

PZ-2011-17

**TOWN OF VERNON PLANNING & ZONING COMMISSION (PZC)**

**APPLICATION**

This form is to be used to apply to the Vernon Planning & Zoning Commission (PZC) for a change of zoning district, amendment of the Zoning Regulations, Site Plan of Development (POD), Special Permit(s), amendment of the Subdivision Regulations, and/or approval of a (re) subdivision. **Provide all the information requested.**

The applicant must be the property owner, the property owner's agent, the Town of Vernon, or someone with a direct financial interest in the subject property; said interest shall be explained and written permission for this application must be obtained from the property owner and submitted with this application if the applicant is not the property owner (ZR Section 2.3).

*The list of approvals and the references to sections of the Regulations are for informational purposes only to assist with preparation of the PZC application and are not a definitive statement of the sole requirements that may apply to a specific project.*

The applicant understands that the application is complete only when all information and documents required by the PZC have been submitted and, further, that any approval by the PZC relies upon complete and accurate information being provided by the applicant. **Incorrect information provided by the applicant may make the approval invalid.** The PZC may require additional information to be provided by the applicant in the course of reviewing the application and during the monitoring of the project.

Provide all the information requested:

**RECEIVED**

**I. APPLICANT:**

OCT 26 2011

Name: Jason L. McCoy

Title: Mayor

**TOWN PLANNER'S OFFICE**

Company: Town of Vernon

Address: 14 Park Place

Vernon, CT 06066

Telephone: 860-870-3600 Fax: \_\_\_\_\_

E-mail jmccoy@vernon-ct.gov

**II. PROPERTY OWNER (S):**

Name: Not applicable

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax \_\_\_\_\_

E-mail: \_\_\_\_\_

If the applicant is not the property owner, include a letter from the property owner authorizing the applicant to seek approval by the PZC. (ZR Section 2.3)



#### IV. PROJECT

Project Name: Amend the Vernon Zoning Regulations sections 4.9, 4.10, 4.16, 4.17, 4.19, 4.20, 4.21, & 4.23 (Use Districts) to remove select uses from listings as Special Permit uses and insert them as listings as Permitted Uses (as of right)

Project Contact Person:

Name: Jason L. McCoy

Title: Mayor

Company: Town of Vernon

Address: 14 Park Place

Vernon, CT 06066

Telephone: 870-3600 Fax: \_\_\_\_\_

E-mail: jmcocoy@vernon-ct.gov

#### V. PZC APPLICATION PROJECT SUMMARY

Describe the project briefly in regard to the purpose of the project and the activities that will occur. Attach to this application a complete and detailed description with maps and documentation as required by the "Town of Vernon Zoning Regulations" and "Town of Vernon Subdivision Regulations".

Purpose: Make changes to various sections of the Vernon Zoning Regulations to remove regulatory obstacles to zoning approval for property re - development and to streamline the regulatory review process within developed Area's which are non-residential

General Activities: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

#### VI. APPROVAL(S) REQUESTED

     Subdivision or Resubdivision

- Subdivision (Sub. Sec. 4, 5, 6)
- Resubdivision (Sub. Sec. 4, 5, 6)
- Minor modification of subdivision or resubdivision (Sub. Sec. 4.6)
- Town acceptance of a road (Sub. Sec. 6.5-6, 8 & 9)
- Amendment of Subdivision Regulations (Sub. Sec. II)

See Subdivision Regulations Sec. 4 for application fee schedules.

     Soil Erosion and Sediment Control Plan (ESCP) (ZR Sec. 2.117; 18) (Sub. 6.14)

Site Plan of Development (POD) (ZR Sec. 14)

- POD approval (ZR Sec. 14.1.1.1; 14.1.2)
- Modification of an approved POD (ZR Sec. 14.1.1.1)
- Minor modification of a site POD (ZR Sec. 14.1.1.2)

       Special Permit(s) (ZR Section 17.3)

- Special Permit in an aquifer area (ZR Sec. 2.4; 2.5; 2.119; 20)
- Special Permit for excavation (ZR Sec. 2.52; 2.79; 15)
- Special Permit for use in a district (ZR Sec. 1.2 & 4)
  
- Special Permit for lot coverage (ZR Sec. 1.2; 2.61; 2.68; 4)
- Special Permit for signs (ZR Sec. 1.2; 2.106-115; 4; 16; 21.7)
- Special Permit for parking (ZR Sec. 4; 12; 21.4)
  
- Special Permit for elderly housing (ZR Sec. 2.60; 17.4)
- Special Permit for Bed & Breakfast (B & B) (ZR Sec. 2.9; 17.3.4)
- Special Permit for serving alcohol (ZR Sec. 2.103, 17.1)
  
- Special Permit for massage (ZR Sec. 2.76-78; 4)
- Special Permit for telecommunications (ZR Sec. 2.21; 3.23 & 23)
- Special Permit for dumps and/or incinerators (ZR Section 8)
- Other Special Permit(s). Cite ZR Section and describe activity:

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       Special Permit modifications (ZR Sec. 17.3.2.2). Cite ZR Section and describe activity.

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  ✓   Zoning:

- Site specific change of zoning district and map (ZR Sec. 1.2; 1.3; 4)
- ✓   Amendment of Zoning Regulations (Sec. 1.2; 1.3; 4)

See attached proposal, Changes are highlighted in red.

See Zoning Regulations Section 22 for application fee schedules.

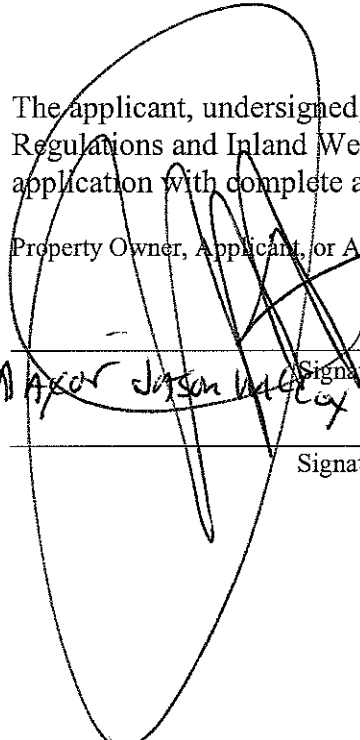
APPLICANT SHALL FILE A COPY OF ANY PROPOSED REGULATION AMENDMENT, ZONE CHANGE, OR WETLANDS REDESIGNATION WITH THE TOWN CLERK TEN (10) DAYS PRIOR TO THE HEARING AS PER SECTIONS 8-3(a) AND (d) AND 22a-42a (b) OF THE GENERAL STATUTES. CERTIFICATION OF THE FILING UNDER THESE SECTIONS BY THE APPLICANT MUST BE PRESENTED AT THE PUBLIC HEARING.

