TOWN OF GRANBY
ZONING REGULATIONS
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TOWN OF GRANBY
ZONING REGULATIONS
SECTION 1
INTRODUCTION

1.0 AUTHORITY & PURPOSES

These Regulations are adopted under the authority of Chapter 124 of the General Statutes of the State of Connecticut as amended for the purposes of promoting the public health, safety, convenience and property values of the Town of Granby. These Regulations are designed to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision for transportation, water, sewage, schools, parks and other public requirements. The purposes of these Regulations include the protection of existing and potential public surface and ground drinking water supplies, the preservation of the rural character of the Town and of farms and agricultural land areas, open space, wetlands, watercourses, ridges, historic buildings and other features such as stone walls, fences, barns and vegetation; the encouragement of energy-efficient patterns of development; the control of erosion caused by wind or water; and the provision for sedimentation control as outlined in Section 8-2 of the Connecticut General Statutes.

1.1 ZONE TYPES

For achieving these purposes, the Town of Granby is divided into the following zones:

Rural Residential (2 acres)	R2A
See	
Rural Residential (50,000 sq. ft.)	R50
Residential (30,000 sq. ft.)	R30
Planned Development Multifamily	PDM
Neighborhood Shopping	C1
Business	C2
Office Park	OP
Industrial	I
Planned Economic Development	ED

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1.2 ZONE BOUNDARIES

Zone boundaries are established by the Commission and are shown on a map entitled "Zoning Map; Town of Granby". Unless otherwise clearly designated on the Zoning Map, zone boundaries shall be interpreted as:

- Following the centerline of a street, highway, road, river, brook or stream.
- Following property lines;
- Following the lines of a particular geophysical feature including flood plains and steep slopes; or
- Running parallel to any of the aforementioned lines, at measured distances, where zone boundaries appear to be set back from such lines.
- The Commission shall determine the location of zone boundaries in case of an uncertainty.

1.3 INTERPRETATION OF REGULATIONS

The uses of land, buildings or structures not permitted in the various zones are prohibited.

The provisions of these Regulations shall be construed to be minimum requirements and where sections of these Regulations appear to conflict, the more restrictive Regulation shall apply.

1.4 DEFINITIONS

For the purpose of these Regulations, certain terms or words shall be defined as follows:

- Words used in the present tense include the future tense.
- The singular includes the plural and the plural the singular.
- The word "person" includes a partnership, corporation or other entity.
- The word "Commission" means the Planning and Zoning Commission of the Town of Granby

The definitions contained in this Section shall be used for the purpose of interpreting the various provisions of these Regulations. The commission shall establish the appropriate definition for words not defined in this section or in case of an uncertainty and may refer to a basic dictionary of the English Language.

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ACCESSORY: A structure or use customarily incidental and subordinate to a principal building, structure or use located on the same lot.

ADDITION: An extension or increase in floor area or height of a building or structure.

AGRICULTURE: Shall include the cultivation of soil for the production of crops, the management of animals (excluding typical household pets), forestry, the harvesting of maple syrup, the cultivation of fruit trees or similar use.

AGRICULTURAL OPERATION: Those operations located on land defined as a farm under these Regulations.

APARTMENT: A dwelling unit in a multifamily building.

AQUIFER: A geological unit capable of yielding usable amounts of water to wells.

BARN: An agricultural building for sheltering harvested crops, commodities and other farm products, livestock, farm machines and equipment.

BASEMENT: That portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

BERM: A mound of earth typically used as a landform design element or buffer.

BUFFER: Land area used to visibly separate one use from another or to block noise, lights or other nuisances, generally through the use of landscaping, structures and/or vegetation.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING HEIGHT: The vertical distance from the average finished ground level at the building walls to the highest point of the roof or to the average height between the eaves and the ridge for a gable, hip or gambrel roof.

CALIPER: The diameter of a tree trunk, measured six (6) inches above the ground.

CERTIFICATE OF OCCUPANCY: A document issued by the Building Inspector allowing the occupancy or use of a building in compliance with applicable regulations and approvals.

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CLUB: An organization of persons which is the owner, lessee or occupant of an establishment operated principally for a recreational, social, patriotic, benevolent or athletic purpose, but not for pecuniary gain and includes the establishment so operated. A club shall cater only to its members or guests accompanying them.
A "member of a club" is a person who, whether as a charter member or admitted in agreement with the by-laws or rules of the club, has become a bona-fide member thereof, who maintains membership by the payment of dues in a bona-fide manner in accordance with such by-laws or rules and whose name and address are entered on the list of membership.

COMMERCIAL EDUCATIONAL OR RECREATIONAL SERVICE: Any commercial racquetball, tennis club, bowling alley, swimming facility, pool hall, game room, dance club, miniature golf, or similar use intended as a commercial, for-profit enterprise.

DAY CARE: The provision of a supplementary care program to people outside their homes on a regular basis.

DECIBEL: A unit of sound pressure, which is commonly used to express noise level.

DENSITY: The maximum number of families permitted per acre of developable acreage.

DEVELOPABLE ACRE: The gross acreage of a parcel less any land designated as floodway, wetlands or watercourses or with slopes in excess of 20% that extend 50 linear feet or more.

DOMESTIC WASTE: Matter excreted from the body, as feces or urine, excess food remains and waste water containing normal household detergents and other cleaning products used for washing, cleansing and disinfecting the body, clothing, food utensils and other household items.

DWELLING: A building or portion thereof designed and used for residential occupancy with facilities for sleeping, bathing and cooking.

FAMILY: Any number of individuals related by blood, marriage, foster relationship or adoption, or not more than six (6) persons not so related, living and cooking together as a single, non-profit housekeeping unit.

FARM: A parcel of land, or contiguous parcels under common ownership, described in the Town of Granby Land Records containing five (5) acres or more used in part or wholly for agricultural purposes.

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FLOODWAY: An area designated on the Zoning Map of land which falls below the 100-year flood frequency profile modified to compensate for subsequent flood control measures as determined by the U.S. Department of Housing and Urban Development in its Flood Insurance Study of February 15, 1980, as such Study may be amended and based on elevations established by the U.S. Coastal and Geodetic Survey.

GREENHOUSE: An agricultural structure constructed primarily of glass or other translucent material and used for the production of crops, nursery stock or similar agricultural product.

GROUND WATER: Water below the land surface, in the saturated zone.

HAZARDOUS MATERIAL: Any substance, which because of its physical, chemical or infectious characteristics poses, an actual or potential hazard to human health or drinking water quality when improperly managed. Generally the material has the following characteristics: toxic, flammable, corrosive or reactive. (Included are substances, wastes and chemicals listed as hazardous under the following laws or regulations: Title III of Superfund Amendments and Reauthorization Act (SARA); Section 101(14) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA); the Resource Conservation and Recovery Act (RCRA) 40 CFR Part 261; the Clean Water Act (CWA) Section 311; and Connecticut General Statutes Section 22a-448. Included are petroleum and petroleum products.

HOME OCCUPATION: Any activity which is carried on for compensation entirely within a building or buildings by the occupant of a dwelling on the premises and subject to Section 8.8 of these Regulations.

HOME INSTRUCTION: Instructional and educational uses such as Musical Classes, Dance Classes, Fitness Classes, Academic, Scholastic and Tutorial Classes, Arts and Crafts Instruction, Athletic Classes and other similar educational and instructional activities where more than 3 students will be on the premises at any one time.

HOTEL/MOTEL: A building or group of buildings providing temporary lodging for persons in separate units, which do not contain kitchen facilities.

HOUSEHOLD PET: A dog, cat or other animal, which is usually kept as a companion and housed with human occupants in a residential building.

LEDGE OUTCROPPING: A portion of bedrock or other rock stratum protruding through the soil surface.

LIVESTOCK: All animals except household pets.

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LIVING AREA: That portion of a residential dwelling, which has ceilings, walls and floors, finished in a manner which is clearly intended for human occupancy, insulated and heated and conforming to the Connecticut State Building Code for residential occupancy. For the purpose of Section 6.1, living area shall exclude basements, garages, porches or verandahs, breezeways and terraces and rooms intended for heating and mechanical equipment and the storage of the homes heating fuel.

LOT: A parcel of land occupied, approved or eligible to be occupied by a building or buildings.

LOT, CORNER: A lot at the intersection of two (2) or more streets.

LOT COVERAGE: That percentage of the lot area that is covered by the roof area of all buildings on the lot.

LOT DEPTH: The distance measured along either a line perpendicular to the street right of way or radial to curved street from the mid-point of the lot frontage to the rear of the lot.

LOT LINES, FRONT: All lines dividing the lot from the street or streets right-of-way.

LOT FRONTAGE: The distance between the side lot lines measured at a distance fifty (50) feet back from and parallel to the street line.

MOTOR VEHICLE: Any motor passenger vehicle (including taxis and livery vehicles, but excluding busses), any truck not exceeding a one-ton capacity and any motor vehicle which is primarily used for agriculture or for maintenance on the premises.

MULTI-FAMILY DWELLING: A dwelling containing two (2) or more dwelling units.

NON-CONFORMING: (e.g., non-conforming use, building or structure) Non-conforming to the applicable requirements or provisions of these Regulations.

NON-PROFIT ORGANIZATION: An organization exempt from Federal Income Tax under Section 501 (c) or successor provision of the Internal Revenue Code.

NURSERY: An agricultural operation, the primary use of which is the growing of flowers, plants, shrubs or trees for commercial gain.

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OPEN SPACE LAND: Any land used for agriculture, a recreational corridor, a park, a natural area, forest, wetland preservation, wildlife habitat, a reservoir, historic and scenic preservation or other similar purpose.

PERSONAL SERVICE: Shops such as barbershops, beauty salons, tailoring establishments, shoe repair shops and other similar operations, which provide services of a personal, domestic nature.

PREMISES: All land comprising a lot and including all buildings, structures and uses located on the lot.

PROFESSIONAL OFFICE: An office of recognized professions with or without staff, such as doctors, dentists, lawyers, architects, engineers, planners, landscape architects, artists, musicians, designers, teachers and other similar professions who are qualified to perform personal services of a professional nature.

REAR LOT: A lot which is typically located behind a front lot and which does not meet the required minimum lot frontage.

RECREATIONAL CORRIDORS: A network of existing and future trails which may connect and/or be part of existing and proposed open space lands including those trails shown on the Recreational Corridor Map, on file in the Office of Community Development and excluding any motorized vehicle usage.

RECREATIONAL VEHICLE: A vehicle which can be towed, hauled or driven and is designed for recreational use or as temporary living accommodations for recreational, camping or travel use and has a weight of 500 pounds or more.

RESIDENT: Characterized by living or staying in a place while working, going to school, carrying out official duties, etc., in most cases long enough to qualify for certain rights and privileges as a citizen.

RESIDENTIAL LANDSCAPE BUSINESS: Residential Landscape Businesses are those businesses that exceed the definition of a Customary Home Occupation. Such businesses provide services in locations away from the landscape business operator's residence, performing a service for an off site client. While most of the actual landscape activity occurs off site, the business owner's residential property may be approved for equipment storage, parking, material storage and a building or buildings for storage and plant propagation. Residential Landscape businesses typically include such activities as lawn installation, mowing and maintenance, the planting and maintenance of trees, shrubs and flowers, the spreading, and grading of top soil, mulch or other ground covers, the installation of stone, brick and block walkways and stonewalls, and may involve seasonal leaf cleanup and snow plowing.

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RESTAURANT: An establishment used principally for the preparation and service of food and beverages for consumption either on or off the premises, excluding limited seating restaurants.

RESTAURANT LIMITED SEATING: A restaurant that meets all of the following criteria: (A) gross floor area is 1,000 square feet or less; (B) seating capacity is 16 or less; (C) hours of operation are limited to those between 6:00 a.m. and 10:30 p.m. (D) no walk-up window(s) are provided and (E) no drive-through window(s) are provided.

SELF-STORAGE STORAGE FACILITY: A facility consisting of a building or group of buildings in a controlled-access compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' residential goods and wares.

SIGN: A device constructed of any material intended to carry a visual message or image identifying or promoting a business or a product.

