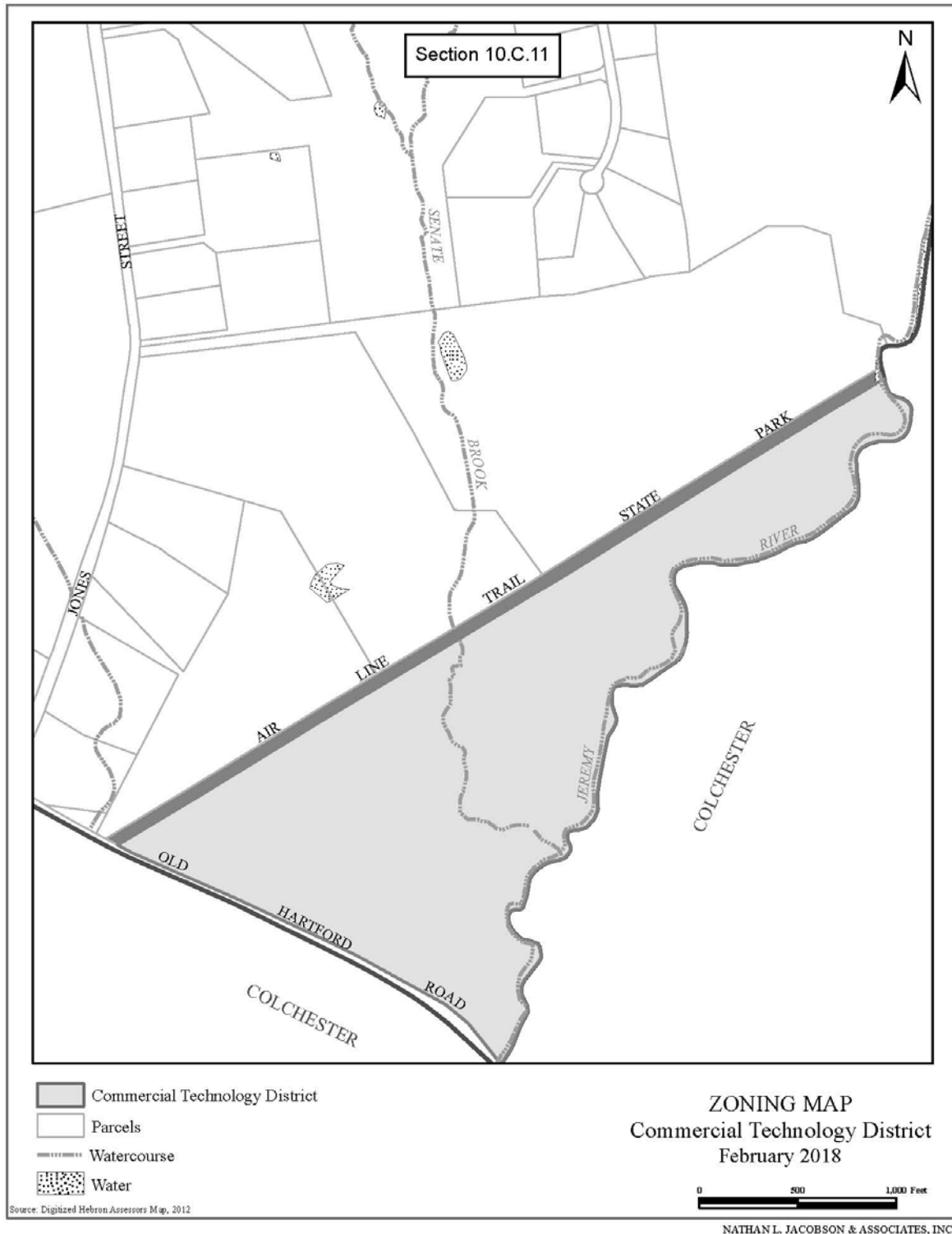


## Section 10.C

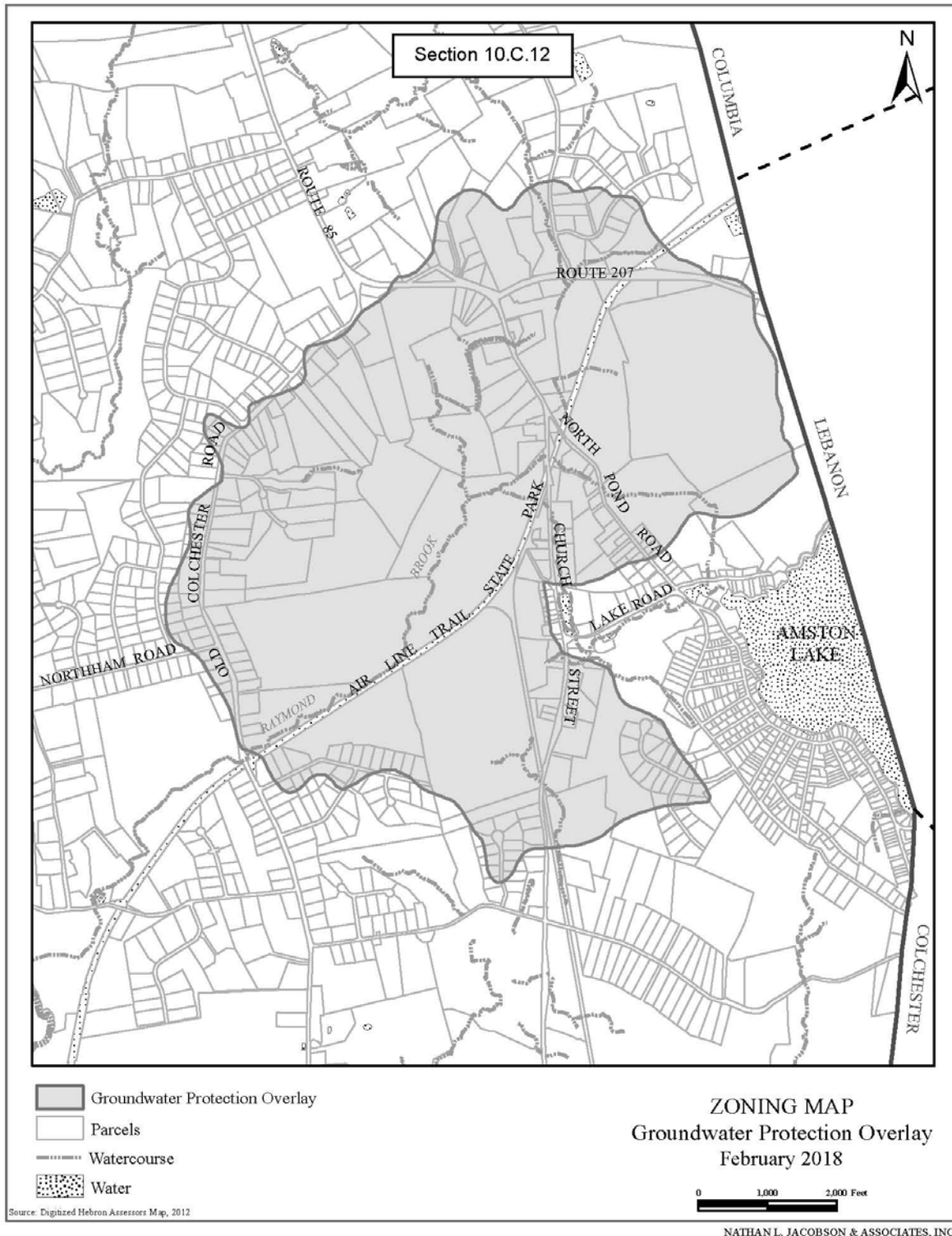
### ZONING DISTRICTS

#### ZONING MAPS

### 10.C.11 COMMERCIAL - TECHNOLOGY (CT) DISTRICT



10.C.12 GROUNDWATER PROTECTION OVERLAY (GPO) DISTRICT



## Section 10.C

### ZONING DISTRICTS

### ZONING MAPS

#### 10.C.13 MIXED USE OVERLAY DISTRICT (MUOD) IN HG



10.C.14 MIXED USE OVERLAY DISTRICT (MUOD) IN MS



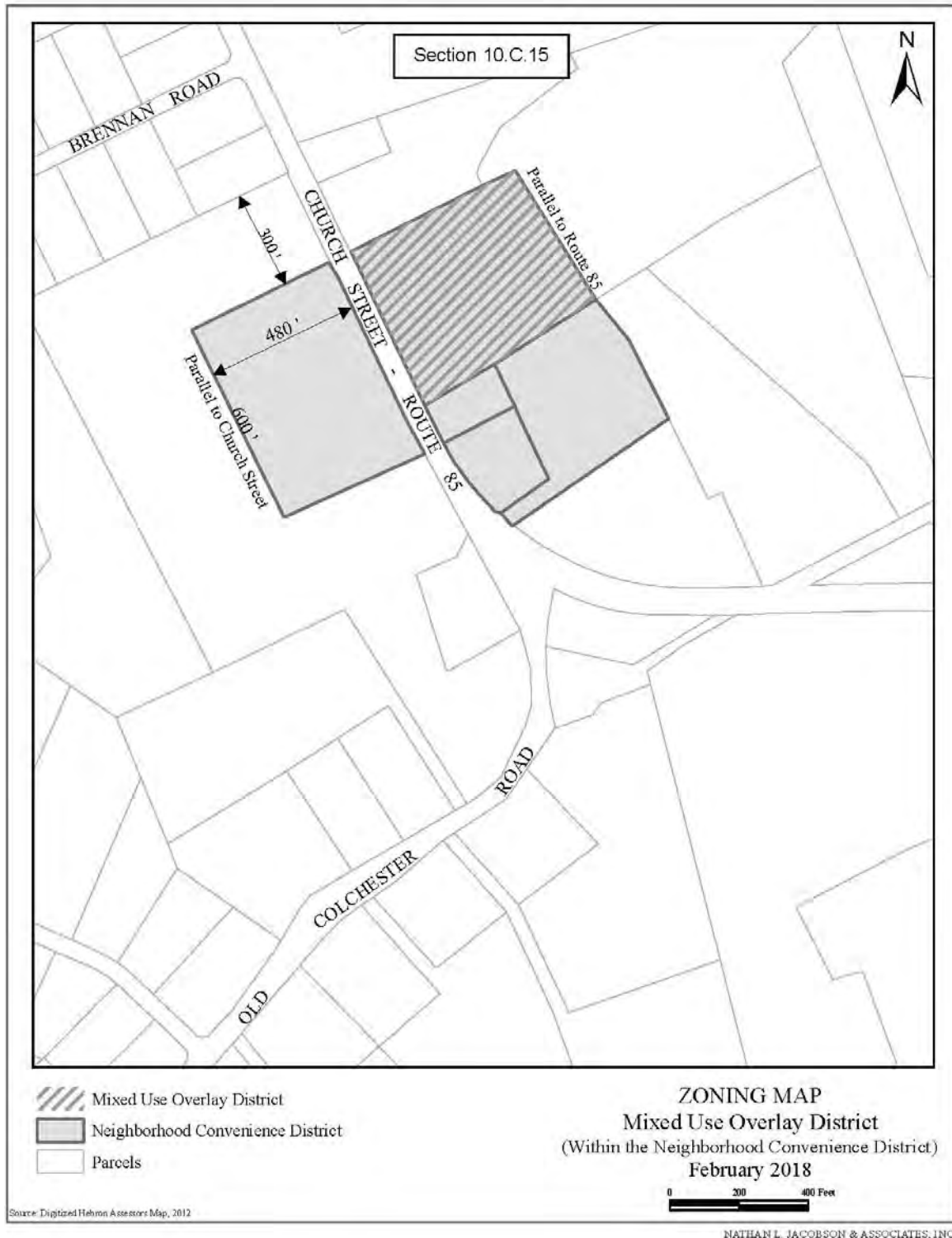


## Section 10.C

### ZONING DISTRICTS

### ZONING MAPS

#### 10.C.15 MIXED USE OVERLAY DISTRICT (MUOD) IN NC



## Section 10.C

### ZONING DISTRICTS

### ZONING MAPS

#### 10.C.16 MIXED USE OVERLAY DISTRICT (MUOD) IN AV

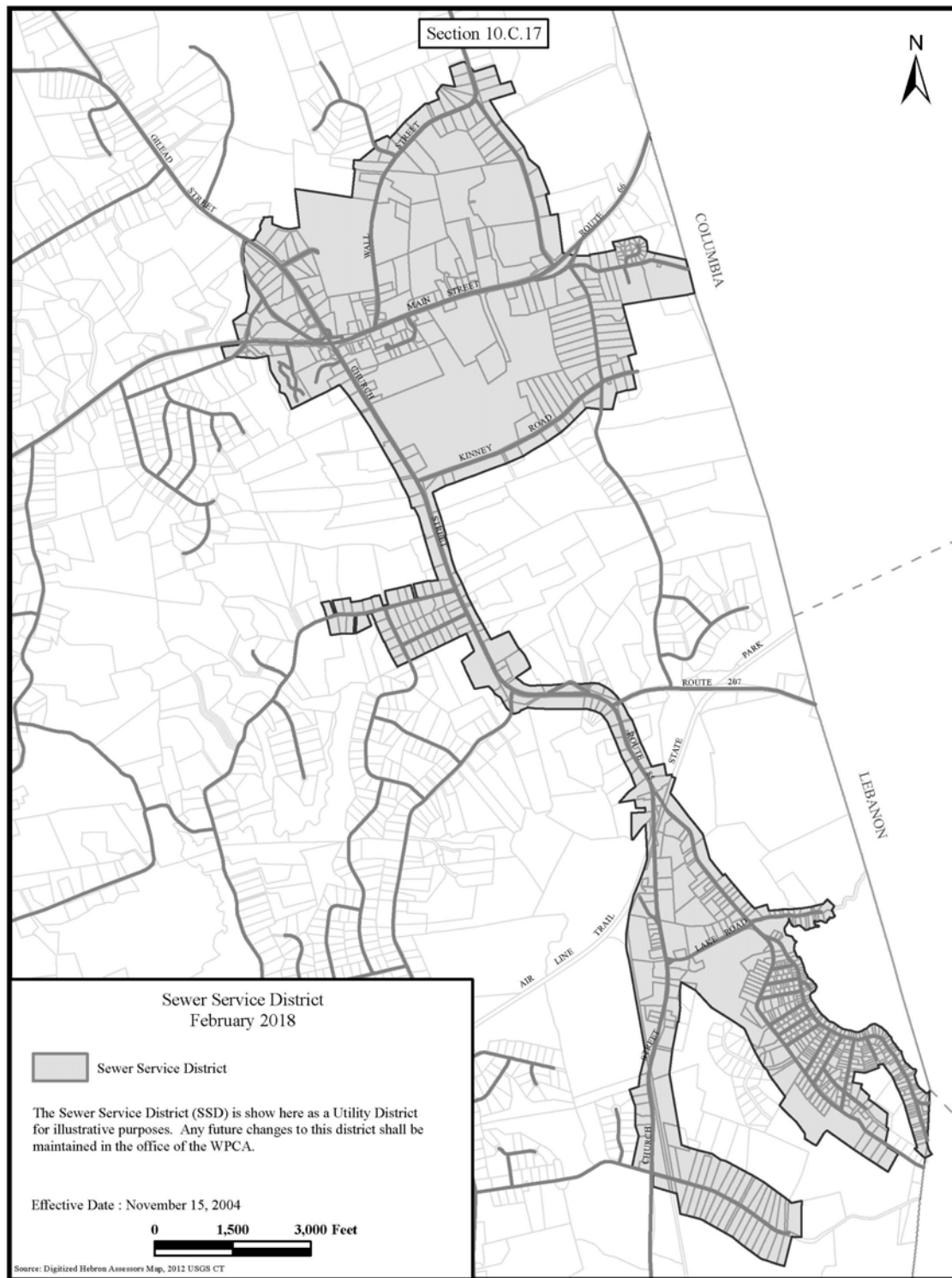


## Section 10.C

### ZONING DISTRICTS

#### ZONING MAPS

### 10.C.17 SANITARY SERVICE DISTRICT (SSD)





# **APPENDIX A – Guidelines for Community Site and Architectural Design**

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# APPENDIX B – Application Checklists