Per Connecticut General Statutes (CGS) Section 8-26: If an application submitted to the Planning & Zoning Commission (PZC) involves any activity or area regulated under the wetlands statutes, an application for this activity must be filed with the Inland Wetlands Commission (IWC) on or before the day the Planning & Zoning Commission (PZC) application is filed by the applicant. (IWR Sec. 3.11)

Per CGS Sec. 8-31: If the proposed activity is to take place within a watershed of a Water company, the applicant is required to file a copy of the application with the Water Company via certified mail within seven (7) days of the date of the application. (IWR Sec. 4.3.6).

The applicant, undersigned, has reviewed the "Town of Vernon Planning and Zoning Regulations and Inland Wetlands and Watercourses Regulations" and has prepared this application with complete and accurate information:

Property Owner, Applicant, or Applicant's Agent:

 \_\_\_\_\_  
Signature  
Maxon Jason  
Town of Vernon

\_\_\_\_\_ 10/25/2011  
Date

\_\_\_\_\_ \_\_\_\_\_  
Signature Date

*TO BE FILLED IN BY THE PLANNING DEPARTMENT*

Date Application Submitted 10-26-11

Date Application Received by Commission 11-3-11

PZC File: PZ-2011-17

**PROPOSED CHANGES TO THE  
TOWN OF VERNON  
ZONING REGULATIONS  
November 2011  
Application PZ-2011-17**

**Key:** **Black Text:** Existing Language, Vernon Zoning Regulations  
**~~Red, Lined-Out Text:~~** Existing Language proposed for deletion  
**Red, Underlined Text:** added or revised language

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ZONING REGULATIONS**

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**4.9 COMMERCIAL**

**4.9.1 Area and Yard Requirements:**

4.9.1.1	Minimum lot area:	22,000 square feet
4.9.1.2	Minimum lot width:	100 feet
4.9.1.3	Minimum front yard:	50 feet
4.9.1.4	Minimum rear yard:	50 feet
4.9.1.5	Minimum side yard:	20 feet
4.9.1.6	Minimum floor area	1,000 square feet

**4.9.2 Permitted Uses:**

4.9.2.1 Retail sale of food, non-alcoholic beverages, drugs, clothing, jewelry, hardware, stationery, specialty items, household appliances or furnishings.

4.9.2.2 ~~Full service restaurants or clubs with or without alcoholic beverage permits.~~

~~4.9.2.4~~

~~4.9.2.24~~4.9.2.3 Any professional or business office, bank, studio or other financial institution.

~~4.9.2.34~~4.9.2.4 Wholesale showroom with storage limited to floor samples only.

~~4.9.2.44~~4.9.2.5 Indoor movie theatres.

~~4.9.2.54~~4.9.2.6 Signs subject to Section 16.

~~4.9.2.64~~4.9.2.7 Accessory uses customarily incidental to the listed uses.

~~4.9.2.74~~4.9.2.8 Personal convenience services limited to barbershops, beauty salons, and dry cleaning establishments.

~~4.9.2.84~~4.9.2.9 Medical or research laboratory.

~~4.9.2.94~~4.9.2.10 Day care centers.

~~4.9.2.104~~4.9.2.11 Salesroom or display area for retail sale or rental of vehicles, including vehicle sale lots.

4.9.2.12 Commercial parking facility.

~~4.9.2.114~~4.9.2.13 Any single- or two family zoning use permitted in these Regulations.

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

4.9.3.1 Motor vehicle service facility. Accessory uses shall be limited to those uses, which are strictly incidental to motor vehicle service facility operations.

~~4.9.3.2~~ ~~New and used car dealerships.~~

~~4.9.3.34~~4.9.3.2 Laundromats serviced by public sewers.

~~4.9.3.44~~4.9.3.3 Personal convenience services not listed above as a permitted use, including but not limited to, health spas, weight control studios, counseling and therapy services, including encounter groups other than those performed in a professional office.

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

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- 4.9.4.1 Mixed residential/commercial uses where the current use of the property is residential and less than fifty (50) percent of the structure will continue to be used residentially.
- 4.9.4.2 Funeral homes.
- 4.9.4.3 Hotels or motels.
- 4.9.4.4 Hospitals, church buildings, schools, public libraries, public utility structures, governmental buildings, cemeteries, golf courses, country clubs, non-profit recreational facilities.
- 4.9.4.5 Any retail outlet dealing in merchandise or service similar to the items listed above as permitted uses.
- 4.9.4.6 Commercial education or recreational activities.
- 4.9.4.7 Telecommunication towers.
- 4.9.4.8 Residential facilities for special education.
- ~~4.9.4.9 Deleted.~~
- ~~4.9.4.9.4.10 Deleted.~~
- ~~4.9.4.10 Full service restaurants or clubs with or without alcoholic beverage permits.~~
- 4.9.4.11 Sell or server of alcoholic beverages.
- 4.9.4.12 ~~Deleted. Medical or research laboratory.~~
- 4.9.4.13 Commercial kennel, as defined in Section 2, provided that such a facility is located no closer than three hundred (300) feet from a residence or residential district. The three hundred (300) feet separation requirement shall not apply to veterinary facilities housed inside a building.
- 4.9.4.14 General automotive repairing. The sale of gasoline is not permitted with this use.
- 4.9.4.15 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.
  - 4.9.4.15.1 More than forty (40) off-street spaces are required or;
  - 4.9.4.15.2 The proposed structure is within two-hundred (200) feet of a residential structure or;
  - 4.9.4.15.3 The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or;
  - 4.9.4.15.4 The aggregate square footage for all structures on any parcel exceeds twenty-five (25) thousand;
  - 4.9.4.15.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.
  - 4.9.4.15.6 Lot coverage of sixty (60) percent or more. In order to grant this Special Permit the Commission must find that this additional

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coverage will not increase the off site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off site. If the area is in an aquifer protection zone, the provisions of Section 20.5 shall also apply.

- 4.9.4.15.7 A structure with a height exceeding two (2) stories or thirty-five (35) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.
- 4.9.4.15.8 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.
- 4.9.4.15.9 Outside displays by retain sales establishments when said displays occupy an area greater than ten (10) percent of the gross floor area of the individual business utilizing the display.
- 4.9.4.16 Redemption center for used beverage containers.
- 4.9.4.17 Drive-up service window by approval of both a Site Plan and a Special Permit.
- 4.9.4.18 Motor vehicle washing facility as accessory use of retail gasoline sales operation, provided; a) automotive repairs are not conducted on the site, b) minimum lot area shall be one (1) acre, c) no more than forty (40) percent of the maximum lot coverage area shall be used exclusively for the washing facility, and d) the facility shall contain no more than one bay, be automatic, and be patron activated
- 4.9.4.19 Any establishment, which sells gasoline or diesel fuel.
- 4.9.4.20 Electronic or mechanical games. IN any commercial establishment in which the principal use or activity is not the playing of electronic or mechanical games, no more than three (3) such games or devices shall be placed for public or private use in or on the premises, without a Special Permit from the Planning & Zoning Commission. These games are not classified as a commercial recreational activity.
- 4.9.4.21 ~~Restaurant non full service.~~
- 4.9.4.22 A non independent massage area or establishment: In order to grant a Special Permit, the PZC must find the following:
  - 4.9.4.22.1 All massage services must be carried out in clearly marked rooms within the establishment, and such rooms shall provide privacy to the patron while allowing for the capability to inspect all activity within the room for the purposes of determining that the provisions of these regulations are complied with. Such rooms shall be provided with continuous white lighting, which shall remain on at all time that such room is in use, and sufficient to light the entire room.