STRATIFIED DRIFT: Predominantly sorted sediment deposited by glacial melt water consisting of gravel, sand, silt or clay in layers of similar grain size.

STORY, FIRST: The lowermost story entirely above the grade plane.

STREET: Shall mean and include streets, avenues, boulevards, roads, lanes, highways and any other thoroughfares, which afford a principal means of access to abutting properties, which are accepted by the Town or the State or shown on a recorded subdivision plan approved by the Commission. Streets shall also include private streets identified, approved and shown on a plan of subdivision recorded in the Granby Land Records.

STREET LINE: The line separating a street right-of-way from adjoining property, not the paved or traveled roadway.

STRUCTURE: Anything constructed or erected which requires location on the ground or attachment to something having location on the ground.

UTILITY USE: Uses, structures and equipment necessary to provide the community with electricity, cable television, telephone and other communication service, water, gas and other similar community needs whether or not they are owned and/or operated by a public, quasi-public or private company.
Utility uses include but are not limited to telephone and other communication switching stations, electrical substations, sewer pumping stations, water towers, and water pressure boosting facilities. Utility offices and other commonly occupied utility buildings and telecommunications towers are not included within this definition.

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WATERCOURSES: Rivers, streams, waterways, lakes, ponds, marshes, swamps, bogs, intermittent water courses and all other bodies of water natural or artificial, public or private which are contained within or flow through the Town of Granby.

WELL FIELD: An area containing one or more pumping water supply wells in close proximity.

WETLAND: Land, including submerged land, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial or flood plain by the U.S. Department of Agriculture Soil Conservation Service.

YARD, FRONT: The space between a building and the front lot line, extending the full width of the lot, or in case of a corner lot, extending along all streets. Rear lots shall have the front yard requirement measured from that lot line which most closely parallels the street from which the rear lot gains access.

YARD, REAR: The space between a building and the rear lot line extending the full width of the lot.

YARD, SIDE: The space between a building and a side lot line, extending from the front yard to the rear yard. Any yard not a rear yard or a front yard shall be deemed to be a side yard. On a corner lot, the yards, which are opposite all street lines, shall be considered side yards.

SECTION 2
GENERAL REQUIREMENTS

2.1 NON-CONFORMING USES AND NON-CONFORMING BUILDINGS

Except as hereinafter provided, no land, building or premises, or any part thereof, shall be constructed, reconstructed, extended, enlarged, moved, altered or contain any use, except in conformity with the Regulations herein prescribed. Any non-conforming use or building lawfully existing or in use at the time of the adoption of these Regulations, or any amendments thereto, may be continued and any building so existing which was designed, arranged, intended for or devoted to a non-conforming use may be reconstructed and structurally altered, and the non-conforming use therein changed, but only subject to the following Regulations:

2.1.1 Extension/Expansion of Non-Conforming Use or Building.

No non-conforming use shall be extended or expanded. No building which does not conform to the requirements of these Regulations regarding building height, area and width of lot, percentage of lot coverage and required yards shall be enlarged unless such enlarged portions conform to the Regulations applying to the district in which such building is located.

2.1.2 Change of Non-Conforming Use

No non-conforming use may be changed except to a use, which is permitted by the provisions of this Regulation for the zone in which such use is situated, or except, with the approval of the Zoning Board of Appeals, to another non-conforming use more consistent with the uses permitted in the zone in which the premises are located.

2.1.3 Reversion to Non-Conforming Use Prohibited

No non-conforming use shall, if once changed to a conforming use, be allowed to revert to nor be changed to a non-conforming use.

2.1.4 Discontinued Non-Conforming Use; Repair of Fire Damage

No non-conforming use that has been discontinued for a continuous period of six (6) months shall thereafter be resumed and no building containing a non-conforming use shall be rebuilt or restored at the same location and again used for non-conforming use after damage by fire, explosion or other catastrophe exceeding eighty (80) percent of its fair market value immediately prior to damage. An application for a permit to rebuild or restore the damaged portion for the non-conforming use shall be filed within six (6) months of damage.

2.1.5 Normal Maintenance

Any building containing a non-conforming use may be repaired as part of normal maintenance and any structural member of such a building, which becomes or threatens to become unsafe, may be restored to a safe condition.

2.1.6 Non-Conforming Building: Expansion of Permitted Use

A non-conforming building containing a permitted use may be altered, remodeled or enlarged provided that any addition shall meet the requirements of Section 5 of these Regulations in respect to area, yard and height, and further provided that the floor area of any such building after alteration, remodeling or enlargement meets the floor area requirements of Section 6 of these Regulations.

2.1.7 Fire Damage to Non-Conforming Building Used for a Permitted Use

A non-conforming building containing a permitted use which building has been damaged or destroyed by fire or other causes may be rebuilt in its former location only to the size and extent of such building immediately prior to its damage or destruction, or may be rebuilt in conformance with Section 2.1.6, provided in either case a building permit for such work shall have been issued within four (4) months of the occurrence of such damage or destruction.

2.1.8 Building Permits Not Affected by Change of Regulations

Nothing in this Section shall require any change in the plans, construction or designated use of a building, for which a building permit has been issued in accordance with Regulations existing at the time of such issuance, on which the construction shall have been commenced prior to the adoption of these Regulations or of any amendments thereto, and which shall be completed within one (1) year after such adoption or amendment.

2.2 EXISTING USE REQUIREMENT FOR SPECIAL PERMIT

Any use legally existing as of the date of adoption of these Regulations, whether or not it would require a special permit if commenced after the date of adoption of these Regulations, shall nevertheless be recognized as a permitted use. Any such use that would require the issuance of a special permit if commenced after the adoption of these regulations shall only require a special permit upon application for an addition, expansion or other change in the existing site plan or use.

SECTION 2
GENERAL REQUIREMENTS

2.3 DIMINUTION OF LOT SIZE RESTRICTED

No lot shall be diminished in area nor shall any yard, court or any other open space be reduced except in conformity with the provisions of these Regulations.

2.4 TWO DWELLINGS ON THE SAME LOT

No more than one (1) building containing a dwelling shall be located on a lot in any zone other than the PDM zone.

2.5 LOT LYING ON ZONE BOUNDARY

In the case of a lot lying in more than one district, the provisions of the less restrictive district may be applied for a distance of not over thirty (30) feet into the more restrictive district, provided that such lot has frontage on a street in the less restrictive district.

2.6 CORNER VISIBILITY

On any corner lot, no fence or similar structure shall be erected and no hedge, shrub, tree or other obstruction shall be maintained that constitutes a hazard to traffic by impairing the view.

2.7 PRE-EXISTING LOTS

Where safe and adequate vehicular access, sewage disposal and water supply, as required by the Public Health Code, can be provided without endangering the health and safety of the community nothing in these Regulations shall prevent the construction of a permitted building or the establishment of a permitted use on a legally established lot containing less than the prescribed area or width which as of April 29, 1955 was:

a. Owned separately from any adjoining lot and filed in the Office of the Town Clerk of the Town of Granby, or

b. Shown on a plan of subdivision approved by the Commission and filed in the Office of the Town Clerk of the Town of Granby. Where two or more non-conforming adjoining lots of record are in the same ownership on the effective date of these Regulations, then such lots shall be combined to meet the lot area or width requirement, unless each such lot contains 25,000 square feet of land area and 100 feet of lot width.

2.8 ILLUMINATION

No residential, commercial or industrial interior or exterior lighting, shall be of such intensity, or located or directed in such a way, as to produce glare or discomfort on public streets or neighboring property.

2.9 TEMPORARY AND CONDITIONAL PERMITS

Special events or uses for a period of seventy-two (72) hours or less, not specifically permitted in these Regulations, operated by the Town of Granby or its representatives, or by religious, charitable, educational or non-profit organizations, shall be permitted without a public hearing, providing all police, fire and other municipal regulations or requirements are complied with.

2.10 RECORDING OF VARIANCE AND SPECIAL PERMITS

No variance or special permit granted according to these Regulations shall be effective until a copy certified by the Commission or Zoning Board of Appeals, whichever is applicable, is filed in the Office of the Town Clerk of the Town of Granby.

2.11 RESIDENTIAL FUEL TANKS

The burial of fuel tanks intended for residential fuel oils or other petroleum products is prohibited. Fuel tanks shall be located in basements or in approved structures above ground.

2.12 PROPERTY ABUTTING PERMANENT WATERCOURSES

All property abutting or including a watercourse shall maintain an area of open space land of not less than seventy-five (75) feet in width along the entire frontage of said watercourse. The land area contained in said area shall remain free of all structures.

2.13 OUTDOOR WOOD-BURNING FURNACES

Outdoor Wood-burning Furnaces as defined by Public Act 05-227 are prohibited in all zones.

SECTION 3
USE DISTRICTS

3.1 RURAL RESIDENTIAL R2A

3.1.1 Permitted Uses

The following uses are permitted:

3.1.1.1 Single-family dwellings;

3.1.1.2 Home occupations, subject to Section 8.8;

3.1.1.3 Agriculture, subject to Section 8.15;

3.1.1.4 Governmental buildings and facilities including fire houses; and

3.1.1.5 Accessory uses customarily incidental to permitted uses, subject to Section 8.1.

3.1.1.6 Utility Use, subject to Section 8.24

3.1.2 Special Permits

The Commission may grant Special Permits for the following uses, subject to the applicable criteria of Section 8.2;

3.1.2.1 Accessory Apartment, subject to Section 8.5;

3.1.2.2 Churches, religious buildings and cemeteries and other non-profit organizations;

3.1.2.3 Day care centers for six (6) or more people in public, private and institutional buildings with a valid State license;

3.1.2.4 Golf courses, playgrounds, recreational areas and parks;

3.1.2.5 Health care facilities including hospitals, convalescent homes and nursing homes on a lot of five (5) acres or more;

3.1.2.6 Transitional office use and/or conversion, subject to Section 8.12;

3.1.2.7 Public and private schools with valid State licenses;

3.1.2.8 Special commercial assembly uses, subject to Section 8.4;

3.1.2.9 Bed-and-breakfast facilities or inns subject to Section 8.10;

3.1.2.10 Antique sales subject to Section 8.9;

3.1.2.11 Rear lots, subject to Section 8.14;

3.1.2.12 Funeral Homes;

3.1.2.13 Residential/Recreational Development, subject to Section 8.19;

3.1.2.14 Flexible Residential Development, subject to Section 8.20;

3.1.2.15 Farm Stores, subject to Section 8.15;

3.1.2.16 Garages and Barns, subject to Section 8.1 and 8.15.

3.1.2.17 Home Instruction subject to Section 8.22

3.1.2.18 Utility Use, subject to Section 8.24

3.1.2.19 Farm Hand Residential Facility subject to Section 8.15.14

3.1.2.20 Residential Landscape Business subject to Section 8.28.

3.1.3 Required Lot Areas, Yards, Coverage, Heights and Frontages.

For required lot areas, yards, coverage, heights and frontages, refer to Section 5.

3.2 RURAL RESIDENTIAL R-50

3.2.1 Permitted Uses

The following uses are permitted:

3.2.1.1 All uses permitted in Section 3.1.1.

3.2.2 Special Permits

The Commission may grant Special Permits for the following uses, subject to the applicable criteria of Section 8.2:

3.2.2.1 All uses allowed in Section 3.1.2.

3.2.3 For required lot area, yards, coverage, height and frontage, refer to Section 5.

SECTION 3
USE DISTRICTS

3.3 RESIDENTIAL R-30

3.3.1 Permitted Uses

The following uses are permitted:

3.3.1.1 Uses allowed in Section 3.1.1.

3.3.2 Special Permits

The Commission may grant Special Permits for the following uses, subject to the applicable criteria of Section 8.2, Active Adult Residential Development, subject to Section 8.27.

3.3.2.1 All uses allowed in Section 3.1.2 other than special commercial assembly uses.

3.3.2.2 The parking and storage of public and private school buses (all with valid state registrations) in use by the Granby School System, with dispatching offices and fuel storage for such buses on a parcel of not less than three (3) acres.

3.3.3 Required Lot Areas, Yards, Coverage, Heights and Frontages.

For required lot area, yards, coverage, height and frontage, refer to Section 5.