**NB –** These checklists are for the convenience of applicants, Town Staff and the Planning and Zoning Commission but do not relieve the applicant of the need to submit plans and other materials that demonstrate compliance with the Zoning Regulations.

**NB –** For minor applications, the Planning and Zoning Commission may modify the application requirements identified herein where such information is not needed for the Commission to determine that such application demonstrates compliance with the Zoning Regulations.

## I. APPLICATION FOR ZONING PERMIT (ZEO)

- ☐ 1. Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent
- ☐ 2. Application Fee
- ☐ 3. Three (3) copies of a plot plan showing, where applicable:

### Reference

- ☐ 3.1. Name and address of property owner(s)
- ☐ 3.2. Address of property in question

### Professional Certifications

- ☐ 3.3. Signature and seal of an engineer, landscape architect, or land surveyor who is registered in the State of Connecticut
- ☐ 3.4. Incorporation of an A-2 survey prepared, sealed and signed by a Connecticut licensed land surveyor

*(continued on next page)*

**Property Location / Configuration**

- ☐ 3.5. A north arrow
- ☐ 3.6. An acceptable scale, generally not less than 1" equals 40'
- ☐ 3.7. A key map showing the location of the property in relation to private streets, accessways, and surrounding areas
- ☐ 3.8. Survey information of the land in question with the actual dimensions of the plot to be built upon or used including distances, angles, and bearings
- ☐ 3.9. The location of any wetlands and/or watercourses or areas of special flood hazard
- ☐ 3.10. The zoning district classification of the plot and any surrounding zones
- ☐ 3.11. Name and address of adjacent property owners
- ☐ 3.12. Limits of any easements, or right of way and their purpose