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- 4.9.4.22.2 For all massage therapists who will be employed in the establishment, evidence of a valid license from the State of Connecticut must be presented to the PZC.
- 4.9.4.22.3 A massage area or establishment shall not constitute the principle use of any business or building but shall be strictly an accessory use to another business contained in said building.
- 4.9.4.22.4 The massage area shall not occupy more than ten (10) percent of the gross floor area of the business to which it (the massage area) is an accessory use.
- 4.9.4.23 Independent Massage Therapy Practice. In order to grant a Special Permit the PZC must find the following:
  - 4.9.4.23.1 All massage services must be carried out by licensed massage therapist in clearly marked establishments. Such establishments shall provide rooms with professional lighting which shall remain on at all times that the room is in use and sufficient to light the entire room.
  - 4.9.4.23.2 For all massage therapists, a valid license from the State of Connecticut and either valid active membership in the AMTA or evidence of Professional Liability insurance equal to that provided by AMTA membership must be presented to the PZC.
  - 4.9.4.23.3 The valid Connecticut Massage Therapy License must be displayed in plain view in the place of business.
- 4.9.4.24 Message board sign by approval of both a Site Plan and Special Permit.
- 4.9.5 **Use Variances:** Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.9.4.

**TOWN OF VERNON  
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**4.10 INDUSTRIAL (I)**

**4.10.1 Area and Yard Requirements:**

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

**4.10.2 Permitted Uses:**

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

4.10.2.14 Accessory uses customarily incidental to the listed uses.

4.10.2.15 ~~Commercial education or recreational facility.~~

~~4.10.2.14~~ 4.10.2.16 ~~Any uses permitted in Commercial Section 4.9~~

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

- 4.10.3.1 Heliport.

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

- 4.10.4.1 ~~Commercial education or recreational facility.~~
- 4.10.4.2 Freight or trucking terminal with warehouse storage facilities.
- 4.10.4.3 Auto body, soldering or welding shop.
- 4.10.4.4 Automotive repair shop.

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- 4.10.4.5 Radio or television towers and facilities and commercial telecommunication towers.
- 4.10.4.6 Governmental buildings and public utilities structures.
- 4.10.4.7 Small engine and lawn mower repair shop.
- 4.10.4.8 Redemption center for used beverage containers.
- 4.10.4.9 ~~Deleted. Restaurant or other establishment serving food for consumption inside a building, with or without live entertainment.~~
- 4.10.4.10 ~~Deleted. Professional or business offices or office complexes, including banks or other financial institutions.~~
- 4.10.4.11 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.
  - 4.10.4.11.1 More than forty (40) off-street parking spaces are required or;
  - 4.10.4.11.2 The proposed structure is within two-hundred (200) feet of a residential structure or;
  - 4.10.4.11.3 The proposed development has any off-street parking or loading spaces within one hundred (100) feet of a residential structure or;
  - 4.10.4.11.4 The aggregate square footage for all structures on any parcel exceeds twenty-five (25) thousand;
  - 4.10.4.11.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.
  - 4.10.4.11.6 Lot coverage of forty (40) % or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off site. If the area is in aquifer protection zone, the provisions of Section 20.5 shall also apply.
  - 4.10.4.11.7 A structure with a height exceeding three (3) stories or forty (40) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.
  - 4.10.4.11.8 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.
  - 4.10.4.11.9 Outside displays when said displays occupy an area greater than ten (10) % of the gross floor area of the individual business utilizing the display.

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- 4.10.4.12 ~~Electronic or mechanical games: In any commercial establishment in which the principal use or activity is not the playing of electronic or mechanical games, no more than three (3) such games or devices shall be placed for public or private use in or on the premises, without a Special Permit from the Planning Commission.~~
- 4.10.4.13 Adaptive Re-use per Sections 2.97 & 3.26
- 4.10.4.14 Drive-up service window by approval of both a Site Plan and a Special Permit.
- 4.10.4.15 Commercial kennel, as defined in Section 2, provided that such a facility is located no closer than three hundred (300) feet from a residence or residential district. The three hundred (300) feet separation requirement shall not apply to veterinary facilities housed inside a building.
- 4.10.4.16 Message board sign by approval of both a Site Plan and Special Permit.
- 4.10.5 **Use Variances:** Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.10.4.
- 4.10.6 **Protective Provisions:**
  - 4.10.6.1 All industrial uses must be connected to sanitary sewers unless the Health Department approves the use of a septic system in writing prior to PZC action.

The following sections of the Zoning Regulations have been deleted: 4.11, 4.12, and 4.13 effective January 1, 1992.

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ZONING REGULATIONS**

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**4.16 HISTORIC DISTRICT – NEIGHBORHOOD R-10**

**4.16.1 Area and Yard Requirements:**

- 4.16.1.1 Minimum lot area: 10,000 square feet
- 4.16.1.2 Minimum lot width: 80 feet
- 4.16.1.3 Minimum front yard: 30 feet
- 4.16.1.4 Minimum side yard: 10 feet
- 4.16.1.5 Minimum rear yard: 20 feet
- 4.16.1.6 Minimum floor area: 1,000 square feet

**4.16.2 Permitted Uses:**

~~4.16.2.1.~~ Single family and two-family dwellings.

~~4.16.2.2.~~ ~~4.16.2.1.~~ Accessory uses customarily incidental to the above permitted uses, provided that such accessory use shall not include any activities conducted for gain.

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**4.16.3 Special Permits:** The following uses may be permitted when granted a Special Permit by the Planning & Zoning Commission:

- 4.16.3.1 Convalescent homes or nursing homes and assisted living facilities when connected to public water and sanitary sewer.
- 4.16.3.2 Boarding Homes.
- 4.16.3.3 Church buildings, schools, public libraries, public utility structures, cemeteries, hospitals, and governmental buildings.
- 4.16.3.4 Residential facilities for special education.
- 4.16.3.5 Funeral homes.
- 4.16.3.6 Public parks and public recreational areas.
- 4.16.3.7 Signs subject to Section 16.
- 4.16.3.8 Home occupations in single-family homes.
- 4.16.3.9 Day care center when conducted as an accessory use to a non-profit institution such as a school or church.
- 4.16.3.10 The operation of a program with the express purpose of providing vocational training and employment services to developmentally disabled and other handicapped citizens.
- 4.16.3.11 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.
  - 4.16.3.11.1 More than forty (40) off-street parking spaces are required or;
  - 4.16.3.11.2 The aggregate square footage for all structures on any parcel exceeds 25,000;
  - 4.16.3.11.3 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.