3.4 NEIGHBORHOOD SHOPPING C1

3.4.1 Permitted Uses

The following uses are permitted:

3.4.1.1 Retail sale, rental and/or repair of items such as food, clothing, hardware, garden supplies, jewelry, electronics, appliances, books, sporting goods, nursery items, home improvement products and general merchandise.

3.4.1.2 Business or professional offices, including financial institutions;

3.4.1.3 Personal services, including barbershops, beauty shops, cleaning establishments, tailor shops and shoe repair shops;

3.4.1.4 Limited seating Restaurant

3.4.1.5 Accessory uses customarily incidental to permitted uses;

3.4.2 Special Permits

The Commission may grant special permits for the following uses, subject to the applicable criteria of Section 8.2:

3.4.2.1 Residential uses subject to Section 8.13;

3.4.2.2 Restaurants subject to Section 8.16;

3.4.2.3 Health care facilities including hospitals, convalescent homes and nursing homes on a lot of five (5) acres or more;

3.4.2.4 Personal services not listed in Section 3.4.1.3.

3.4.2.5 Commercial educational or recreational services;

3.4.2.6 Gasoline filling stations, with or without Connecticut Motor Vehicle Department Repairers' Licenses, or motor vehicle repair facilities, excluding body shops;

3.4.2.7 Churches, religious buildings and other non-profit organizations

3.4.2.8 Accessory uses customarily incidental to the above Special Permit uses subject to Section 8.1.

3.4.2.9 Rear lots in commercial zones, subject to Section 8.23

3.4.3 Required Lot Areas, Yards, Coverage, Heights and Frontages.

For required lot areas, yards, coverage, heights and frontages, refer to Section 5.

3.4.4 Special Neighborhood Shopping Regulations

3.4.4.1 Retail establishments and restaurants shall be closed to the public between the hours of 2:00 a.m. and 5:00 a.m., except that the Commission may require reduced hours of operation where the development may affect a residential area.

3.4.4.2 No goods or merchandise shall be stored or displayed outside of a building except in conformance with an approved site plan or special permit.

3.4.4.3 All uses and accessory uses shall be conducted wholly within enclosed buildings, except for off street loading and those operations normally conducted outdoors, and excepting special periodic events; i.e., sidewalk sales, etc., and other uses specifically authorized by the Commission as part of the approval of a site plan or the granting of a special permit.

3.4.4.4 Premises used for a gasoline filling station shall observe the following requirements:

a. Premises shall be located at least 500 feet in a straight line from any other property used for a gasoline filling station;
b. Premises shall be located at least 500 feet in a straight line from any property used for a church, school, playground, public park or library and
c. Gasoline pumps or other filling appliances shall be located a minimum or forty (40) feet from any street or property line.

3.4.4.5 The sale of alcoholic liquor or beverages may be allowed only in conjunction with an approved special permit for a restaurant as a Connecticut Restaurant Permit only.

3.5 BUSINESS ZONE (C2)

3.5.1 Permitted Uses

The following uses shall be permitted:

3.5.1.1 Uses allowed in Section 3.4.1

3.5.1.2 Printing, photography and similar service; and

3.5.1.3 Accessory uses customarily incidental to a permitted use.

3.5.1.4 Utility Use, Subject to Section 8.24

3.5.2 Special Permits

The Commission may grant Special Permits for the following uses, subject to the applicable criteria of Section 8.2:

3.5.2.1 Restaurants subject to Section 8.16;

3.5.2.2 Commercial, educational or recreational services;

3.5.2.3 Gasoline filling stations, with or without Connecticut Motor Vehicle Department Repairers' Licenses, or motor vehicle repair facilities excluding body shops;

3.5.2.4 Retail sales of automobiles, including trucks, motorcycles and similar vehicles, marine craft, aircraft and accessories;

3.5.2.5 Health care facilities including hospitals, convalescent homes and nursing homes on a lot of five (5) acres or more;

3.5.2.6 Movie theaters, performing arts theaters, auditoriums and assembly halls (excluding drive-in theaters);

3.5.2.7 Hotels, motels or inns;

3.5.2.8 Retail sales or alcoholic beverages, subject to Section 8.3;

3.5.2.9 Residential uses, subject to Section 8.13;

3.5.2.10 Personal services not listed in Section 3.5.1.3; and

3.5.2.11 Churches, religious buildings and other non-profit organizations

3.5.2.12 Accessory uses customarily incidental to the above Special Permit uses:

3.5.2.13 Automobile washing facilities

3.5.2.14 Rear lots in commercial zones, subject to Section 8.23

3.5.2.15 Utility Use, subject to Section 8.24

3.5.3 Required Lot Areas, Yards, Coverage, Heights and Frontages.

For required lot areas, yards, coverage, heights and frontages refer to Section 5.

3.5.4 Special Business Regulations

3.5.4.1 Premises used for the purposes described in Sections 3.5.2.3 and 3.5.2.4 shall observe the requirements set forth in Section 3.4.4.4.

3.5.4.2 Merchandise shall not be displayed or stored within the required front yard setback unless the areas are specifically authorized by the Commission as a part of a site plan or special permit approval. Parking spaces and landscaping areas shall not be used for sales, storage, display of goods or advertising purposes of any kind, except for detached signs installed in conformance with these Regulations, and except for the storage of automobiles and similar vehicles accessory to vehicle sales in parking spaces.

3.5.4.3 All commercial activity shall be conducted wholly within enclosed buildings, except for off-street loading, periodic sidewalk sales and other operations normally conducted outdoors, and excepting other uses specifically authorized by the Commission as part of a site plan or special permit approval.

3.6 OFFICE PARK OP

3.6.1 Permitted Uses

The following uses shall be permitted;

3.6.1.1 Business and professional offices;

3.6.1.2 Financial institutions;

3.6.1.3 Medical, dental and optical laboratories; and

3.6.1.4 Accessory uses customarily incidental to permitted uses.

3.6.2 Special Permits

The Commission may grant Special Permits for the following uses, subject to the applicable criteria of Section 8.2;

3.6.2.1 Restaurants when located within a building containing a permitted use;

3.6.2.2 Commercial recreational facilities when located within a building containing a permitted use; and

3.6.2.3 Residential uses, subject to Section 8.13

3.6.2.4 Limited Retail Sales

The commission may approve limited retail sales in the OP zone as outlined below:

1. The total area allocated for the retail sale of items shall be no greater than 2000 square feet.

2. The building shall have no window larger than 4' x 4' and the total area of glass/window on the building façade, facing the street or any parking areas shall be less than 15% of the total area. In general the building shall maintain a look similar to a residential or office building rather than a new retail establishment.

3. The retail sale shall be for a specific type of sale item or a grouping of items as opposed to the sale of general merchandise. Specialty items, made and or repaired on the premises such as apparel, costumes, drapery, art works, crafts, jewelry and similar items shall be preferred over products that are made in bulk quantity off-site to be re-sold.

4. Retail sale of items may be sold in conjunction with any office use as an accessory to the office use.
5. All retail sales shall be carried on entirely within the unit and there shall be no storage or display of any products or materials outside of the building.

3.6.3 Required Lot Areas, Yards, Coverage, Heights and Frontages

For required lot areas, yards, coverage, heights and frontages, refer to Section 5.

3.6.4 Special Office Park Regulations

3.6.4.1 Development in an Office Park Zone shall be of such character that it will produce an open park-type environment for business and professional offices thereby serving as a gradual transition between commercial and residential areas. Buildings shall be of a design and scale and shall utilize materials, which are consistent with surrounding residential-type structures.

3.6.4.2 Not less than 20% of the area of a lot or the area of land allocated to a particular building site shall be maintained as open space. A landscaped buffer strip shall be provided not less than twenty-five (25) feet wide along lot lines abutting Residential Zones. The balance of the required open space shall have a ground cover of lawn or other suitable materials and appropriate plantings of evergreen and shade trees and shrubs.

3.6.4.3 Not less than twenty-five (25) feet of the depth of the front yard, measured from the street property line, shall be in open space with a suitable ground cover, as described above, except that not more than one access driveway not over thirty (30) feet wide per 100 feet frontage is permitted to cross such open space.

3.6.4.4 No building shall be built nearer than fifty (50) feet to a Residential Zone boundary or fifteen (15) feet to another building in an integrated plan of development.

3.7 PLANNED DEVELOPMENT MULTIFAMILY PDM

3.7.1 Permitted Uses

The following uses shall be permitted:

3.7.1.1 Single family residential uses; and

3.7.1.2 Accessory uses customarily incidental to permitted uses.

3.7.2 Special Permits

The Commission may grant Special Permits for the following uses, subject to the applicable criteria of Section 8.2, Active Adult Residential Development, subject to Section 8.27.

3.7.2.1 Multifamily Dwellings;

3.7.2.2 Accessory uses customarily incidental to multifamily uses, subject to Section 8.1.

3.7.3 Required Lots, Yards, Areas, Coverage, Heights and Frontages.

For required lots, yards, areas, coverage, heights and frontages, refer to Section 5.

3.7.4 Special Planned Development Multifamily Regulations.

3.7.4.1 All uses in the zone must be serviced by a public water supply.

3.7.4.2 All uses in the zone must be serviced by public sewer.

3.7.4.3 Roads shall conform to the applicable town road regulations of the Town of Granby excepting minimum road width and curbs.

3.7.4.4 The owner of the premises shall provide and maintain all private roads and private parking areas.

3.7.4.5 Multifamily dwellings shall contain the following room areas:

Efficiency (no separate bedroom)	450 sq.ft.
One Bedroom	575 sq.ft.
Two Bedroom	700 sq.ft.
For each additional room add	150 sq.ft.

In computing the required minimum floor area, only that area inside the perimeter walls of the dwelling devoted to the exclusive occupant for living purposes shall be considered. Public balconies, storage areas, public halls and other public facilities shall not be included in the required floor areas.

3.7.4.6 The maximum density for multifamily dwellings other than elderly housing units is six (8) eight developable acre.

3.7.4.7 The maximum density for elderly housing units is ten (10) per developable acre.

3.7.4.8 Accessory uses such as garages, swimming pools, clubhouses, laundry facilities, recreational facilities and other structures and facilities which are customarily incidental and subordinate to the principle use may be allowed, provided they are approved as part of the total site plan.

3.7.4.9 Underground utilities are to be furnished in all developments.

3.7.4.10 In addition to the parking requirements set forth in Section 7, parking areas shall meet the following requirements:

a. Parking of residents motor vehicles outdoors shall be limited to operable state-registered passenger vehicles including vans and pick-up trucks with less than one - (1) ton capacity used primarily for residential purposes. The parking of residents other vehicles in a roofed building having solid walls and a garage door shall be permitted.

b. No parking spaces shall be located in a required front yard facing a public street, and all parking spaces visible from a public street shall be landscaped.

3.7.4.11 Buildings shall be located to provide for the amenities of multifamily living, to assure the maximum practical light and ventilation, to control the impact of traffic and parking on the site, and to integrate the development with the neighborhood. The scale of buildings shall be compatible with the residential scale of buildings in the area. No building facade or roof shall have a continuous surface exceeding fifty (50) feet in length between horizontal offsets.

3.7.4.12 All buildings shall be separated by at least twenty-five (25) feet.

3.7.4.13 Driveways leading to garages shall be at least twenty (20) feet in length and shall be designed so as to permit the parking of a vehicle on the outside of each garage space.

3.7.4.14 Courts enclosed with buildings on all sides shall be prohibited.

3.7.4.15 Consolidated open spaces totaling at least 15% of the site shall be provided within the development. Open spaces shall be located so as to preserve significant natural site features and maximize the utility of the open space to the residents.

3.7.4.16.1 Where the separate ownership of multifamily dwellings is intended, the Commission may approve a subdivision of the land on which the units are to be located, provided that the overall site development plan meets the requirements of Section 5.
No separate lot created under this Section shall be used except in accordance with the approved development plan, and a subdivision approval for any lot which has not been developed in accordance with the approved development plan within three (3) years of the approval date shall become null and void unless the Commission grants an extension of time.

3.7.4.17 For all developments, the applicant shall present sufficient information to the Commission to demonstrate that adequate provisions have been made for the sustained maintenance of the development in general and also for the sustained maintenance of roads and open spaces.