**Existing / Proposed Improvements**

- ☐ 3.13. The location and size of any presently existing buildings and structures upon the plot with setback distances from front, side and rear lot lines
- ☐ 3.14. The location of septic system(s) and well(s)
- ☐ 3.15. All applicable setback lines
- ☐ 3.16. The proposed location and size of any new buildings, additions or structures to be erected thereon, with proposed setback distances from front, side and rear lot lines
- ☐ 3.17. Current and proposed percentage of the lot to be covered by buildings
- ☐ 3.18. Current and proposed building height

**Other Materials**

- ☐ 3.19. A statement signed by the property owners stating that any development will be conducted in accordance with the erosion and sediment control requirements of these Regulations
- ☐ 3.20. Pursuant to Public Act 05-124, for property subject to a conservation or preservation restriction, and where activity is proposed within the restricted area, a notarized statement from the applicant certifying that:
  - the proposed activity involves only interior work in an existing building or exterior work that does not expand or alter the footprint of an existing building; or
  - the applicant provided written notice of such application, by certified mail, return receipt requested, not later than sixty days prior to the filing of the application to the party holding a conservation restriction or a preservation restriction; or
  - the holder of such restriction or the holder's authorized agent has submitted a letter verifying that the application is in compliance with the terms of the restriction.
- ☐ 3.21. If a variance is being requested, the location and amount of the variance requested

## II. SIGN PERMIT APPLICATION (ZEO)

- ☐ 1. Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent
- ☐ 2. Application Fee
- ☐ 3. Three (3) copies of a plan showing, where applicable:

### **Reference**

- 3.1. Name and address of property owner(s)
- 3.2. Address of property in question

### **If In A Residential District**

- ☐ 3.3. Position of the sign and its structure in relation to adjacent buildings or structures and property lines
- ☐ 3.4. The design, size, structural details, proposed dimensions, and the proposed location on the premises of the sign and/or sign structure
- ☐ 3.5. Statement showing the size, dimensions and location of all signs existing on the premises at the time of the sign application
- ☐ 3.6. Such other information as the Zoning Enforcement Officer may require showing full compliance with this and all other applicable ordinances of the Town

### **If In A Non-Residential District**

- ☐ 3.7. A site plan showing:
  - the location of all proposed signs with dimensions to nearest property boundaries
  - a detailed illustration of such sign showing all dimensions, materials, colors, wording, supporting structure (poles, posts, braces, framing, walls, etc.) and means of illumination
  - a statement submitted by the applicant indicating compliance to the provisions of Section 5.B.5

### III. PRE-APPLICATION PLAN (COMMISSION)

- ☐ 1. Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent
- ☐ 2. Application Fee
- ☐ 3. Fourteen (14) paper copies and one (1) PDF copy of a schematic /concept plan showing, where applicable:

#### **Reference**

- 3.1. Name and address of property owner(s)
- 3.2. Address of property in question

#### **Professional Certifications**

- 3.3. Signature and seal of an engineer, landscape architect, or land surveyor who is registered in the State of Connecticut

#### **Property Location / Configuration**

- ☐ 3.4. A north arrow
- ☐ 3.5. An acceptable scale (1" equals 100')
- ☐ 3.6. A key map showing the location of the property in relation to private streets, accessways, and surrounding areas
- ☐ 3.7. The location of any wetlands and/or watercourses or areas of special flood hazard
- ☐ 3.8. Contours at no more than ten foot intervals based on USGS maps, an actual field survey, or by means of photogrammetry (aerial topography)
- ☐ 3.9. The location of any steep slopes (greater than 20%) and other significant natural or artificial features of the land
- ☐ 3.10. The zoning district classification of the plot and any surrounding zones
- 3.11. Name and address of adjacent property owners
- 3.12. Limits of any easements, or right of way and their purpose

*(continued on next page)*

**Existing / Proposed Improvements**

- ☐ 3.13. The location and size of any presently existing buildings and structures upon the plot with setback distances from front, side and rear lot lines
- ☐ 3.14. The location of septic system(s) and well(s)
- ☐ 3.15. All applicable setback lines
- ☐ 3.16. The proposed location and size of any new buildings, additions or structures to be erected thereon, with proposed setback distances from front, side and rear lot lines
- ☐ 3.17. Current and proposed percentage of the lot to be covered by buildings
- ☐ 3.18. Current and proposed building height
- ☐ 3.19. Preliminary architectural concepts

**Other Materials**

- ☐ 3.20. A description of the disposition of any land areas and/or the ownership of project elements
- ☐ 3.21. A statement why the proposed development approach is more appropriate for the land, neighborhood, and community

## IV. SITE PLAN APPLICATION (Commission)

- ☐ 1. Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent

- ☐ 2. Application Fee

- ☐ 3. Fourteen (14) paper copies and one (1) PDF copy of site plans showing, where applicable:

### **Reference**

- ☐ 3.1. Name and address of property owner(s)
- ☐ 3.2. Name and address of applicant(s) / developer(s)
- ☐ 3.3. Address of property in question
- ☐ 3.4. Name of development (if any)

### **Professional Certifications**

- ☐ 3.5. Signature and seal of an engineer, landscape architect, or land surveyor who is registered in the State of Connecticut
- ☐ 3.6. Incorporation of an A-2 survey prepared, sealed and signed by a Connecticut licensed land surveyor
- ☐ 3.7. Where applicable, a statement from a Connecticut-licensed soil scientist that the "flagging" of wetland soils and delineation of watercourses on the maps is accurate