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

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

4.16.3.11.6 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.

4.16.3.12 Bed & Breakfast

4.16.3.13 Deleted

4.16.3.14 Radio and television masts and towers.

**4.16.4 Protective provision concerning front yard compatibility:**

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

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

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



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**4.17 HISTORIC DISTRICT – RESIDENTIAL COMMERCIAL**

**4.17.1 Area and Yard Requirements:**

4.17.1.1	Minimum lot area:	20,000 square feet
4.17.1.2	Minimum lot width:	120 feet
4.17.1.3	Minimum front yard:	30 feet
4.17.1.4	Minimum side yard:	10 feet
4.17.1.5	Minimum rear yard:	20 feet
4.17.1.6	Minimum floor area:	1,000 square feet

**4.17.2 Permitted uses:**

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

4.17.2.3 One sign, per business, not larger than fourteen (14) square feet, provided this sign meets all the other requirements of Section 16. Additional signage and/or signs in excess of fourteen (14) square feet and otherwise in compliance with Section 16 may be permitted when granted a Special Permit by the Planning & Zoning Commission.

4.17.2.4 Multi-family dwellings, and accessory uses customarily incidental to them, provided that such accessory uses shall not be conducted for gain. Multi-family units are subject to the requirements of Section 10.1.1 and Sections 4.7.5, 4.7.6, and 4.7.7 of these Zoning Regulations.

4.17.2.5 Professional or business offices, banks or other financial institutions.

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

4.17.2.7 Indoor movie theaters.

4.17.2.8 Church buildings, schools, public libraries, public utility structures, cemeteries, hospitals, and governmental buildings.

4.17.2.9 Residential facilities for special education.

4.17.2.10 Funeral homes.

4.17.2.11 Buildings, which have previously been used industrially, and existing industrial operations located within the residential commercial zone may be allowed. Existing industrial buildings and operations are not subject to Section 11 of the regulations. These existing industrial buildings may be extended, enlarged or rebuilt only after a Special Permit is obtained. All industrial buildings and operations are subject to the requirements set forth in Section 4.19 – Historic District – Industrial.

4.17.2.12 Retail sale of food, non-alcoholic beverages, drugs, clothing, jewelry, hardware, stationery, specialty items, household appliances or furnishings.

4.17.2.13 Personal convenience services limited to barbershops, beauty shops and dry cleaning establishments.

4.17.2.14 Full service restaurant with or without alcoholic beverage permit.

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- 4.17.2.15 Seller or server of alcoholic beverages subject to Section 17.1, "Alcoholic Liquor".
- 4.17.2.16 Public parks and public recreational areas.
- 4.17.2.17 Hospitals, medical offices, laboratories and similar health care facilities.
- 4.17.2.18 Commercial parking facility.
- 4.17.2.19 Drive-up service window by approval of both a Site Plan and a Special Permit.
- 4.17.2.20 Additional signage and/or signs in excess of fourteen (14) square feet. These signs area also subject to the requirements of Section
- 4.17.2.21 Commercial, educational or recreation services.
- 4.17.2.22 Any retail outlet dealing in merchandises or services which the Commission finds to be similar in nature to the above use.
- 4.17.2.23 Child Day Care Centers.
- 4.17.2.24 Multiple single-family dwellings subject to the requirements of Section 4.7.5.2, 4.7.6, 4.7.7, and 17.3.3, and to a finding to be made by the Commission that the construction of, or conversion to, multiple single-family dwellings will not reduce the availability of existing habitable rental housing in the Rockville section of the Town of Vernon.
- 4.17.2.25 In addition to any other required permits of approvals, for all new development all parking shall be located to the rear of the of buildings where on-street parking is available.
- 4.17.2.26 Bed & Breakfast.
- 4.17.2.27 Home occupations in single-family homes.
- 4.17.2.28 Outside displays by retail sales establishments when said displays occupy an area greater than ten (10) percent of the gross floor area of the individual business utilizing the display.
- 4.17.2.29 Medical or research laboratory.
- 4.17.2.34.17.2.30

**4.17.3 Special Permits:** The following uses may be permitted when granted a Special Permit by the Planning & Zoning Commission:

- ~~4.17.3.1 Multi-family dwellings, and accessory uses customarily incidental to them, provided that such accessory uses shall not be conducted for gain. Multi-family units are subject to the requirements of Section 10.1.1 and Sections 4.7.5, 4.7.6, and 4.7.7 of these Zoning Regulations.~~
- ~~4.17.3.2 Professional or business offices, banks or other financial institutions.~~
- ~~4.17.3.3 Convalescent homes or nursing homes and assisted living facilities when connected to public water and sanitary sewer.~~
- ~~4.17.3.4 Indoor movie theaters.~~
- ~~4.17.3.5 Church buildings, schools, public libraries, public utility structures, cemeteries, hospitals, and governmental buildings.~~

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- ~~4.17.3.6 Residential facilities for special education.~~
- ~~4.17.3.7 Funeral homes.~~
- ~~4.17.3.8 Buildings, which have previously been used industrially, and existing industrial operations located within the residential commercial zone may be allowed. Existing industrial buildings and operations are not subject to Section 11 of the regulations. These existing industrial buildings may be extended, enlarged or rebuilt only after a Special Permit is obtained. All industrial buildings and operations are subject to the requirements set forth in Section 4.19 Historic District Industrial.~~
- ~~4.17.3.9 Retail sale of food, non-alcoholic beverages, drugs, clothing, jewelry, hardware, stationery, specialty items, household appliances or furnishings.~~
- ~~4.17.3.10 Personal convenience services limited to barbershops, beauty shops and dry cleaning establishments.~~
- ~~4.17.3.11 Full service restaurant with or without alcoholic beverage permit.~~
- ~~4.17.3.12 Seller or server of alcoholic beverages subject to Section 17.1, "Alcoholic Liquor".~~
- ~~4.17.3.13 Public parks and public recreational areas.~~
- ~~4.17.3.14 Hospitals, medical offices, laboratories and similar health care facilities.~~
- ~~4.17.3.15 Commercial parking facility.~~
- ~~4.17.3.16 Drive-up service window by approval of both a Site Plan and a Special Permit.~~
- ~~4.17.3.17 Additional signage and/or signs in excess of fourteen (14) square feet. These signs are also subject to the requirements of Section~~
- ~~4.17.3.18 Deleted.~~
- ~~4.17.3.19 Deleted.~~
- ~~4.17.3.20 Commercial, educational or recreation services.~~
- ~~4.17.3.21 Any retail outlet dealing in merchandises or services which the Commission finds to be similar in nature to the above use.~~
- ~~4.17.3.22 Child Day Care Centers.~~
  - ~~4.17.3.23 Multiple single family dwellings subject to the requirements of Section 4.7.5.2, 4.7.6, 4.7.7, and 17.3.3, and to a finding to be made by the Commission that the construction of, or conversion to, multiple single family dwellings will not reduce the availability of existing habitable rental housing in the Rockville section of the Town of Vernon.~~
- ~~4.17.3.24~~17.3.1 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.
  - ~~4.17.3.24.14~~17.3.1.1 More than forty (40) off-street parking spaces are required or:
  - ~~4.17.3.24.24~~17.3.1.2 The proposed structure is within two-hundred (200) feet of a residential structure or;

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~~4.17.3.24.34~~.17.3.1.3 The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or;

~~4.17.3.24.44~~.17.3.1.4 The aggregate square footage for all structures on any parcel exceeds 25,000;

~~4.17.3.24.54~~.17.3.1.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to ~~March 1, 1992~~.