3.7.5 Density Bonus for Elderly Low and Moderate Income Housing.

3.7.5.1 Subject to the provisions of Section 3.7.4.6 and the following conditions, the Commission may allow an increase in density of up to 20% of the allowable number of units, in recognition of the serious need for additional housing for the elderly:

a. That 60% of the units which exceed the normally allowable density be reserved for low and moderate income tenants aged sixty-five (65) and over;
b. That the rental rate for the elderly units be at least 25% lower than the rate for a similar unit within the development, or at a monthly rate equal to 70% of the median family income, as in c. below, divided by twelve (12) months and multiplied by .25;
c. That the maximum total income of any elderly tenants occupying a reduced rent unit not exceed 70% of the median family income for the Hartford statistical area published annually by the Department of Housing and Urban Development or similar publication;
d. That the elderly units be contained within separate buildings located throughout the development;
e. That, should the units be sold at a future date, the elderly unit buildings first are offered for sale to the Town of Granby at a rate 50% below the market rate;
f. That the appropriate documents necessary to implement these Regulations be prepared by the developer and approved by the Commission subject to a review of the Town Attorney. The documents shall include an agreement whereby the developer and/or owner shall submit an annual report to the Office of Community Development which shall include the names of the elderly tenants, the unit number occupied and the rental rate charged; and
g. That the terms of this provision shall apply to the elderly units for a minimum of thirty (30) years from the date of approval.

3.8 INDUSTRIAL ZONE

3.8.1 Permitted Uses

The following uses are permitted:

3.8.1.1 The manufacturing, processing, packaging or assembling of components or goods.

3.8.1.2 Truck and freight terminals and warehouses, together with the right to service, maintain and repair motor vehicles incidental to the aforesaid use.

3.8.1.3 Plumbing, heating, electrical, industrial and general contracting establishments, which may include showrooms, storage and maintenance of heavy construction equipment

3.8.1.4 Yards for storage of and sales of lumber and building materials

3.8.1.5 Office buildings and financial institutions

3.8.1.6 Printing or publishing establishments

3.8.1.7 Limited seating Restaurant

3.8.1.8.1 Accessory uses customarily incidental to the permitted uses, including garages, storage buildings and power plants and employees' recreational, commissary and clinical facilities.

3.8.1.9 Utility Use, subject to Section 8.24

3.8.2 Special Permits

The Commission may grant Special Permits for the following uses subject to the applicable criteria of Section 8.2:

3.8.2.1 Residential uses when a single-family dwelling or apartment is occupied by a person, together with his family, who is the owner, manager, caretaker or janitor residing on the same lot occupied by the premises or plant of a permitted industrial use;

3.8.2.2 Manufacture of bricks, cement products, tile and terracotta;

3.8.2.3 Bulk storage of petroleum products;

3.8.2.4 Warehousing and distribution of major and small appliances, furniture, television and audio equipment and related items, with limited retail and wholesale showroom merchandising of the same, and related services and office facilities;

3.8.2.5 Veterinary hospitals and boarding kennels for the treatment and boarding of animals, primarily dogs and cats, with all facilities housed inside a building with a limited outside fenced area for exercising and training with necessary office and service space;

3.8.2.6 Warehousing and distribution of clothing, with retail and/or wholesale merchandising of the same, and related services and office facilities;

3.8.2.7 Sale and storage of operable motor vehicles (operable being defined as qualifying for Connecticut motor vehicle registration)

3.8.2.8 Auto body, soldering or welding shops with a Connecticut repairer's license;

3.8.2.9 Excavation, processing and removal of earth products subject to Section 9;

3.8.2.10 Commercial, educational or recreational activities;

3.8.2.11 Self-Service storage facility subject to Section 8.17; and

3.8.2.12 Restaurants, subject to Section 8.16.

3.8.2.13 Automobile washing facilities

3.8.2.14 Rear lots in commercial zones, subject to Section 8.23

3.8.2.15 Utility Use, subject to Section 8.24

3.8.3 Required Lot Areas, Yards, Coverage, Heights and Frontages.

For required lot areas, yards, coverage, heights and frontages, refer to Section 5.

3.8.4 Special Industrial Regulations

3.8.4.1 Uses not listed in Sections 3.8.1 and 3.8.2, including but not limited to the following, are prohibited:

a. The distillation of bones or fat or reduction of animal matter;

b. Blast furnaces or the smelting of copper, iron, tin, zinc or similar metals;

c. Coal or petroleum distillation or derivation of by- products;

d. Manufacture of cement, lime, gypsum or plaster of paris, chlorine, or carbolic, hydrochloric, nitric, picric, sulfuric acid or similar acids;

e. Manufacture of fertilizers;

f. Fat rendering in the manufacture of tallow, grease, or oil;

g. Refining and recovery of products from fish, animal refuse or offal;

h. Oil refining;

i. Junk cars;

j. Swimming pool chemical manufacturing; and similar uses to the above (items a-k) which are dangerous by reason of fire or explosion, injurious, noxious or detrimental to the neighborhood because of emission of dust, fumes, odor, smoke, wastes, noise or vibrations or because of other objectionable features.

3.8.4.2 The storage of any material intended for dumping or disposal, outside of a building shall be prohibited, unless the specific area is approved by the Commission.

3.8.4.3 Where industrial lots abut a residential zone or use, loading docks shall not face said zone or use. The above may be waived by the Commission in cases where the proposed loading docks are a minimum of 100 feet from a residential zone and will not, in the opinion of the Commission, cause undue noise or visual disruption to abutting residential uses.

3.8.4.4 No loading dock may face a public highway, except when permitted by the Commission in cases where the proposed loading dock will not cause undue noise or visual disruption to abutting residential uses and sufficient on- site vehicular maneuvering areas will be present. In no case shall such be permitted where there is insufficient on-site vehicle maneuvering room, and where trucks destined to, or coming from, loading docks require maneuvering movements within the public highway.

3.8.4.5 Lot area requirements may be reduced to the following minimums when lots are created which have frontage on newly constructed streets provided that in no case may a building be constructed with a front yard of less than fifty (50) feet along Routes 10 & 202 or within forty (40) feet of a residential zone:

a. Lot area - 30,000 sq. ft.
b. Lot frontage - 125 ft.
c. Lot depth - 150 ft.
d. Front yard - 30 ft.
e. Side yard - 15 ft.
f. Rear yard – 15 ft.

3.9 ECONOMIC DEVELOPMENT ED

3.9.0 Introduction

3.9.0 The Economic Development Zone (ED) is comprised of over 300 acres. At the time of the rewriting of this zone in July of 2000, there were only 2 owners of this entire land area, with Griffin Land Resources owning all but approximately 32 acres. The undeveloped nature of the property and the small number of owners provide the Town with a unique opportunity to guide the development of this area to assure that it is compatible with the Town's Plan of Conservation and Development.

The ED zone has several important attributes. It is strategically located geographically, with direct access to Route 10/202 and easy access to Route 189. The ED Zone can be serviced by public water and public sewer and is linked to major electrical and communication services.

The area that comprises the ED Zone has been set aside for non-residential development since zoning was first established in Granby in the 1950s. This is the primary and only significant area remaining within the Town with potential for the diversification of the Town's tax, employment and commercial service base. It is the desire of the Town of Granby to have this area developed in a manner, which accomplishes this diversification while preserving the Town's fundamental values and rural atmosphere as outlined within the Plan of Conservation and Development.

Understanding the attributes of the ED Zone, as outlined above, the Town has an opportunity to encourage development within this area in a manner that can be a model of quality and success. The development of the ED Zone can demonstrate that preservation and growth are not mutually exclusive and that diversification of the Town's tax, employment and commercial service base, while preserving the Town's fundamental values and rural atmosphere, can be achieved. A variety of Special Regulations have been adopted to regulate development within this ED Zone. These Regulations are found in Section 3.9.4.

SECTION 3
USE DISTRICTS

3.9.1 **Permitted Uses, subject to the Special ED Zone Criteria outlined herein.**

The following uses are permitted:

3.9.1.1 Business or professional offices, including financial institutions and/or office parks;

3.9.1.2 Utility Use, subject to Section 8.25;

3.9.1.3 Agricultural uses;

3.9.1.4 Governmental buildings and facilities including fire houses; and

3.9.1.5 Accessory uses customarily incidental to principal uses, including garages, storage buildings, and employees' recreational, commissary and clinical facilities, subject to Section 8.1.

3.9.2 **Special Permit Uses, subject to the Special ED Zone Criteria and to Section 8.2.**

The Commission may grant Special Permits for the following uses, subject to the applicable criteria of Section 8.2:

3.9.2.1 Biological, medical, technological and other research and development centers;

3.9.2.2 Commercial recreational facilities, including health clubs, indoor and outdoor recreational complexes and all associated fields, courses, buildings and equipment;

3.9.2.3 Health care facilities including hospitals, convalescent homes, nursing homes and similar uses;

3.9.2.4 Assisted Living facilities for elderly persons and/or persons with special needs; Section 3.7.4 shall be used as a basic guideline in the development of such facilities;

3.9.2.5 Restaurants, subject to Section 8.16;

3.9.2.6 Private schools with or without dormitories and other associated structures, fields and uses;

3.9.2.7 Retail sale, rental and/or repair of items such as food, clothing, hardware, garden supplies, jewelry, electronics, appliances, books, sporting goods, nursery items, home improvement products and general merchandise;

3.9.2.8 Funeral homes and associated uses and structures;

3.9.2.9 Movie theaters, performing arts theaters, auditoriums and assembly halls;

3.9.2.10 Personal services, including barbershops, beauty shops, cleaning establishments, tailor shops and appliance and other general repair shops, excluding automobile repair;

3.9.2.11 Veterinary hospitals;

3.9.2.12 Churches, religious buildings and other non-profit organizations;

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

3.9.2.14 Plumbing, heating, electrical, industrial and general contracting establishments which may include showrooms, storage and maintenance of heavy construction equipment;

3.9.2.15 Retail sales or alcoholic beverages, subject to Section 8.3;

3.9.2.16 Hotels, motels or inns, including all necessary facilities to accommodate conventions or large meetings;

3.9.2.17 Adult Oriented Establishment, Subject to Section 8.24,

3.9.2.18 Utility Use, subject to Section 8.25.

3.9.2.19 Active Adult Residential Development, subject to Section 8.27.

3.9.3 Required Lot Areas, Coverage, Heights and Frontages.

For required lot areas, yards, coverage, heights and frontages, refer to Section 5.

3.9.4 SPECIAL REGULATIONS APPLICABLE TO THE ED ZONE.

3.9.4.1 CURB CUT LOCATIONS/TRAFFIC ANALYSIS

The Route 10 corridor study recognizes the area of the ED Zone as a future development area. While Salmon Brook Street and Floydville Road can accommodate additional traffic volumes, the development of the area must be accomplished with careful attention to managing traffic flow and minimizing increasing traffic volumes. The addition of turn lanes, acceleration and decelerations lanes may be appropriate in the design of new developments, but the overall widening of Salmon Brook Street and/or Floydville Road above the 2 travel lanes is not. Care must be taken to diversify the land uses within the ED Zone to limit the impact of peak hour volumes. A complete traffic analysis by a competent traffic engineer will be required for all applications that have the potential to impact the existing road network.

The street frontage along Route 10 and 202 and Floydville Road, within the ED Zone, is extensive. In an effort to manage the traffic flow within this area, curb cuts shall be limited within the ED zone as follows:

- No more than three new curb cuts may be created along Route 10 and 202. These curb cuts shall be located in basic conformance with the locations shown on the ED zone curb cut map attached hereto.
- No more than four curb cuts may be created along Floydville Road. These curb cuts shall be located in basic conformance with the locations shown on the ED zone curb cut map attached hereto.
- All intersection leading into the ED zone shall be major intersections, which include the construction of a town road. These town roads shall be designed in accordance with the Town of Granby Road Standards and shall typically include a right of way, which extends to the rear of all properties, allowing for the future linkage of roads to Floydville Road and/or Route 10 and 202 as appropriate
- Any proposed subdivision of property within the ED zone shall be designed in basic conformance with the ED zone curb cut map. All new lots created shall have their primary frontage along the new town roads.