### **Property Location / Configuration**

- ☐ 3.8. A north arrow
- ☐ 3.9. An acceptable scale, generally not less than 1" equals 40'
- ☐ 3.10. A key map showing the location of the property in relation to private streets, accessways, and surrounding areas
- ☐ 3.11. Survey information of the land in question the actual dimensions of the plot to be built upon or used including distances, angles, and bearings
- ☐ 3.12. The location of any wetlands, watercourses, aquifers, or areas of special flood hazard
- ☐ 3.13. The zoning district classification of the plot and any surrounding zones
- ☐ 3.14. Name and address of adjacent property owners
- ☐ 3.15. Limits of any easements, or right of way and their purpose

*(continued on next page)*



**Site Layout**

- ☐ 3.16. The location and size of existing and proposed buildings and structures with setback distances from lot lines
- ☐ 3.17. The location of setback lines
- ☐ 3.18. Dimensions, floor area, number of stories, and number of dwelling units by room count
- ☐ 3.19. Location of loading and unloading areas
- ☐ 3.20. Location of any outside storage area and type screening to be used
- ☐ 3.21. Location /screening of refuse area
- ☐ 3.22. Location and top protection of any retaining wall; wall to be designed by professional engineer
- ☐ 3.23. Existing and proposed merestones, iron pins and other property
- ☐ 3.24. Finished floor elevations of all buildings and structures

**Site Grading**

- ☐ 3.25. Existing and proposed contours at no more than two foot intervals (NAVD datum of 1988) based on an actual field survey or by means of photogrammetry (aerial topography)

**Zoning Compliance**

- ☐ 3.26. Existing and proposed bulk requirements including lot size, lot frontage, building coverage, front yard, side yards, and rear yard
- ☐ 3.27. Existing and proposed building height
- ☐ 3.28. Existing and proposed parking , open space, landscaping, and other requirements

**Utility Services**

- ☐ 3.29. Type of water supply and sewage disposal system and location
- ☐ 3.30. Location of subsurface sewage disposal area and site testing locations for the same, if applicable
- ☐ 3.31. A report from the Health Director or local water authority regarding the adequacy of the water supply
- ☐ 3.32. A report from the Health Director or the Water Pollution Control Authority regarding the adequacy of the sewage disposal
- ☐ 3.33. Location, design and size of any drywell
- ☐ 3.34. Location of gas lines, electric lines, telephone lines, cable television lines and appurtenances, and all other utilities
- ☐ 3.35. Location of existing / proposed fire hydrants
- ☐ 3.36. Engineering data including, drainage system (computations as required)

*(continued on next page)*

### **Circulation / Parking**

- ☐ 3.37. Location of adjacent roads, curb cuts, and width of rights-of-way and travel way
- ☐ 3.38. Access and egress details for vehicular traffic, including existing / proposed curb cut width and radii, location, size and grade of driveways
- ☐ 3.39. Internal traffic arrangements and existing / proposed parking accommodations, including location and size of parking bays, parking for the physically handicapped, parking barriers, bumper guards, and wheel stops; parking lot and driveway directional arrows; location of fire lanes; and other arrangements
- ☐ 3.40. Existing and projected traffic volumes
- ☐ 3.41. Traffic and regulatory control signs, type and location
- ☐ 3.42. Engineering data including street, driveway, parking area, and sidewalk construction specifications
- ☐ 3.43. Proposed sidewalks

### **Landscaping**

- ☐ 3.44. Location of existing trees; if densely treed, use limits of the tree line
- ☐ 3.45. Proposed landscaping with specific location, number, size, and Latin name / common name of plantings
- ☐ 3.46. Location of existing and proposed buffer strips and landscaping
- ☐ 3.47. Location and area of open space by type; lawn area, buffer area, recreation area (indicate whether passive or active)
- ☐ 3.48. Maintenance schedule for landscaped areas to demonstrate survival for no less than one growth season

### **Site Lighting**

- ☐ 3.49. Lighting design (including general types and location of poles and fixtures)
- ☐ 3.50. Light patterns and illumination level standards

### **Architectural Design**

- ☐ 3.51. Proposed exterior elevations of all sides of the buildings, illustrating the overall architectural design and appearances
- ☐ 3.52. Existing and proposed floor plans with dimensions, and indicating all proposed interior and exterior alterations, modifications or changes
- ☐ 3.53. Type and colors of building materials, exterior facade and facing, fenestration
- ☐ 3.54. Location, size, height, color, lighting, and design of existing / proposed signs
- ☐ 3.55. Placement of mechanical equipment so as to be concealed and inconspicuous
- ☐ 3.56. Placement of service areas so as to be concealed and inconspicuous

*(continued on next page)*

**Erosion and Sediment Control**

- ☐ 3.57. A soil erosion and sediment control plan and narrative demonstrating compliance with the erosion and sediment control provisions of these Regulations
- ☐ 3.58. Identification of specific erosion and sedimentation controls to be used

**Other Materials**

- ☐ 3.59. Proposed schedule of construction including staging or phasing of development
- ☐ 3.60. Proposed numbering system to be used
- ☐ 3.61. If requested, an estimate of cost of site improvements such as, but not limited to, landscaping, drainage system, monumentation, sidewalks, streets and fencing or buffers, for financial guaranty purposes
- ☐ 3.62. If a variance is being requested, the location and amount of the variance requested
- ☐ 3.63. Pursuant to Public Act 05-124, for property subject to a conservation or preservation restriction, and where activity is proposed within the restricted area, a notarized statement from the applicant certifying that:
  - the proposed activity involves only interior work in an existing building or exterior work that does not expand or alter the footprint of an existing building; or
  - the applicant provided written notice of such application, by certified mail, return receipt requested, not later than sixty days prior to the filing of the application to the party holding a conservation restriction or a preservation restriction; or
  - the holder of such restriction or the holder's authorized agent has submitted a letter verifying that the application is in compliance with the terms of the restriction
- ☐ 3.64. Any other information which in the Commission's judgment will assist in evaluating the proposal.