~~4.17.3.24.64~~.17.3.1.6 Lot coverage of forty-five (45) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off-site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off site. If the area is in an aquifer protection zone, the provision of Section 20.5 shall also apply.

~~4.17.3.24.74~~.17.3.1.7 A structure with a height exceeding two and a half (2 ½) stories or thirty-five (35) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.

~~4.17.3.24.84~~.17.3.1.8 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.

~~4.17.3.24.94~~.17.3.1.9 Outside displays by retail sales establishments when said displays occupy an area greater than ten (10) percent of the gross floor area of the individual business utilizing the display.

~~4.17.3.254~~.17.3.2 Emergency shelter for the homeless when conducted by a non-profit organization.

~~4.17.3.26~~ ~~Bed & Breakfast.~~

~~4.17.3.27~~ ~~Home occupations in single family homes.~~

~~4.17.3.28~~ ~~Outside displays by retail sales establishments when said displays occupy an area greater than ten (10) percent of the gross floor area of the individual business utilizing the display.~~

~~4.17.3.294~~.17.3.3 A parking lot or parking facility as a principal use on a lot to provide for an allowed use(s), which allowed use(s) is located on another lot(s) that is located within sixteen hundred (1,600) feet of the lot on which the parking lot or parking facility is located. The parking lot or parking facility shall be reserved to provide parking exclusively for the aforementioned allowed use(s).

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~~4.17.3.304~~ 4.17.3.4 Radio and television masts and towers in residential zones. Any mast or tower in excess of one-hundred (100) feet in height in a residential zone or any mast or tower permitted by variance or pre-existing use to be operated for financial gain in a residential zone.

~~4.17.3.314~~ 4.17.3.5 Adaptive Re-use per Sections 2.97 & 3.26

~~4.17.3.324~~ 4.17.3.6 Message board sign by approval of both a Site Plan and Special Permit.

**4.17.4 Protective provision concerning front yard compatibility:**

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

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

4.17.5 **Use Variances:** Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district that is specifically allowed by the Planning and Zoning Commission under Section 4.17.3.

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**4.19 HISTORIC DISTRICT – INDUSTRIAL**

**4.19.1 Area and Yard requirements:**

4.19.1.1	Minimum lot area:	1 acre
4.19.1.2	Minimum lot width:	160 feet
4.19.1.3	Minimum front yard:	35 feet
4.19.1.4	Minimum side yard:	15 feet
4.19.1.5	Minimum rear yard:	30 feet
4.19.1.6	Minimum floor area:	10 percent of land area

**4.19.2 Permitted uses:**

- 4.19.2.1 Manufacturing, storing, processing, fabricating, packaging or assembling activities wholly within a building or unified complex of buildings.
- 4.19.2.2 Printing or publishing establishments.
- 4.19.2.3 Wholesale distribution or warehouse facility.
- 4.19.2.4 Office buildings and financial institutions.
- 4.19.2.5 Research laboratories.
- 4.19.2.6 Restaurant serving food for consumption inside the building.
- 4.19.2.7 Wholesale or retail sale of products fabricated, assembled or packaged in a building on the premises.
- 4.19.2.8 Governmental buildings, public utility structures and telecommunication towers.
- 4.19.2.9 Signs subject to Section 16.
- 4.19.2.10 All uses permitted in Historic District – Residential Commercial in Section 4.17
- 4.19.2.54.19.2.11

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

- ~~4.19.3.1 Restaurant serving food for consumption inside the building.~~
- ~~4.19.3.2 Wholesale or retail sale of products fabricated, assembled or packaged in a building on the premises.~~
- ~~4.19.3.3 Governmental buildings, public utility structures and telecommunication towers.~~
- ~~4.19.3.4 Signs subject to Section 16.~~
- ~~4.19.3.54.19.3.1~~ In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.
  - ~~4.19.3.5.1.1 More than forty (40) off-street parking spaces are required or;~~
  - ~~4.19.3.5.1.24.19.3.1.1.1~~ The proposed structure is within two-hundred (200) feet of a residential structure or;
  - ~~4.19.3.5.1.34.19.3.1.1.2~~ The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or'

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~~4.19.3.5.1.44.19.3.1.1.3~~ The aggregate square footage for all structures on any parcel exceeds twenty-five (25) thousand;

~~4.19.3.5.1.54.19.3.1.1.4~~ This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.

~~4.19.3.5.1.64.19.3.1.1.5~~ Lot coverage of sixty-five (65) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off-site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off-site. If the area is in an aquifer protection zone, the provision of Section 20.5 shall also apply.

~~4.19.3.5.1.74.19.3.1.1.6~~ A structure with a height exceeding three (3) stories or forty (40) feet. In order to grant this special permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.

~~4.19.3.5.1.84.19.3.1.1.7~~ A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.

~~4.19.3.5.1.94.19.3.1.1.8~~ Outside displays when said displays occupy an area greater than 10% of the gross floor area of the individual business utilizing the display.

~~4.19.3.64.19.3.2~~ Adaptive Re-use per Sections 2.97 & 3.26

~~4.19.3.74.19.3.3~~ Drive-up service window by approval of both a Site Plan and a Special Permit.

~~4.19.3.84.19.3.4~~ Message board sign by approval of both a Site Plan and Special Permit.

4.19.4 **Use Variances:** Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district specifically allowed by the Planning and Zoning Commission under Section 4.19.3.