The majority of the new development created within the ED zone shall be internal to the site and have the primary access not along the existing roads but along the new Town of Granby roads, which will extend throughout the area.

3.9.4.2 FRONT YARD SETBACKS FROM FLOYDVILLE ROAD AND SALMON BROOK STREET

The properties located within the ED Zone contain approximately 4,700 feet of frontage along Salmon Brook Street and 4,500 feet of frontage along Floydville Road. To preserve and promote the scenic quality of these roads, and to further the goals of the Town's Plan of Conservation and Development, the Commission shall give serious consideration to the establishment of Streetscape Buffers as outlined within Section 4.2.5 of the Regulations and in accordance with the criteria established therein.

As a large portion of the streetscape within this area is void of significant vegetation, in determining the depth of the Streetscape Buffer the Commission shall give added weight to the quantity and quality of any new vegetation proposed along the frontage of the of the site.

3.9.4.3 OPEN SPACE

As stated in the general purposes of this zone, the area contains ample amounts of land, providing an opportunity to create significant areas of open space. Within the ED zone undeveloped areas shall be set aside to create a park like setting. In order to accomplish such a setting, an effort shall be made, and the Commission may require open space areas that are comprehensively linked throughout the ED zone. Such areas of open space shall be designed to complement building placement and to enhance the working environment of the employees and others who frequent the commercial facilities by serving as recreational corridors, public spaces, and natural areas.
In lieu of the requirements of Section 4.2.5.B, all developments shall have a primary and contiguous open space area equal to the footprint of the proposed building or buildings. This open space area shall be located to balance the developed areas, serving the above stated purpose. Where a development fronts Salmon Brook Street and /or Floydville Road, the open space requirement may be satisfied through the creation of the streetscape buffer/open space setback.

All developments shall be designed with consideration of a means of linkage with the Farmington Valley Greenway. This recreational and commuter corridor is located in East Granby just east of the Granby Town Line, bisecting property currently owned by Griffin Land. By connecting developments to the Greenway the Town and the developer will encourage the use of alternate means of commuting to the new business developments, particularly by bicycle, while providing increased recreational and social opportunities for the business employees. Greenway connectors may be designed to run adjacent to proposed roadways or be internally located, meandering between buildings, parking areas and open space. Greenway connectors will typically have a minimum paved width of 10 feet.

3.9.4.4 Parking

The size of the parking area is dictated by the required number of parking spaces, outlined within Section 7 of these Regulations. All parking lots shall be designed for the ease and clarity of traffic flow and as an aesthetic design element of the development. Safe pedestrian movement must also be provided within the parking lot. Large planting islands are encouraged within the parking areas to reduce visual and audio impacts and the impact of heat, while aiding in drainage and snow removal. Parking areas that are designed in modules, separated by landscaped islands, are encouraged and will aid in conforming to the design recommendations outlined herein. Landscaped islands shall contain not less than 360 square feet (18x20) and shall provide a landscaped break between parking spaces as outlined within Section 7. The Commission may permit greater groupings of parking spaces when the size, design and placement of the landscape islands demonstrate the desirability of such groupings.

Landscaped islands shall be designed to accommodate plants, shrubs and trees, particularly maple trees, of sufficient size and quantity to meet the above purposes. In order to provide the landscape island with sufficient water, necessary to support the plant life, the applicant, in designing the site, shall consider recessing the landscape islands below the paved area rather than raised and surrounded with curbing. The Commission may require recessed islands where design and soil conditions warrant such requirements. A portion of the surrounding paved area shall be pitched towards the recessed islands, thereby directing storm water to these areas. The overall parking lot drainage analyses shall outline the volume of storm water directed to landscape islands, in addition to that, which is directed into the structural drainage system.

No more than 50% of the parking area for the entire property shall be located between the front facade of the principal building(s) and the primary abutting street.

The Commission may modify this requirement based on the placement of the open space, number and actual design of the adjacent street(s), the size of the parking lot, the design of the building and the quality of the overall parking lot design.

3.9.4.5 Drainage/Aquifer Protection Area

The ED zone is located within an aquifer protection area. The drainage of the parking lots shall recognize the concerns for the aquifer and shall be designed accordingly.

All parking lots shall discharge storm water to a retention or detention pond which shall be designed to mirror the functions of a natural wetlands in an effort to slow the CFS and to provide for the purification of the storm water before it enters the Salmon Brook or other drainage way. All uses, identified above shall be specifically reviewed for compliance with the Section 8.21, Aquifer Protection Overlay Zone. In the event of a conflict between the ED zone regulations and the Aquifer Protection Overlay Zone regulations, the latter shall take precedence.

3.9.4.6 Retail Development

While retail development is permitted as a Special Permit use within the ED zone, additional regulations have been established to promote the establishment of smaller retail operators that can more readily serve the employees and diverse users of the businesses within the ED Zone. Individual Business within the ED Zone may occupy no more than 40,000 square feet of retail space, except that the Commission may permit up to 75,000 square feet, when at least two thirds of the voting members vote in favor of the increase. In determining whether or not to allow the square footage to exceed 40,000 square feet, the Commission shall consider the building design, the site characteristics, the compatibility of the structure with surrounding buildings, the quality of building materials and the quantity and quality of the landscape materials, all of which can aid in reducing the visual bulk and mass of the building.

Retail uses shall be limited to the hours of 5:00 a.m. to 10:00 p.m. and the Commission may further restrict the hours of the retail development based on the specific proposal for use. While retail buildings may exceed 40,000 square feet in overall area, the design of the building shall be broken up in appearance in an effort to make the buildings appear to be of a much smaller scale. This design will come about by using and applying the design guidelines outline in Section 4.2.9. To prevent the ED zone from being dominated by retail uses, a strict limit on the overall square footage for retail use is as follows:

The total square footage of retail use shall be limited to 4% of the total square footage of land area existing on any property or lot where the retail use is proposed. For example, a 10-acre lot can accommodate no more than 17,424 square feet of retail use. (43,560 x 10 acres = 435,600 square feet x .04 = 17,424 square feet of retail use.

3.9.4.7 Diversification of Uses

As stated in Section 3.9.4.1, care must be taken to diversify the land uses within the ED Zone in order to limit the impact of peak hour traffic volumes. Additionally, the diversification of commercial uses is a goal of the Town's Plan of Conservation and Development. The Commission must be diligent in its consideration of special permit uses within the ED Zone. Should the Commission find that particular Special Permit uses are beginning to dominate the zone, it must reject future such applications until a more adequate mix of uses begins to evolve.

3.9.4.8 Building Design Review

The Zoning Regulations currently contain building design guidelines, outlined within Section 4.2.9 of these regulations. However, based on a recommendation of the ED Zone Subcommittee, The Commission, upon adoption of these regulations will begin the process of establishing a Building Design Review Board, which will serve as an advisory board to the Commission.

Prior to the establishment of a permanent board, the Commission will establish a preliminary Board of at least 3 members who are licensed design professionals. These preliminary members shall prepare detailed operating and design guidelines for review and possible adoption by the Commission. Upon adoption, all buildings proposed within the ED Zone shall be reviewed by the DRB, and the Board shall provide the Commission with appropriate recommendations. Until such time that a permanent DRB is established, together with all operating and design guidelines, any proposed development within the ED Zone shall be reviewed by the Commission and the guidelines as outlined within Section 4.2.9 applied. The DRB shall make recommendations to the Planning and Zoning Commission concerning new development applications, but shall not have any independent decision-making authority.

3.9.4.9 Site Lighting

Site lighting shall be designed as the absolute minimum necessary to achieve the desired purpose. Light pollution and excessively bright or intrusive lighting is a concern in the Town of Granby. Lighting plans shall include the height and type of poles, the design of the fixtures (primarily those that provide full horizon shading), the wattage and type of lighting and a written justification, with citation to published standards by authoritive sources, for the amount and type of lighting proposed. Lighting plans shall also include an illumination profile outlining the level of lighting, in foot-candles, produced throughout the site. Lighting shall be a specific design element of the development, comprehensively planned with uniformity of poles, fixtures and lighting. Metal halide lighting shall be considered for use throughout the ED Zone.

3.9.4.10 Noise

Noise is a community concern and should be considered and measures taken to reduce its impact, in the design of all developments. The large and undeveloped nature of the ED Zone provides the developer with the opportunity to locate buildings, loading docks, dumpsters and parking areas in a manner that will reduce the impact of noise on surrounding properties, particularly residential properties. Care should be taken to buffer areas of potential noise by shielding such areas through the strategic placement of buildings, earth berms or through a combination of these and other appropriate techniques.

3.9.4.11 Buffering/Transition of Uses

The Town is concerned about the impact of future development on existing residential properties. The requirements of the above sections will aid in reducing the negative impact of ED Zone uses on residential properties. The ED Zone permitted uses, and the uses outlined in Sections 3.9.2.3 and 3.9.2.4, given proper site design, are suitable to properly transition the ED Zone use from the residential use. This is less clear with a number of the other ED Zone uses. Therefore, developments that are to be within 1,000 feet of a residential zone must be of a use and design chosen with consideration of the impact on the nearby residential properties. More compatible ED Zone uses, such as offices, shall generally be preferred within these areas to the more intense ED Zone uses such as retail sales.

3.9.4.12 Outside Storage

No goods, merchandise, equipment or machinery shall be stored or displayed outside of a building unless the areas are specifically authorized by the Commission as a part of a site plan or special permit approval. Parking spaces and landscaping areas shall not be used for sales, storage, display of goods or for advertising purposes of any kind, except for detached signs installed in conformance with these Regulations.

All commercial activity shall be conducted wholly within enclosed buildings, except for off-street loading, periodic sidewalk sales and other operations normally conducted outdoors, and excepting other uses specifically authorized by the Commission as part of a site plan or special permit approval.

3.9.4.13 The provisions of Sections 3.8.4.1 through 3.8.4.4 of these Regulations are incorporated by reference into this Section, as if set forth in full herein.

3.9.4.14 In the ED Zone, lots may be established in accordance with Sections a-f herein, when lots are created on newly constructed town roads. No lot may be approved under this section unless all of the lot lines that make up the parcel are set back a minimum of 500 feet from Salmon Brook Street and Floydville Road.

The minimum criteria that follow are reductions in the requirements outlined within Section 5. While the Commission may approve lots that comply with the reduced criteria, all subdivided lots must be in compliance with the Subdivision Regulations and all Zoning Regulations not specifically reduced herein.

MINIMUM

a.	Lot area	50,000 sq. ft.
b.	Frontage	50 ft.
c.	Front yard	30 ft.
d.	Side yard	15 ft.
e.	Rear yard	15 ft.
f.	Lot depth	200 ft.

3.10 NEIGHBORHOOD AND COMMERCIAL TRANSITION ZONE - T1

3.10.0 Goal of the T1 Zone

The T1 zone is adopted in an effort to avoid the development of small commercial establishments along Route 10, through the elimination of an existing commercial strip zone. The T1 zone encourages comprehensive development and the cooperation of individual landowners. A primary goal of the zone is to avoid the establishment of commercial curb cuts along Route 10, while requiring that new commercial buildings be placed at least 100 feet back from Salmon Brook Street.
The T1 zone is designed to provide a transition of uses, from high intensity commercial use to residential use. This transition can be achieved by combining existing lots, limiting new curb cuts along Route 10, limiting the size of commercial buildings, regulating the style and quality of construction and establishing buffer areas. The objective is to create a unified commercial area, developed with an internal commercial service road. All applications for development within the T1 zone must take into account this concept for an internal roadway. Designs that will prevent the possibility of bringing this concept to fruition shall not be approved.

The transitional zone is created in recognition of the commercial growth that is occurring in this area, the relocation of the Canton Road intersection, the availability of public water and public sewer and the Town's overall success in limiting curb cuts and managing traffic flow within the overall area.

SECTION 3
USE DISTRICTS

The following regulations and standards are designed to bring about the above goal.