***(see following pages for possible additional plan requirements  
depending on nature of activity proposed)***

## V. SPECIAL PERMIT APPLICATION (Commission)

- ☐ 1. Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent
- ☐ 2. Application Fee
- ☐ 3. A statement describing in detail the proposed use or uses
- ☐ 4. Fourteen (14) paper copies and one (1) PDF copy of site plans in accordance with the requirements of this Appendix
- ☐ 5. When required by the Commission, a traffic study evaluating the impact of proposal on thoroughfares serving and/or affected by the development and shall, at a minimum, include data and information on:
  - ☐ 5.1. existing average daily traffic and peak hour traffic of principal road(s)
  - ☐ 5.2. location of existing and proposed curb cuts, traffic lights and intersections at the development site and within three hundred (300) feet from the development site
  - ☐ 5.3. anticipated average daily traffic and peak hour traffic generation
  - ☐ 5.4. traffic impact of proposed development
  - ☐ 5.5. adequacy of right-of-way and travel way
  - ☐ 5.6. recommendations for safe pedestrian and vehicular circulation
  - ☐ 5.7. Where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation, and the Town Engineer
- ☐ 6. If a multi-family development, twelve (12) copies of a report of the proposal including:
  - ☐ 6.1. Number of units proposed and breakdown of dwelling unit types
  - ☐ 6.2. The density of the proposed development (units per gross acre)
  - ☐ 6.3. Acreage in buildings and parking and acreage in open space
  - ☐ 6.4. Anticipated number of people and number of school age children per unit
  - ☐ 6.5. Projected dwelling unit floor areas and projected selling price or rentals of units
  - ☐ 6.6. A draft of proposed covenants and restrictions

*(continued on next page)*

- ☐ 7. A statement describing the proposed staging if the development is to be constructed over a period of years
- ☐ 8. A report on the compatibility of the proposed development with respect to the Plan of Conservation and Development, as amended, zoning regulations, and special plans for the area within which the proposed development will be located
- ☐ 9. A report from the Hebron Fire Marshal commenting and/or recommending on fire protection provisions affecting the development or nearby properties
- ☐ 10. Any other information which in the Commission's judgment will assist in evaluating the proposal
- ☐ 11. Pursuant to Public Act 05-124, for property subject to a conservation or preservation restriction, and where activity is proposed within the restricted area, a notarized statement from the applicant certifying that:
  - the proposed activity involves only work that does not expand or alter the footprint of an existing building; or
  - the applicant provided written notice of such application, by certified mail, return receipt requested, not later than sixty days prior to the filing of the application to the party holding a conservation restriction or a preservation restriction, and the holder of such restriction or the holder's authorized agent has submitted a letter verifying that the application is in compliance with the terms of the restriction

***(see following pages for possible additional plan requirements  
depending on nature of activity proposed)***

## VI. MASTER CONCEPT PLAN (Commission)

- ☐ 1. Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent
- ☐ 2. Application Fee
- ☐ 3. A statement describing in detail the proposed use or uses
- ☐ 4. Fourteen (14) paper copies and one (1) PDF copy of plans in accordance with the requirements of this Appendix
- ☐ 1. **Overall**
  - ☐ 1.1. All drawings shall contain date, revision dates, scale, north arrow, name and address of owner and developer, name and seal of appropriate design professionals
  - ☐ 1.2. An engineer, surveyor, architect or landscape architect will prepare the graphic plans, unless otherwise indicated
  - ☐ 1.3. Minimum scale of 1" equals 100'
  - ☐ 1.4. Some information, as allowed by the Commission, may be submitted in illustrative and conceptual form provided the Commission can determine compliance with the Regulations
- ☐ 2. **Existing Conditions Map(s)**
  - ☐ 2.1. 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
  - ☐ 2.2. All existing utilities located within or along the periphery of the development
  - ☐ 2.3. Land uses and zoning district boundaries within 500 feet of the site
  - ☐ 2.4. A-2 property survey of the land in question
  - ☐ 2.5. Names and addresses of all abutting property owners as listed on the assessor's records keyed to an appropriate map
  - ☐ 2.6. A summary of significant historic features of the area of the proposed development

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- ☐ 3. **Master Concept Plan**
  - ☐ 3.1. The proposed uses, their proposed locations, and their approximate gross floor areas, densities, numbers of units and other data as appropriate will be provided
  - ☐ 3.2. 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
  - ☐ 3.3. Illustrative renderings of all architectural and structural improvements, which shall serve as guides for future development
  - ☐ 3.4. Proposed plan for public dedication, such as streets, parks and open spaces and a plan of development for such areas
- ☐ 4. **Standards**
  - ☐ 4.1. Methods to be used to determine the division of parcels and ownership of parcels
  - ☐ 4.2. 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
  - ☐ 4.3. A description of the areas of the site (by ratio, location, square footage, etc.) proposed for each land use type
  - ☐ 4.4. Bulk and density standards including:
    - minimum setbacks
    - maximum building and impervious coverage
    - maximum and minimum building height
    - specifications for allocation and minimum number of parking and loading spaces
  - ☐ 4.5. 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
  - ☐ 4.6. Narrative or graphic descriptions of the architectural style and character
  - ☐ 4.7. Signage plan, including a unifying theme or style
  - ☐ 4.8. Lighting design (including general types and location of poles and fixtures), light patterns and illumination level standards
  - ☐ 4.9. A narrative explaining how the Plan addresses issues identified in any Environmental Review Team report prepared for that area of the Town
  - ☐ 4.10. A landscape plan, including landscaping of parking lots, streetscape plantings and buffer areas