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**4.20 SPECIAL DEVELOPMENT ZONE – ECONOMIC DEVELOPMENT**

**4.20.1 Area and Yard requirements:**

- 4.20.1.1 Minimum lot area: 1 acre
- 4.20.1.2 Minimum lot width: 150 feet
- 4.20.1.3 Minimum front yard: 50 feet
- 4.20.1.4 Minimum rear yard: 30 feet
- 4.20.1.5 Minimum side yard: 30 feet
- ~~4.20.1.6~~ Minimum floor area: 5 percent of land area

~~4.20.1.6~~ 4.20.2 **Permitted uses:** All uses permitted in Historic District – Residential-Commercial in Section 4.17

~~There are no permitted uses in this zone.~~

4.20.3 ~~**Special Exceptions:** There are no Special Exceptions in the Special Economic Development Zone.~~

~~4.20.4~~ **Special Permits:** The following may be permitted when granted a Special Permit by the Planning & Zoning Commission:

- 4.20.4.1 Manufacturing, storing, processing, fabricating, packaging or assembling activities wholly within a building or unified complex of buildings.
- 4.20.4.2 Printing or publishing.
- 4.20.4.3 Wholesale distribution or warehouse facility.
- 4.20.4.4 Wholesale showroom with or without storage and repair facilities.
- 4.20.4.5 Research and experimental laboratories.
- 4.20.4.6 Auditorium, coliseum, or indoor movie theatre(s).
- 4.20.4.7 ~~Deleted. Professional office building, general office buildings, office parks.~~
- 4.20.4.8 Signs subject to Section 16.
- 4.20.4.9 Accessory uses customarily incidental to the listed uses.
- 4.20.4.10 ~~Deleted. Retail sale of products assembled or packaged in a building on the premises provided said fabrication, assembling, or packing operations occupy a minimum of seventy-five (75) percent of the floor area of said building.~~
- 4.20.4.11 ~~Deleted. Plumbing, heating, electrical, industrial and general contracting establishments, which may include showrooms.~~
- 4.20.4.12 Commercial recreational facility.
  - 4.20.4.12.1 Commercial recreational facilities are exempt from the minimum floor area requirement of five (5) percent if the proposed use is primarily for outdoor activities.
- 4.20.4.13 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.
  - 4.20.4.13.1 More than forty (40) off-street parking spaces are required or;

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- 4.20.4.13.2 The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or;
- 4.20.4.13.3 The proposed development has any off-street parking or loading spaces within one-hundred (100) feet of a residential structure or
- 4.20.4.13.4 The aggregate square footage for all structures on any parcel exceeds 25,000;
- 4.20.4.13.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.
- 4.20.4.13.6 Lot coverage of sixty-five (65) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off-site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off-site. If the area is in an aquifer protection zone, the provision of Section 20.5 shall also apply.
- 4.20.4.13.7 A structure with a height exceeding three (3) stories or forty (40) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.
- 4.20.4.13.8 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met
- 4.20.4.13.9 Outside displays when said displays occupy an area greater than ten (10) percent of the gross floor area of the individual business utilizing the display.
- 4.20.4.14 ~~Bank or other financial institution~~
- 4.20.4.15 Hotel, motel, convention and resort centers.
- 4.20.4.16 Drive-up service window by approval of both a Site Plan and a Special Permit.
- 4.20.4.17 ~~Restaurant, located within, and serving food for consumption inside and office, hotel, convention oriented or industrial type building or complex of buildings.~~
- 4.20.4.18 ~~Governmental buildings and facilities including recycling facilities for organic materials.~~
- 4.20.4.19 Telecommunication towers.
- 4.20.4.20 Redemption center for used beverage containers.
- 4.20.4.21 Commercial kennel, as defined in Section 2, provided that such a facility is located no closer than three hundred (300) feet from a residence or

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residential district. The three hundred (300) feet separation requirement shall not apply to veterinary facilities housed inside a building.

4.20.4.22 Message board sign by approval of both a Site Plan and Special Permit.

**4.20.5 Protective Provisions:**

4.20.5.1 To protect the traffic flow and improve the aesthetic character of Route 83, lots which abut Route 83 must meet the following area and yard requirements:

Minimum lot area:	1 acre
Minimum lot width:	150 feet
Minimum front yard:	60 feet

Additionally no parking area shall be allowed within the required front yard of properties on Route 83.

4.20.5.2 A complete Site Plan as required in Section 14 shall be submitted to the Commission as part of the Special Permit requirement.

4.20.5.3 Parcels abutting the I-84 right-of-way and within the I-84 Corridor as defined in the Master Plan of Development shall have minimum lot sizes of one acre, minimum lot widths of one hundred fifty feet, and no parking or loading zones between the building and I-84 unless said parking areas and loading zones can be screened in such a manner as to preserve the overall aesthetic character of the area.

4.20.6 **Use Variances:** Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district specifically allowed by the Planning and Zoning Commission under Section 4.20.4.

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**4.21 PLANNED COMMERCIAL ZONE**

4.21.1 The Planned Commercial Zone (PCZ) has been designed in accordance with Town Master Plan, to regulate commercial and office space development along Route 83 (Talcottville Road) from its intersection with Wilshire Road to the area adjacent to Dart Hill Road. The intent of the regulations is to:

- 4.21.1.1. Encourage the development of commercial/office space uses, which have the least potential for generating additional traffic to the Route 83 daily and peak hour volumes existing as of March 1, 1983.
- 4.21.1.2. Insure that the traffic ingress and egress patterns for new developments under these regulations takes place in a manner which is safe and which minimize traffic conflicts resulting from turning movements of vehicles entering or leaving the property being developed.
- 4.21.1.3. Encourage development of medium or large-scale commercial buildings rather than small structures on individual parcels.
- 4.21.1.4. Encourage development, which provides adequate buffering between residential areas, and encourage site layout, parking areas, landscaping and signage, which will serve to enhance area property values.

**4.21.2 Area and Yard Requirements:**

- 4.21.2.1 Minimum lot area: 3 acres
- 4.21.2.2 Minimum front yard: 50 feet
- 4.21.2.3 Minimum rear yard: 50 feet
- 4.21.2.4 Minimum side yard: 50 feet
- 4.21.2.5 Minimum floor area: 7 percent of land area Per P.O.D.
- 4.21.2.6 Minimum lot width: 180 feet

**4.21.3 Permitted Uses:**

4.21.3.1 Professional office buildings, general office buildings, office parks.

~~4.21.3.2 All uses permitted in Historic District – Residential Commercial in Section 4.17~~

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4.21.4 **Special Exceptions:** None

4.21.5 **Special Permits:** The following may be permitted when granted a Special Permit by the Planning & Zoning Commission:

- 4.21.5.1 ~~Deleted. Full service restaurants.~~
- 4.21.5.2 ~~Deleted. Research and experimental laboratories.~~
- 4.21.5.3 ~~Deleted. Banks or other financial institutions without drive-up windows.~~
- 4.21.5.4 ~~Deleted. Governmental facility.~~
- 4.21.5.5 ~~Deleted. Retail sale of food, non-alcoholic beverages, drugs, clothing, jewelry, hardware and building materials, stationery, household appliances or furnishings, specialty items, and general merchandise.~~
- ~~4.21.5.6 Deleted. Recreational and educational facilities.~~

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~~4.21.5.74~~21.5.6 Personal convenience services excluding weight studios, counseling and therapy services, and encounter groups, other than those performed in a professional office.

~~4.21.5.84~~21.5.7 Nursing or convalescent homes and assisted living facilities.

~~4.21.5.94~~21.5.8 Hotels or motels.

~~4.21.5.104~~21.5.9 Accessory uses customarily incidental to the above uses.