3.10.1 Permitted Uses

The following uses are permitted:

3.10.1.1 Single-family dwellings;

3.10.1.2 Home occupations, subject to Section 8.8;

3.10.1.3 Accessory uses customarily incidental to permitted uses, subject to Section 8.1.

3.10.2 Special Permits Uses, subject to the Special T1 Zone Criteria and Section 8.2.

3.10.2.1 Commercial educational facilities, including day care centers for six (6) or more people with a valid State license;

3.10.2.2 Bed-and-breakfast facilities, inns and motels;

3.10.2.3 Business or professional offices, including financial institutions and/or office parks;

3.10.2.4 Commercial recreational facilities, including health clubs, indoor and outdoor recreational complexes and all associated fields, courses, buildings and equipment;

3.10.2.5 Restaurants, subject to Section 8.16;

3.10.2.6 Retail sale, rental and/or repair of items such as food, clothing, hardware, garden supplies, jewelry, electronics, appliances, books, sporting goods, nursery items, home improvement products and general merchandise;

3.10.2.7 Personal services, including, but not limited to barbershops, beauty shops, cleaning establishments, nail salons and appliance and other general repair shops, excluding automobile repair;

3.10.2.8 Accessory uses customarily incidental to principal uses.

3.10.3 Special T1, Zone Criteria

3.10.3.1 The special permit uses listed above may only be approved on a lot which contains a minimum of 4 acres.

3.10.3.2 The maximum area of the footprint of a single commercial building is 20,000 square feet.

3.10.3.3 All commercial buildings must be clearly separated by a minimum of 30 feet.

3.10.3.4 The establishment of commercial uses that do not currently exist within the Town shall be preferred over the replication of existing uses.

3.10.3.5 The combined area of the footprints of all commercial buildings must be less than or equal to 20% of the total land area. (Example: 4.6 acres = 200,376 square feet. 20% of 200,376 = 40,075. Therefore, the total area of the footprint of any combination of commercial buildings on a property of 4.6 acres shall be 40,075 square feet, or less)

3.10.3.6 No commercial use may be approved unless the Route 10 curb cut (west side), which serves the commercial use, is separated by at least 800 feet from any other curb cut, serving a commercial use and also located on the west side of Route 10. For the purpose of this regulation the existing YMCA curb cut is a curb cut serving a commercial use. This is the only commercial curb cut that exists within the T1 zone as of the adoption of this regulation. New commercial developments that do not comply with the curb cut separations may not be approved.

3.10.3.7 A primary purpose of this zone is to encourage the construction of an internal commercial service road which extends from a point opposite Floydville Road to a point located on Canton Road Extension, as outlined above. It is anticipated that the majority of new commercial uses will be serviced through the construction of this service road. The internal roadway shall be designed as a Town Road and easements shall be established at property boundaries to permit the future extension of the road. It is understood that the road may be constructed in segments and further understood that the actual transfer of the ownership of the road, to the Town, may occur at a future date, well after the earliest road segments were constructed. All appropriate bonds, deeds and easements shall be maintained to provide for the future transfer of the ownership of the road to the Town.

3.10.3.8 All commercial developments shall provide vehicular and pedestrian easements, at the direction, and in locations determined by the Commission, to allow passage to and from adjacent properties to achieve the goals of the T1 zone.

3.10.3.9 No parking area, for a commercial development may be located within 100 feet of the Salmon Brook street line.

3.10.3.10 A landscape buffer area of not less than 150 feet shall separate any proposed commercial building(s) from single family homes, existing on the date of adoption of this regulation, and located within the adjacent R30 zone. The Commission shall determine the planting and design requirements for all such buffer areas. The preservation of existing trees and shrubs for buffering is preferred to the planting of new materials. However, the planting of new materials may also be required to supplement the existing vegetation. Applicants are advised not to remove existing vegetation prior to the Commission's consideration of an application. Where existing vegetation has been removed prior to the filing of an application, the Commission may deny the application and recommend that the removed vegetation be replaced.

3.10.3.11 RESERVE

3.10.3.12 A landscaped Streetscape buffer along the frontage of Salmon Brook Street shall be designed for each application. Where possible, applicants shall use the design elements of the landscape berm located at 124 Salmon Brook Street (Stop and Shop Plaza) as a guide in designing the streetscape buffer.

3.10.3.13 No goods, merchandise, equipment or machinery shall be stored or displayed outside of a building unless the areas are specifically authorized by the Commission as a part of a site plan or special permit approval. Parking spaces and landscaping areas shall not be used for the sales, storage, display of goods or for advertising purposes of any kind, except for detached signs installed in conformance with these Regulations.

3.10.3.14 All commercial activity shall be conducted wholly within enclosed buildings, except for off-street loading, periodic sidewalk sales and other operations normally conducted outdoors, and excepting other uses specifically authorized by the Commission as part of a site plan or special permit approval.

3.10.3.15 Site lighting shall be designed as the absolute minimum necessary to achieve the desired purpose. Light pollution and excessively bright or intrusive lighting is a concern in the Town of Granby. Lighting plans shall include the height and type of poles, the design of the fixtures (primarily those that provide full horizon shading), the wattage and type of lighting and a written justification, with citation to published standards by authoritive sources, for the amount and type of lighting proposed. Lighting plans shall also include an illumination profile outlining the level of lighting, in foot-candles, produced throughout the site. Lighting shall be a specific design element of the development, comprehensively planned with uniformity of poles, fixtures and lighting. Metal halide lighting shall be considered for use throughout the T1 Zone.

3.10.3.16 Noise is a community concern and should be considered and measures taken to reduce its impact, in the design of all developments. Care should be taken to buffer areas of potential noise by shielding such areas through the strategic placement of buildings, earth berms or through a combination of these and other appropriate techniques.

3.10.3.17 A complete site plan as outlined within Section 4 shall be prepared for all special permit uses as stated above.

3.10.3.18 Parking requirements shall be as outlined within Section 7. The Commission may waive the specific requirements regarding the location of parking spaces to achieve the goals of the T1 zone as stated above.

3.10.3.19 Applications for new commercial construction shall include an analysis of the anticipated vehicular traffic that will be generated by the proposed use. Of specific concern is the peak hour traffic and the related turning movements of vehicles during the peak hours. The Commission shall strive to establish a mix of commercial uses which differ in their peak hours of traffic generation.

3.10.4 Required Lot Areas, Yards, Coverage, Heights and Frontages shall be as outlined for the R30 zone in Section 5, except as outlined herein. The Commission may waive the requirements of Section 5 to achieve the goals of the T1 zone as stated above.

3.10.5 In accordance with the goals outlined within the preamble, the following design guidelines are offered for consideration in the preparation of all T1 zone applications:

3.10.5.1 High quality masonry building materials (brick, stone, or materials having the appearance of them) should make up no less than 50 percent of the wall surface area, not including windows, of any façade of the building. The balance of wall surface area shall be made up of wood siding or shingle (shakes) or a combination of wood and synthetics. However, synthetic materials shall be limited to no more than 25 percent of the surface area of any façade other than the rear façade and shall not be permitted in any degree on the front façade.

3.10.5.2 Substantial structural elements shall be made prominent in building design to provide relief to large walls, create visual interest, define entrances, and convey a sense of permanence.

3.10.5.3 Use of carefully chosen architectural details, such as cornices, brackets, and awnings is encouraged.

3.10.5.4 Building material colors should primarily consist of neutrals and darker tones.

3.10.5.5 Whenever practicable, recessed entrances should be used to allow for a small outdoor shelter, increase window display area, reduce the massing and add relief to a façade.

3.10.5.6 Doors should be designed so as to make the doorway a unique and inviting architectural characteristic of the building.

3.10.5.7 It is not essential that the primary entranceways be situated toward the street.

3.10.5.8 In cases where a customer entrance is required at the rear of a building the standards of the rear façade shall equal the quality of design and materials of the façade facing the front.

3.10.5.9 Roof materials should be chosen with respect for building sustainability and durability.

3.10.5.10 Standing seam metal, or other dimensional, commercial grade shingle, slate, or simulated slate roofing in neutral colors should be preferred.

3.10.5.11 Parking should be central to the overall development and if possible, surrounded on no less than two sides by the proposed commercial business.

3.10.5.12 Parking should be situated to provide efficient pedestrian access from business to business to ensure that a single parking space will be close enough to all corners of the commercial center.

3.10.5.13 The circulation lanes of the parking area should be located adjacent to the front facade, should be characterized by benches, street trees, trash receptacles, high quality materials, textured pedestrian crossings and pedestrian scale lighting. The desired effect of such an arrangement is to create a small scale “main street” environment within individually developed cluster commercial centers.

3.10.5.14 Extensive use of street trees and curbside landscaping should characterize the T1 zone.

3.10.5.15 A system of sidewalks, designed for the convenience of pedestrian traffic, shall be incorporated in all commercial development applications. Sidewalks shall be designed and constructed to serve pedestrian movement within each proposed commercial site and with consideration of linkages to adjacent sites. Proposed site plans shall also include provisions for pedestrian and non-motorized amenities, such as benches (stand alone or permanent fixture), garbage receptacles, and bicycle racks.

3.10.5.16 In cluster commercial settings, pedestrian pathways should be covered along the front façade by awnings or arcades to permit efficient all weather pedestrian circulation from business to business.

3.10.5.17 Businesses developments shall consider incorporating outdoor plaza areas containing benches, trash receptacles, landscaping, instructional signage, and partial shelter (such as a gazebo or awning). Outdoor plazas may also be characterized by substantial defining central amenities, such as a fountain, a clock tower or public art. Out door plaza areas should be centrally located, insofar as possible. Restaurant uses having outdoor cafes should be encouraged to located adjacent to and interplay with plaza areas to encourage public use of the space.

3.10.5.18 Ground mounted mechanical equipment may be located along a rear façade, but should be screened from view by a decorative masonry screen wall comprised of masonry materials mimicking or complimenting those used in the primary structure.

3.10.5.19 Roof mounted mechanical equipment should be screened from public view.

3.10.5.20 Utilities shall be located underground.

3.10.5.21 Chain link fencing should be avoided in all but very unusual circumstances.

3.11 RURAL CONSERVATION R4A

3.11.1 Permitted Uses

The following uses are permitted:

3.11.1.1 Single-family dwellings;

3.11.1.2 Home occupations, subject to Section 8.8;

3.11.1.3 Agriculture, subject to Section 8.15;

3.11.1.4 Governmental buildings and facilities including fire houses; and

3.11.1.5 Accessory uses customarily incidental to permitted uses, subject to Section 8.1.

3.11.1.6 Utility Use, subject to Section 8.24

3.11.2 Special Permits

The Commission may grant Special Permits for the following uses, subject to the applicable criteria of Section 8.2;

3.11.2.1 Accessory Apartment, subject to Section 8.5;

3.11.2.2 Churches, religious buildings and cemeteries and other non-profit organizations;

3.11.2.3 Day care centers for six (6) or more people in public, private and institutional buildings with a valid State license;

3.11.2.4 Bed-and-breakfast facilities or inns subject to Section 8.10;

3.11.2.5 Antique sales subject to Section 8.9;

3.11.2.6 Farm Stores, subject to Section 8.15;
3.11.2.7 Garages and Barns, subject to Section 8.1 and 8.15.

3.11.2.8 Home Instruction subject to Section 8.22

3.11.2.9 Utility Use, subject to Section 8.24

3.11.2.10 Farm Hand Residential Facility subject to Section 8.15.14

3.11.2.11 Residential Landscape Business subject to Section 8.28.

3.11.3 Required Lot Areas, Yards, Coverage, Heights and Frontages.

For required lot areas, yards, coverage, heights and frontages, refer to Section 5.0

3.11.4 Special Rural Conservation R4A

3.11.4.1 To preserve the dark night skies within this area all exterior lighting must comply with the following regulations:

All light fixtures shall be shielded in such a way as to direct all light toward the Earth's surface and away from reflective surfaces.

All light fixtures shall be shielded/shaded in such a manner as to direct rays away from all adjacent property including unoccupied properties and roadways.

Where light fixtures are placed on poles, the highest point of the light fixture shall be placed not more than 10 feet from the ground. All pole mounted lighting fixtures shall be full cut-off luminaire. "Luminaire" means the complete lighting system, including the lamp and the fixture. Where floodlighting is mounted onto structures, the fixtures must be arranged in a manner to prevent the light from shining towards roadways, onto adjacent residential property or into the night sky.