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☐ 5. **Impact Statements**

- ☐ 5.1. Municipal Financial Impact Statement. An appropriate professional shall prepare and submit a statement covering the following items (a. through d.). 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.
- a. property and other municipal tax and fee revenue that may be generated
  - b. municipal expenses and burdens that may be generated
  - c. anticipated number of school-aged children with the impact on existing and planned schools
  - d. 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
- ☐ 5.2. Public Safety and Traffic Impact Statement. A licensed professional engineer specializing in traffic will prepare and submit a statement covering the following items (a. through e.). 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:
- a. A description of background traffic and projected traffic from the development on existing and proposed streets including a capacity analysis of intersections
  - b. 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
  - c. A description of necessary transportation improvements, which may be needed to accommodate projected traffic
  - d. An analysis of the impact of the project on public safety and the need for additional police
  - e. An analysis of the impact on fire safety and the need for other or specialized equipment to be used for firefighting at the project
- ☐ 5.3. 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 (a. through d.). 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:
- a. 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
  - b. the design, style, locations, intensity and impact of proposed lighting
  - c. the design and layout of parking and its feasibility and safety for use by the public
  - d. the capacity of the wastewater, water and other utility systems proposed to be built and used by the project



- ☐ 5.4. Cultural, Aesthetic or Heritage Impact. A licensed architect or landscape architect will prepare and submit a statement covering the following factors (a. through g.). This statement shall be forwarded to the Director of Planning 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:
  - a. the design and placement of buildings, pedestrian walks and landscaping
  - b. the provision of public amenities and the impact on heritage and character of the Town
  - c. the compatibility with public views and character of the surrounding neighborhood
  - d. the reinforcement of existing street and building massing patterns and open space patterns, in the vicinity of the development
  - e. protection of and compatibility with locally significant or historic sites, vistas or natural features
  - f. archeologically significant resources
  - g. the compatibility of the development with the traditional neighborhood development standards
- ☐ 5.5. Natural Resources Impact Statement. A licensed or certified professional specializing in environmental topics will prepare and submit a statement covering the following factors (a. through f.). 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:
  - a. Preservation and/or creation of views and view sheds
  - b. Protection and/or enhancement of wetlands, and watercourses including any proposed modifications or mitigation efforts
  - c. Protection of trees, hedgerows, endangered or critical plant species or woodland habitats
  - d. Protection of endangered or critical animals and natural habitats
  - e. Compatibility to existing land forms, slopes and soils
  - f. Impacts to air quality
- ☐ 6. **Other Plans And Details**
  - ☐ 6.1. Other information required by the Commission

## **VII. REGULATION CHANGE APPLICATION (Commission)**

- ☐ 1. Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent
- ☐ 2. Application Fee
- ☐ 3. Fourteen (14) paper copies and one (1) PDF copy of the proposed text amendment identifying by reference to appropriate article, section, subsection, or paragraph numbers and to any other designation to be altered and indicating in brackets the text to be deleted and in capital letters the text to be added
- ☐ 4. Fourteen (14) paper copies and one (1) PDF copy of a written report stating the reasons for the proposed change and to what extent it would enhance the general health, safety and welfare of the Town of Hebron
- ☐ 5. Any other information which in the Commission's judgment will assist in evaluating the proposal

## VIII. ZONE CHANGE APPLICATION (Commission)

- ☐ 1. Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent
- ☐ 2. Application Fee
- ☐ 3. Fourteen (14) paper copies and one (1) PDF copy of a map at an appropriate scale showing:
  - ☐ 3.1. the property proposed to be rezoned indicating the existing zoning district designation, the proposed boundary line(s), and the proposed zoning district designation
  - ☐ 3.2. a key map showing the location of the property in relation to surrounding areas
  - ☐ 3.3. properties within five hundred (500) feet in all directions of the premises proposed to be rezoned
- ☐ 4. Fourteen (14) paper copies and one (1) PDF copy of calculations prepared by a Connecticut-licensed land surveyor or civil engineer based upon the latest Assessor's data indicating the area of the lots (or portion thereof) contained within five hundred (500) feet in all directions of the premises proposed to be rezoned
- ☐ 5. Fourteen (14) paper copies and one (1) PDF copy of a simple metes and bounds description defining in writing the boundaries of the proposed zoning district change
- ☐ 6. Any other information which in the Commission's judgment will assist in evaluating the proposal

***(see following pages for possible additional plan requirements  
depending on nature of activity proposed)***

## IX. POSSIBLE ADDITIONAL REQUIREMENTS

### FLOOD-PRONE AREAS

- ☐ 1. Fourteen (14) paper copies and one (1) PDF copy of maps or plans at an appropriate scale showing:
  - ☐ 1.1. Base flood elevation data and floodway data available from a federal, state, or other source
  - ☐ 1.2. The location of existing and proposed structures, and drainage facilities
  - ☐ 1.3. The actual elevation of the lowest habitable floor (including basement) of all new or substantially improved structures. (such elevation shall be the datum to which Hebron's base flood elevations as shown on the flood insurance rate map are referenced)
  - ☐ 1.4. Elevation to which any structure has been flood proofed
  - ☐ 1.5. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development
- ☐ 2. As necessary, Fourteen (14) paper copies and one (1) PDF copy of:
  - ☐ 2.1. Certification by a Connecticut-licensed land surveyor of the actual elevation of all existing and proposed structures (such elevation shall be the datum to which Hebron's base flood elevations as shown on the flood insurance rate map are referenced)
  - ☐ 2.2. Certification by a Connecticut-licensed professional engineer or architect of the flood proofing methods for any nonresidential structure
  - ☐ 2.3. Plans to enclose space below the base flood level
  - ☐ 2.4. A statement as to whether there will be dry access to the structure during the 100-year storm event
  - ☐ 2.5. A statement as by a Connecticut-licensed professional as to whether the proposed development will increase the water surface elevation of the base flood more than one foot at any point after considering the cumulative effect of the proposed development when combined with other anticipated development
- ☐ 3. A statement that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required
- ☐ 4. Any other information which in the Commission's judgment will assist in evaluating the proposal