~~4.21.5.114~~21.5.10 In addition to any other required permits or approvals, a Special Permit shall be required for any use or development in this zone when any of the following thresholds are met for any parcel or development.

~~4.21.5.11.14~~21.5.10.1 More than forty (40) off-street parking spaces are required or;

~~4.21.5.11.24~~21.5.10.2 The proposed structure is within two-hundred (200) feet of a residential structure or;

~~4.21.5.11.34~~21.5.10.3 The proposed development has any off-street parking or loading spaces within 100 feet of a residential structure or;

~~4.21.5.11.44~~21.5.10.4 The aggregate square footage for all structures on any parcel exceeds twenty-five (25,000) thousand;

~~4.21.5.11.54~~21.5.10.5 This section shall not apply to developments or subsequent modifications to projects approved by the Commission when said original approvals were obtained prior to March 1, 1992.

~~4.21.5.11.64~~21.5.10.6 Lot coverage of fifty-five (55) percent or more. In order to grant this Special Permit, the Commission must find that this additional coverage will not increase the off-site storm water runoff or it is the written opinion of the Town Engineer that all storm water runoff should be discharged off-site. If the area is in an aquifer protection zone, the provision of Section 20.5 shall also apply.

~~4.21.5.11.74~~21.5.10.7 A structure with a height exceeding three (3) stories or forty (40) feet. In order to grant this Special Permit, the Commission must receive a written opinion from the Fire Marshal as to the fire safety aspects the increased height would involve.

~~4.21.5.11.84~~21.5.10.8 A development having less than the required rear and side yards providing the abutting zoning classification is the same as the zoning classification of the proposed development and all other Special Permit requirements are met.

~~4.21.5.11.94~~21.5.10.9 Outside displays when said displays occupy an area greater than 10% of the gross floor area of the individual business utilizing the display.

~~4.21.5.124~~21.5.11 Retail sale of food with alcoholic beverages permit.

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~~4.21.5.13~~4.21.5.12 Day care centers.

~~4.21.5.14~~4.21.5.13 Drive-up service window by approval of both a Site Plan and a Special Permit.

~~4.21.5.15~~4.21.5.14 Message board sign by approval of both a Site Plan and Special Permit.

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**4.23 HISTORIC DISTRICT – DOWNTOWN BUSINESS & RESIDENTIAL (DBR)**

- 4.23.1 The purpose of this district is to foster the economic revitalization of downtown Rockville by attracting a variety of new retail and residential uses and promoting growth and expansion of existing uses, all in a manner that is compatible with the character of the existing downtown area.
- 4.23.2 **Area and Yard Requirements:**
- 4.23.2.1 Minimum lot area: 5,000 square feet
  - 4.23.2.2 Minimum lot width: 50 feet
  - 4.23.2.3 Minimum front yard: No minimum, but shall be equal to or exceed the median average front yard of the buildings on either side of the lot.
  - 4.23.2.4 Minimum rear yard: Where the lot does not abut the RC or PND district, the rear yard shall be equal to five feet (5'). Where the lot does abut the RC or PND district, the rear yard must be twenty feet (20').
  - 4.23.2.5 Minimum side yard: Where the lot does not abut the RC or PND district, the minimum side yard shall be five feet (5') unless a common firewall is constructed in which case there shall be no minimum side yard. Where the lot does abut the RC or PND district, the side yard must be ten feet (10').
  - 4.23.2.6 Minimum floor area: 1,000 square feet.
- 4.23.3 **Permitted uses:**
- 4.23.3.1 Retail sale of food, non-alcoholic beverages, drugs, clothing, jewelry, hardware, stationery, specialty items, household appliances, and furnishings.
  - 4.23.3.2 Restaurants, non-full service and full service, subject also to the provisions of Section 17.1
  - 4.23.3.3 Professional or business offices; governmental offices and facilities; clinics; dental, medical and health offices, provided none of the aforementioned uses is to be located on the ground floor of a building. For purposes of these regulations, "ground floor" shall be defined as the floor of the building that is entered from street level.
  - 4.23.3.4 Places of worship or religious facilities, provided the same are not to be located on the ground floor of a building, unless the building was originally constructed for such purpose.
  - 4.23.3.5 Banks or other financial institutions.
  - 4.23.3.6 Hospitals.
  - 4.23.3.7 Commercial recreational facilities.
  - 4.23.3.8 Cultural, arts, crafts and education facilities; libraries; galleries; studios; and workshops.
  - 4.23.3.9 Personal convenience services limited to barbershops, beauty shops nail salons and dry cleaning establishments, provided the dry cleaning is performed off the premises.
  - 4.23.3.10 Single and two-family dwellings.

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4.23.3.11 Accessory uses customarily incidental to the above permitted uses.

4.23.3.12 One parallel sign, i.e., signs affixed to and parallel to the façade of the building, per business conducted within the building upon the premises, provided that the total area for all parallel signs on a given wall of a building shall not exceed two square feet (2 SF) per linear foot of that wall, and further provided that the parallel sign(s) meet all other requirements of Section 16. Additional signs complying with the provisions of Section 16 may be permitted when granted a Special Permit by the Planning & Zoning Commission.

4.23.3.13 All uses permitted in Historic District – Residential Commercial in Section 4.17

4.23.3.12

**4.23.4 Special Exceptions:**

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

4.23.4.1 Laundromats serviced by public sewers.

4.23.4.2 Roadside selling, subject also to the provisions of Section 3.19.

**4.23.5 Special Permits:**

The following uses may be permitted when granted a Special Permit by the Planning & Zoning Commission (PZC) subject also to the provisions of Section 17.3:

4.23.5.1 Massage therapy establishments; subject also the provisions of Sections 4.9.4.22 and 4.9.4.23.

4.23.5.2 Facilities containing three (3) or more electronic, mechanical, video or similar games or devices.

4.23.5.3 ~~Deleted. Sellers and servers of alcoholic beverages when not accessory to a full service restaurant. This use shall also be subject to the provisions of Section 4.7.4.~~

4.23.5.4 Veterinary offices, provided there shall be no over-night facilities for animals.

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

4.23.5.6 Wholesale distribution or warehousing.

4.23.5.7 Printing or publishing establishments.

4.23.5.8 Indoor movie theatres; performing arts theatres, auditoriums.

4.23.5.9 Multi-family dwellings, subject also to the provisions of Sections 10.1, 4.7.5, and 4.7.7. However, there shall be no increase permitted in the number of separate dwelling units within existing multi-family residential buildings.