3.11.4.2 To aid in protecting properties from fire any building constructed in an R4A Zone shall be protected throughout by a complete fire sprinkler system installed in accordance with the Connecticut State Building Code.

Exception:

A. Buildings which do not require a building permit for construction

B. Buildings that are used primarily for storage **and** do not contain sleeping area(s).

Each fire sprinkler system installed in accordance with 3.10.4.2 shall meet the requirements of one of the following:

1) NFPA 13, Standard for the Installation of Sprinkler Systems

2) NFPA 13R, Standard for the Installation of Sprinkler Systems Occupancies in Residential up to and including Four stories in Height.

3) NFPA 13D, Standard for the Installation of Sprinkler in One-and Two-Family Dwellings and Manufactured Homes Systems

3.11.4.3 To aid in the provision of adequate road networking and the provisions of public road service, maintenance and public protection, no new public dead-end roads, as defined by the Subdivision Regulations, may be constructed within this zone.

3.12 GRANBY CENTER ZONE

Statement of Intent

The Granby Center Zone is a unique zoning district promulgated to allow and regulate a variety of related land uses within an interconnected area. This Center Zone is enacted to further the goals and objectives of the Plan of Conservation and Development by expanding the Town Center through the incorporation of compatible commercial, residential, governmental, educational and other uses often found within a traditional town center. The further goal of the zone is to encourage the continued rehabilitation of the commercial center, encourage a greater variety of mixed uses and unite the uses through common design features, pedestrian and vehicular access, common signage, lighting and through the inclusion of street furniture and common open areas. Overall the goal is to integrate commercial and noncommercial uses through the creation of a mixed-use district that has the look and feel of a traditional New England village. The Granby Center Zone is designed to maintain and promote an area where residential development can exist within reasonable proximity to commercial type development. Development in the District will be guided by an overall desire to create a thriving Village with a wide variety of businesses and housing where residents can walk to work, work from home and walk from business to business. While the District is certainly designed to permit a variety of commercial developments, encourage new and innovative housing development, and preserve the Granby Historic District, overall it is designed to establish a sense of place that is different from the low density housing and preserved open space that characterize most of the Town of Granby.

The Granby Center Zone is designed to: promote the efficient use of a limited land area; respect and reinforce historic development patterns; provide flexibility to meet changing needs, technologies, economics and consumer preferences; promote efficient development patterns and a land use mix which encourages walking and bicycling and encouraging compatible architectural styles, building forms and building relationships within a New England Village.

The Granby Center Zone consists of four components:

Commercial Center;

Center Commons;

Center Edge, and

Granby Center Historic Overlay District,

all as outlined within the Granby Zoning Map.

Each of these zones has a separate set of permitted and special permit uses and design criteria. The Comprehensive Granby Center Zone Criteria shall be applied to all 4 components of the Center Zone.

3.12.1 Commercial Center Zone

The Commercial Center is the primary commercial area within the Town of Granby. It contains a variety of retail, service and office uses, numerous restaurants, gas stations, banks, the Post Office and more. The Commercial Center contains the Town Green and serves as the primary gathering place for Town residents. The Commercial Center contains very few residential units and its current design pattern discourages residential use. Future residential use is not anticipated within the area.

Commercial Center Zone Permitted Uses.

In the Commercial Center Zone, the following uses are permitted subject to the Commercial Center Zone Special Criteria, Section 4 and other applicable requirements.

- Business or professional offices;
- Restaurant, limited seating.

Commercial Center Zone Special Permit uses.

In the Commercial Center Zone the following uses may be permitted by Special Permit, subject to the Commercial Center Zone Special Criteria, Section 8.2 and other applicable requirements.

- Retail sale, rental and/or repair of items such as food, clothing, hardware, garden supplies, jewelry, electronics, appliances, books, sporting goods, nursery items, home improvement products and general merchandise;
- Printing, photography and similar service;
- Banks and other financial institutions;
- Personal services, including barbershops, beauty shops, cleaning establishments;

- Day Care centers, preschool and similar uses;
- Museums/galleries/performing arts;
- Movie theatres with a maximum of 80 seats;
- Restaurants subject to Section 8.16;
- Commercial educational, instructional or recreational services;
- Fueling stations for motor vehicles, without Vehicle Repairers;
- Non-profit organizations;
- Utility Use, Subject to Section 8.24;
- Retail sales or alcoholic beverages, subject to Section 8.3;
- Open air markets;
- Multifamily use;
- Accessory uses customarily incidental to the above uses.

Commercial Center Zone Special Criteria

The maximum area of the footprint of a single commercial building is 8,000 square feet. The Commission may permit an expansion of an existing building (existing on the date of approval of this regulation) that would increase the footprint above 8,000 square feet, where such expansion conforms to the general principles of the zone. Where an existing building is removed/demolished in whole or in part, the Commission may permit the reconstruction or new construction of a building that exceeds a footprint of 8,000 square feet, provided the construction is in basic conformity with the scale of the existing site and conforms to the general principles of the zone. As a general rule the Commission shall encourage the construction of multi-story buildings, with reduced footprints.

Parking requirements shall be as outlined within Section 7. The Commission may waive the specific requirements regarding the number and location of parking spaces to achieve the goals of the zone as stated herein. Individual developments are encouraged to share parking and access. Shared parking can be used to comply with the parking requirements.

The Commission may waive the minimum landscape area of Section 4.2.5 to achieve the goals of this zone as stated herein.

Adjacent property owners are encouraged to share curb cuts leading to the adjacent roadways. No new curb cuts will be permitted within this zone, except that any existing lot legally establish prior to the date of adoption of this regulation shall have the right to access the adjacent roadway. Existing curb cuts may be relocated.

Pedestrian access to the proposed building, from the nearest street, shall be incorporated within the site design. Pedestrian and vehicular access from adjacent sites shall be incorporated where feasible.

Required Lot Areas, Yards, Coverage, Heights and Frontages shall be as outlined for the C2 Zone in Section 5, except that the minimum front yard shall be 25 feet. This change is made in an effort to encourage parking at the rear and sides of the building and to aid in design interest and flexibility.

3.12.2 Center Commons

The Center Commons Zone is a diverse area of office buildings, public service use, retail use and housing. It contains the Granby Town Hall, Police Department, Senior/Youth Center, Board of Education Building, Library and the Granby Cemetery. The area contains significant commercial uses particularly along Route 189 and Route 20. The zone also contains the Town's 2 elderly housing developments, the Granby Memorial High School and Middle School. The Center Commons contains a small number of historic homes that are a part of the Granby Historic District. The Center Commons area is closely integrated with the Commercial Center. The area is appropriate for additional commercial development and home based business is encouraged within the zone. Mixed residential and commercial use can be expanded throughout the area. Residents and commercial users of the area should be afforded easy pedestrian access throughout the entire center area. New multifamily housing can be accommodated within the area.

Center Commons Zone Permitted Uses.

In the Center Commons Zone, the following uses are permitted subject to the Center Commons Zone Special Criteria, Section 4 and other applicable requirements.

- Single-family dwellings;
- Home occupations, subject to Section 8.8;

- Multifamily use subject to section 3.7 on a property containing 5 or more acres;
- Agriculture, subject to Section 8.15;
- Governmental buildings and facilities including fire houses;
- Accessory uses customarily incidental to permitted uses, subject to Section 8.1;
- Utility Use, subject to Section 8.24.

Center Commons Zone Special Permit uses.

In the Center Commons Zone the following uses may be permitted by Special Permit, subject to the Center Commons Zone Special Criteria, Section 8.2 and other applicable requirements.

- Retail sale, rental and/or repair of items such as food, clothing, hardware, garden supplies, jewelry, electronics, appliances, books, sporting goods, nursery items, home improvement products and general merchandise;
- Printing, photography and similar service;
- Business or professional offices, including banks and other financial institutions;
- Personal services, including barbershops, beauty shops, cleaning establishments;
- Day Care centers, preschool and similar uses;
- Museums, art studios, galleries and performing arts facilities;
- Bed and breakfast establishments;
- Restaurants, limited seating;
- Restaurants subject to Section 8.16;
- Commercial educational, instructional or recreational services;

- Non-profit organizations;
- Retail sales or alcoholic beverages, subject to Section 8.3;
- Open air markets;
- Churches, religious buildings, Places of worship and cemeteries and other non-profit organizations;
- Neighborhood Retirement Housing, Assisted Living and Congregate Care Elderly housing developments.
- Mixed use buildings containing both residential and nonresidential uses.
- Accessory Apartment subject to Section 8.5, under Special Permit uses
- Accessory Apartment subject to Section 8.5, under Special Permit uses
- Accessory uses customarily incidental to the above uses.

Center Commons Zone Special Criteria

Within the Center Commons Zone the design, scale, size and use of individual developments shall be designed in a manner that is reasonably consistent and compatible with existing uses.

The site design for any proposed new development and for the re-use of any existing building must blend with the traditional area site design as appropriate for the specific location. This would typically include lawn between the structure and the street and parking to the side or rear of the building within the Historic District.

The maximum area of the footprint of a single commercial building is 8,000 square feet.

The building front yard shall be a minimum of 50 feet, except that the Commission may permit a front yard of less than 50 feet, but not less than 30 feet, where other area buildings have front yards of less than 50 feet. In determining the front yard the Commission shall consider the front yard setback of existing buildings located within 400 feet of the proposed new building.

Special Permit uses shall only be allowed on a lot containing a minimum of 40,000 square feet, except where an existing home will be used for both residential and commercial purposes.

Required Lot Areas, Yards, Coverage, Heights and Frontages shall be as outlined for the R30 Zone in Section 5, except as follows; the minimum front yard may be 30 feet as outlined above; the maximum height is 45 feet; the maximum stories is 3; and the maximum coverage is 30%.

3.12.3 Center Edge

The Center Edge is the least developed area of the Granby Center District. It serves primarily residential, public service, recreational and open space uses. It contains multifamily developments, the Historic Society, the Granby Center Fire House, the Visiting Nurses Association and the South Congregation Church. This area contains most of the Granby Center Historic District, a large and beautiful area that is listed on the National Register of Historic Places.

Center Edge Zone Permitted Uses.

In the Center Edge Zone, the following uses are permitted subject to the Center Edge Zone Special Criteria, Section 4 and other applicable requirements.

- Single-family dwellings;
- Home occupations, subject to Section 8.8;
- Agriculture, subject to Section 8.15;
- Governmental buildings and facilities including fire houses; and
- Accessory uses customarily incidental to permitted uses, subject to Section 8.1.

Center Edge Zone Special Permit uses.

In the Center Edge Zone the following uses may be permitted by Special Permit, subject to the Center Edge Zone Special Criteria, Section 8.2 and other applicable requirements.

- Professional offices; business offices; medical offices
- Financial services; business services;

- Churches, religious buildings, Places of worship and cemeteries and other non-profit organizations;
- Day Care centers, preschool and similar uses;
- Antique sales subject to Section 8.9
- Bed-and-breakfast facilities or inns subject to Section 8.10;
- Multifamily use subject to section 3.7 on a lot of at least 8 acres;
- Mixed use buildings containing both residential and nonresidential uses.
- Neighborhood Retirement Housing, Assisted Living and Congregate Care Elderly housing developments.
- Accessory Apartment subject to Section 8.5, under Special Permit uses.

Center Edge Zone Special Criteria

All new construction within this zone shall be designed in a residential style, designed to blend and enhance the historic nature of the area, if the construction is within the Granby Center Historic Overlay District or adjacent to any structure listed on the National Register of Historic Places. Use of carefully chosen architectural details, such as cornices, brackets, shutters, columns and awnings is encouraged within such areas. The exterior colors of building materials shall mirror or be compatible with the colors of nearby buildings listed on the National Register of Historic Places. Building color schemes shall be a specific part of any approval.

The site design for any proposed new development or for the re-use of an existing building must blend with the traditional area site design as appropriate for the specific location. This would typically include lawn between the structure and the street and parking to the side or rear of the building within the Historic District.

The maximum area of the footprint of a building that is used for non residential purposes is 4,000 square feet.