## EARTH EXCAVATION

- ☐ 1. Application Form bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent
- ☐ 2. Application Fee
- ☐ 3. Fourteen (14) paper copies and one (1) PDF copy of a statement indicating:
  - the amount of earth material to be excavated or filled
  - the purpose of the excavation and/or filling
  - the proposed or potential future use of the area following cessation of the excavation and/or filling operations
- ☐ 4. Fourteen (14) paper copies and one (1) PDF copy of a key map at a scale of 1" equals 200' of the general area
- ☐ 5. Fourteen (14) paper copies and one (1) PDF copy of a survey prepared by a Connecticut licensed surveyor, drawn to an appropriate scale, identifying:
  - ☐ 5.1. The perimeter of the property and the abutting property owners
  - ☐ 5.2. spot elevations and contours at intervals not greater than two (2) feet extending for a distance of two hundred (200) feet beyond the boundaries of the site
  - ☐ 5.3. Location and extent of watercourses, wetlands and boundaries of land subject to periodic flooding on the site and for a distance of two hundred (200) feet beyond the boundaries of the site
  - ☐ 5.4. The soil types and their location as identified in the soil survey of the Town of Hebron prepared by the U.S. Soil Conservation Service
  - ☐ 5.5. All existing public and private roads, which provide access to the premises

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- ☐ 6. Fourteen (14) paper copies and one (1) PDF copy of a plan and/or an engineering report providing:
  - ☐ 6.1. Plan view of proposed contours and finished grades at the completion of the excavation operations and typical cross sections of the area to be excavated showing both existing and proposed contours and grades
  - ☐ 6.2. A log of soil borings taken to four (4) feet beyond the depth of the proposed excavation; such logs to indicate the depths, composition and type of earth materials, mottling and depth to water table
  - ☐ 6.3. statements on traffic safety, noise, grading, landscaping, and erosion control methods
  - ☐ 6.4. Location of all new roads, utilities, drainage ways and watercourses, proposed buildings, structures, fixed equipment and machinery
  - ☐ 6.5. In two-year increments, the manner in which the site owner/operator intends to progress in furthering site excavation and extraction of earth material
  - ☐ 6.6. Areas and acreage of active operations and earth material stockpiling; differentiating between removed topsoil and subsurface materials
  - ☐ 6.7. Amount, composition and origin of soil materials to be used for site restoration
  - ☐ 6.8. Elevations of spring high ground water throughout the site as determined by test holes and location of such test holes
  - ☐ 6.9. A sedimentation and erosion control plan and a plan for the restoration of the site following cessation of excavation operations
- ☐ 7. If a pond may result due to excavation below normal water table, the application shall also include:
  - ☐ 7.1. A drainage analysis showing watershed area
  - ☐ 7.2. Computations of water inflows and outflow
  - ☐ 7.3. Calculations and confirmation that the pond's water supply and its water inflow and outflow will be adequate to avoid stagnation and will not be hazardous to surrounding land uses
- ☐ 8. Fourteen (14) paper copies and one (1) PDF copy of a detailed plans, specifications and other information necessary to describe any earth material processing, screening and rock crushing
- ☐ 9. Any other information which in the Commission's judgment will assist in evaluating the proposal

## **TELECOMMUNICATIONS**

In addition to applicable Site Plan and/or Special Permit requirements, the following information shall also be submitted as part of any proposal to develop a commercial wireless telecommunication site.

### **Eligibility**

1. All applications shall include proof that either the applicant or co-applicant holds a license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support.

### **Service Need / Alternatives**

2. As part of any application, the applicant shall provide a map showing existing sites used by the applicant, existing system coverage and resultant gaps in system coverage in the Town of Hebron.
3. A report from an engineer, licensed in the State of Connecticut, including:
  - a. propagation studies for the proposed site along with all data used to generate such study showing planned coverage in the Town of Hebron including existing, proposed and future sites along with all data used to generate such studies;
  - b. the search radius for the proposed site; and
  - c. a map showing all existing, approved and planned towers and structures over a height of 40 feet that could serve as a location for facilities providing coverage within the Town of Hebron.
4. The applicant shall provide to the Commission copies of letters sent by certified mail to all other service providers authorized by the Federal Communications Commission to provide similar service within the Town of Hebron, which shall identify the applicant's proposed construction and shall request information from other providers seeking opportunities to co-locate on their existing or planned facilities. The letters required under this Section shall have been postmarked at least 30 days prior to the opening of any public hearing on an application. All responses to these letters shall also be provided to the Commission.

### **Site Improvements**

5. A report from an engineer, licensed in the State of Connecticut, indicating that the proposed wireless telecommunication site will comply with local State, and Federal standards and will not interfere with public safety communications.
6. Design drawings including cross section and elevation of all proposed towers.
7. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas.
8. An elevation of all proposed equipment buildings or boxes.
9. Elevations of all proposed shielding and details of materials including color.
10. Details of all proposed screening, fencing, landscaping and proposed lighting.

11. For facilities to be attached to an existing building:
  - a. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
  - b. Details of all proposed antenna and mounting equipment including size and color.
12. The design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line. An analysis of the fall zone for the proposed tower prepared by an engineer, licensed in the State of Connecticut.
13. In determining the maximum permissible height of any individual tower proposed under these Regulations, the Commission shall consider all information provided by the applicant and, to this end, the applicant shall:
  - a. describe and provide written evidence, to the Commission's satisfaction, of efforts and measures taken by the applicant to locate the tower:
    - on a site or combination of sites of higher priority (under Section 5.P3.1 of these Regulations); and
    - on sites at multiple locations with towers at various heights in less visually obtrusive areas than the location chosen for the proposed tower, and why any higher preference site or combination of sites was not technologically, legally or economically feasible;
  - b. have the burden of:
    - investigating any site or combination of sites raised and stated in writing by either the Commission, Consultant of the Town or Town Staff,
    - demonstrating, describing and providing written evidence, to the Commission's satisfaction, of the necessity of the location of the proposed site over any enumerated site(s) requested; and
    - stating, in writing, why any such requested site(s) are not technologically, legally or economically feasible; and,
  - c. provide, upon the Commission's request, propagation maps depicting a tower(s) at any site or combination of sites and at any height or combination of heights reasonably deemed necessary by the Commission to ascertain whether the proposed tower height and tower location are necessary to provide the proposed coverage or whether prudent alternative(s) can provide similar coverage.



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