4.23.5.10 Mixed non-residential and residential uses upon a single parcel.

4.23.5.11 ~~Deleted. Conversion of residential to non-residential use, conversion of non-residential to residential use.~~

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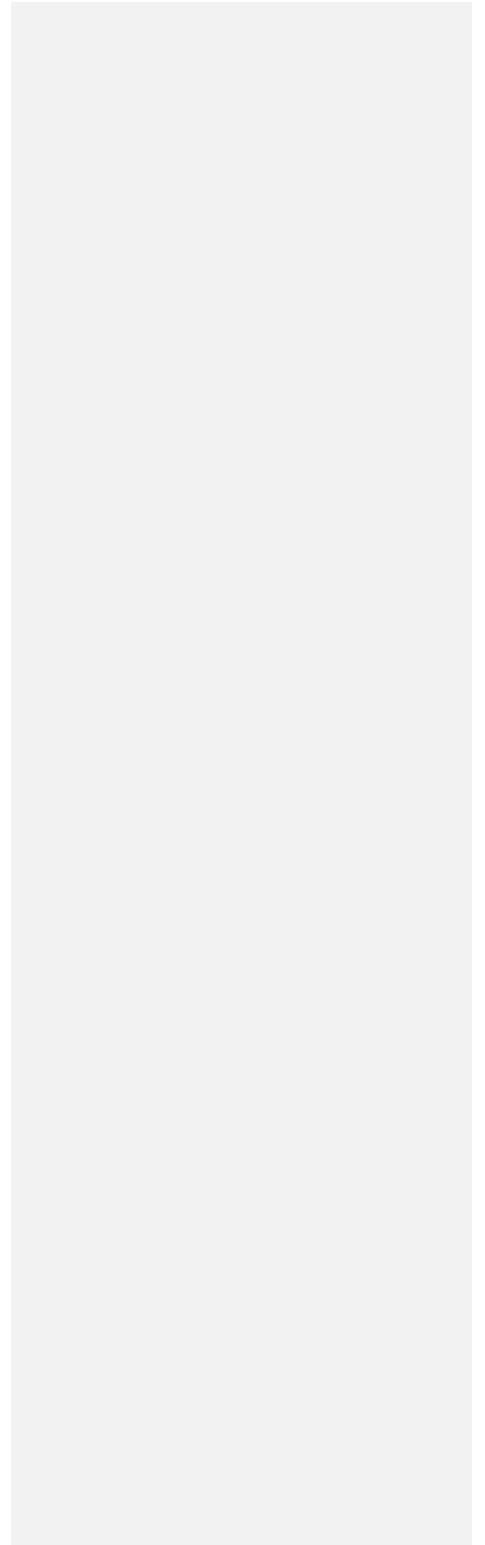
- 4.23.5.12 ~~Deleted, Bed and Breakfast (B&B); hotels, motels.~~
- 4.23.5.13 Day care establishments.
- 4.23.5.14 Emergency shelters for the homeless.
- 4.23.5.15 Home Occupations in single family homes.
- 4.23.5.16 Professional or business offices; governmental offices and facilities, clinics; dental, medical and health offices, tattoo studio, any of which are to be located on the ground floor of a building.
- 4.23.5.17 Places of worship or religious facilities to be located on the ground floor of a building that was not originally constructed for that purpose.
- 4.23.5.18 Retail sales of merchandise similar in nature, as determined by the Commission, to the items permitted in Section 4.24.3.1.
- 4.23.5.19 Additional signs other than those permitted in Section 4.24.3.12, subject also to the provision of Section 16.
- 4.23.5.20 Laboratories and research facilities.
- 4.23.5.21 In addition to any other permits or approvals, a special permit is required for ~~any use of~~ development in this zone when any of the following thresholds are met:
  - 4.23.5.21.1 The proposed development has off-street parking area or loading spaces located within fifty feet (50') of a residence.
  - 4.23.5.21.2 Lot coverage of eighty per cent (80%) or more. In order to grant this Special Permit, the Planning and Zoning Commission (PZC) must find that the additional lot coverage will not increase the off-site storm water run-off or it is the opinion, in writing, of the Town Engineer that all storm water run off should be discharged from the site. If the parcel is in an aquifer protection zone, the provisions of Section 20.5 shall also apply.
  - 4.23.5.21.3 A structure exceeding three (3) stories or forty feet (40') of height. In order to grant this Special Permit, the Planning & Zoning Commission (PZC) must receive a written opinion from the Fire Marshal in regard to the fire safety aspect related to the increased height.
  - 4.23.5.21.4 Outside displays by retail sales establishments when said displays occupy an area greater than ten percent (10%) of the gross floor area of the individual business utilizing the display and continue for a period in excess of seventy-two (72) hours.
  - 4.23.5.21.5 Drive-up service window by approval of both a Site Plan and a Special Permit.
- 4.23.5.22 Adaptive Re-use per Sections 2.97 & 3.26
- 4.23.5.23 Message board sign by approval of both a Site Plan and Special Permit.
- 4.23.6 **Use variances:** Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use in this zoning district specifically allowed by the Planning and



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Zoning Commission under Section 4.23.5.



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**SECTION 20 –AQUIFER PROTECTION**

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

- 20.1.1 The groundwater underlying this town is a significant source of its present and future and drinking water supply.
- 20.1.2 The groundwater aquifers are integrally connected with, and flow into, the surface waters, lakes, and streams which constitute significant recreational and economic resources of the Town; and
- 20.1.3 Spills and discharges of petroleum products and other toxic and hazardous materials and discharge of sewage have threatened the quality of such ground water supplies and related water resources throughout Connecticut and elsewhere, posing potential public health and safety hazards and threatening economic losses to the affected communities; and
- 20.1.4 Sections 8-2 and 8-23 of the Connecticut General Statutes require consideration of protecting existing and future public water supplies.

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

- 20.2.1 Preserve and maintain existing and potential groundwater supplies, aquifers, and groundwater recharge areas of the Town, and protect them from adverse development of land use practices.
- 20.2.2. Preserve and protect present and potential sources of the water supply for the public health and safety.
- 20.2.3 Conserve the natural resources of the Town.

**20.3 Delineation of Aquifer Protection Zone.**

- 20.3.1 For the purposes of these Regulations, there is hereby established within the Town of Vernon an overlay zone consisting of certain aquifer protection areas, including Favorable Aquifer Areas – Saturated Thickness over thirty (30) feet and Stratified Drift Aquifer and Primary Recharge Area which are delineated on a map dated August, 1992, entitled "Unconsolidated Aquifers, Aquifer Management Study, Town of Vernon, Connecticut" and which shall be considered as superimposed over other districts established by the Zoning Regulations of this Town. This map shall reflect the most current state aquifer mapping, if any, on file with the appropriate state regulatory body, and; said map(s) is/are-is hereby made a part of this Regulation.

**20.4 Use Regulations applying to the Aquifer Protection Zone:**

- 20.4.1 Within the Favorable Aquifer Areas – Saturated Thickness over thirty (30) feet and Stratified Drift Aquifer and Primary Recharge Area the following uses shall not be allowed under any circumstances:
  - 20.4.1.1 Stockpiles of road salt or other ice control chemicals.
  - 20.4.1.2 Underground storage tanks or pipelines for petroleum products or any toxic or hazardous materials.
  - 20.4.1.3 Dry cleaning establishments where cleaning is performed on the premises.