The building frontage (front yard) shall be guided by the average frontage of existing buildings located within the immediate vicinity of any proposed new building or addition.

The building front yard shall be a minimum of 50 feet, except that the Commission may permit a front yard of less than 50 feet, but not less than 30 feet, where other area buildings have front yards of less than 50 feet. In determining the front yard the Commission shall consider the front yard setback of existing buildings located within 600 feet of the proposed new building.

Required Lot Areas, Yards, Coverage, Heights and Frontages shall be as outlined for the R30 Zone in Section 5, except that the minimum front yard shall be 30 feet. This change is made in an effort to encourage parking at the rear and sides of the building and to aid in design interest and flexibility.

3.12.4 Granby Center Historic Overlay District

The Granby Center Historic Overlay District is a specific area outlined within the Granby Zoning Map and located within the comprehensive Granby Center Zone. The overlay district generally follows the boundaries of the Granby Center Historic District, a large and beautiful area that is listed on the National Register of Historic Places.

The Granby Center Historic Overlay District is not a separate zone, but an area which overlays upon the other Center Zones. Within the Granby Center Historic Overlay District additional requirements and regulations will be applied as specifically outlined with the Center Zones.

3.12.5 Comprehensive Granby Center Zone Criteria

The following requirements and guidelines shall apply to all Center Zones:

1. Retail uses, restaurants and commercial services are not appropriate and shall not be approved for any property located within the Granby Center Historic Overlay District, except that where such uses currently exist they may be modified and expanded as appropriate for the specific site and in basic conformity with the of intent of this regulation.

2. The primary and most appropriate use of existing homes within the Granby Center Historic Overlay District is residential use. The Director of Community Development is encouraged to seek guidance from the Salmon Brook Historical Society on applications that fall within this area and may include the suggestions of the Society in any report submitted to the Commission on such applications.

3. Due to the historic nature of the buildings and the desire to maintain the traditional quality of the existing landscape, any proposed re-use or renovation of buildings located within the Granby Center Historic Overlay District shall be accomplished in a manner which preserves the historic integrity of the building's exterior façades and preserves the traditional design of the grounds, particularly the front area facing the street.

4. The conversion of low density housing to multifamily housing is generally encouraged, except within the Granby Center Historic Overlay District.

5. Design criteria for multifamily developments shall generally follow the criteria of the PDM Zone, Section 3.7.4, except that a maximum number of 15 units per acre may be permitted. Structures that are visible from Salmon Brook Street shall be designed to blend with the historic designs typically found within the Granby Center Historic Overlay District. Multi-story structures are preferred over single story structures.

6. When considering Special Permit applications, the Commission shall encourage the establishment of commercial uses that do not currently exist within the Town Center area. The zone's permitted uses will be preferable to the establishment of uses that are allowed only by Special Permit where such special permit uses replicate existing center businesses. The Commission, the public and new applicants should recognize the limited area of the Town Center and the need to diversify the commercial uses. The success of the center as a local commercial service center is largely dependent on the availability of a wide range of commercial retail items, services and offices. An abundance of offices (permitted uses) will enhance the overall business environment as the office workers are likely to frequent the other center businesses during the morning, lunch and dinner times.

7. Multi-storied buildings are preferred over single story buildings. Single use one story structures shall be discouraged except in unique situations where the property cannot support a multi-story structure and multiple uses.

8. Where mixed use buildings are proposed that will contain both residential and nonresidential uses, the number of residential units may not exceed 15 per acre. Living units shall typically be located above the first floor and shall be serviced by elevators and fire prevention sprinkler systems. The minimum area of a residential unit is 400 square feet. One parking space per unit shall be required. Overall the density of the site will be guided by the site development requirements outlined herein.

9. Applications for new commercial construction shall include an analysis of the anticipated vehicular traffic that will be generated by the proposed use. Of specific concern are the peak hour traffic and the related turning movements of vehicles during the peak hours. The Commission shall strive to establish a mix of commercial uses, which differ in their peak hours of traffic generation.

10. Parking requirements shall be as outlined within Section 7. The Commission may waive the specific requirements regarding the location of parking spaces to achieve the goals of the zone as stated above. Vehicular access and parking shall be designed to permit passage between adjacent properties. Shared parking is strongly encouraged.

11. Curb cuts shall be closely scrutinized by the Commission. The existing traffic flow within the area is often delayed and poorly placed curb cuts and/or increased numbers of curb cuts will exacerbate the problem. Therefore the Commission shall require the sharing of curb cuts between property owners and may prohibit a proposal for non-residential use of property where the curb cut separation is found to be unsatisfactory. A minimum distance of 150 feet between curb cuts is preferred.

12. A system of sidewalks, designed for the convenience of pedestrian traffic, shall be incorporated in all proposed development applications. Sidewalks shall be designed and constructed to serve pedestrian movement within each proposed site and with consideration of linkages to adjacent sites. Proposed site plans shall also include provisions for pedestrian and non-motorized amenities, such as benches (stand alone or permanent fixture), garbage receptacles, and bicycle racks. All site designs shall include sidewalks, which lead from the existing street to the proposed or re-used structure. The application shall include a pedestrian access plan that links the proposed site to other properties within the Center.

13. Extensive use of street trees and curbside landscaping should characterize the developments.

14. Businesses developments shall consider incorporating outdoor plaza areas containing benches, trash receptacles, landscaping, instructional signage, and partial shelter (such as a gazebo or awning). Outdoor plazas may also be characterized by substantial defining central amenities, such as a fountain, a clock tower or public art. Outdoor plaza areas should be centrally located, insofar as possible. Restaurant uses having outdoor cafes are encouraged.

15. No goods, merchandise, equipment or machinery shall be stored or displayed outside of a building unless the areas are specifically authorized by the Commission as a part of a site plan or special permit approval. Parking spaces and landscaping areas shall not be used for the sales, storage, and display of goods or for advertising purposes of any kind, except for detached signs installed in conformance with these Regulations.

16. All commercial activity shall be conducted wholly within enclosed buildings, except for off-street loading, periodic sidewalk sales and other operations normally conducted outdoors, and excepting other uses specifically authorized by the Commission as part of a site plan or special permit approval.

17. Ground mounted mechanical equipment may be located along a rear façade, but should be screened from view. Screening shall be designed with materials that mimic or compliment those used in the primary structure.

18. Roof mounted mechanical equipment shall be screened from public view.

19. Utilities shall normally be located underground.

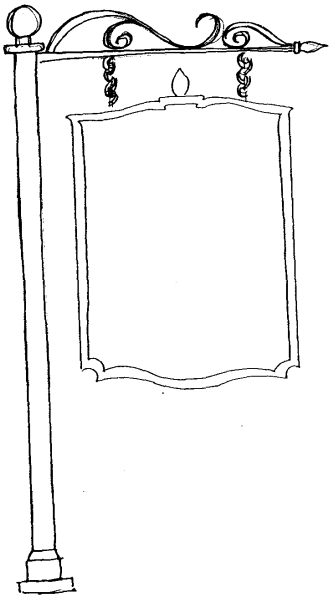
20. Site lighting shall be designed as the absolute minimum necessary to achieve the desired purpose. All exterior light poles and lighting fixture must of a type and style that mirrors the existing poles and fixtures located along Bank Street. These are often identified as traditional style and can be found in figure 2 outlined below. The height of pole, to the top of the fixture shall be between 9-14 feet.

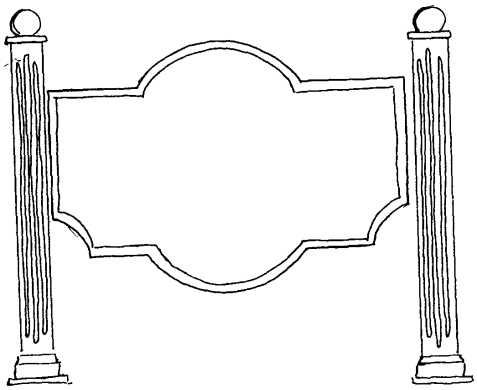
21. Noise is a community concern and should be considered in the site design and measures taken to reduce its impact, in the design of all developments. Care should be taken to buffer areas of potential noise by shielding such areas through the strategic placement of plantings, buildings, earth berms or through a combination of these and other appropriate techniques.

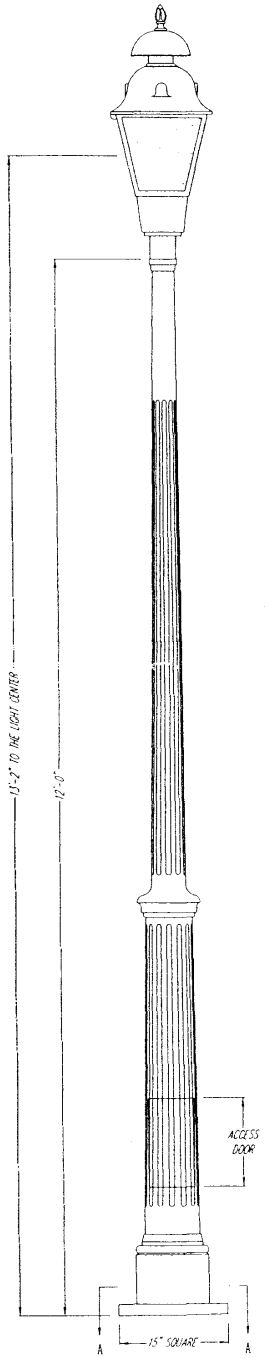
22. All freestanding and directory signs shall be of wood (simulated wood or wood composite) construction and suspended from either one or 2 poles as outlined in figure 3 below. Signs shall be externally illuminated with the light typically emitted onto the face of the sign from a fixture or fixtures located above the sign face. Narrow signs and uniquely shaped signs may be illuminated by ground mounted lighting fixtures, where approved by the Commission. The lighting intensity shall be the minimum necessary to illuminate the sign face.

Section 3.12

Figure 3

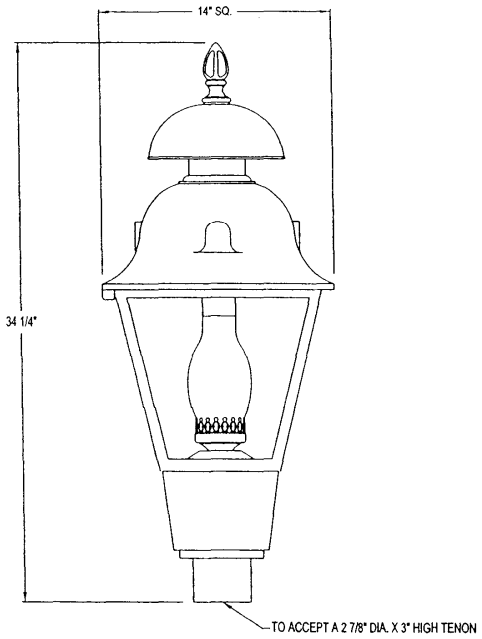






SECTION 3.12

FIGURE # 2



Spring City Electrical Mfg. Co.

- The Princeton 12'-0" lamp post and
- Verndale Luminaire or Equal

SECTION 4
SITE PLANS

4.0 PURPOSE

To protect the character, property values and historic and rural nature of the community, and to further the objectives of Section 1.0 of these Regulations, in all Zones except the R2A, R50, and R30, a site plan shall be approved by the Commission prior to the issuance of a building permit for any new construction or addition or for any change in the footprint of any existing building. No site plan shall be changed in any manner without the approval of the Commission. Site plans shall be required for all special permit requests, which involve any changes in existing sites including sites within the R2A, R50 and R30 zones.

4.1 SITE DEVELOPMENT PLAN CRITERIA

The applicant must submit the following material as applicable for approval of a site development plan:

4.1.1 Application

One (1) copy of a completed application form available from the Commission.

4.1.2 Legal Description

One (1) copy of a legal description of the property on which the development will take place.

4.1.3 Site Plan

Nine (9) copies of a site plan drawn at a scale no smaller than 1 (one) inch = 100 feet in accordance with Class A-2 standards as defined by the existing Code of Practice for Standards of Accuracy of Surveys and Maps adopted by the Connecticut Association of Land Surveyors. The site plan shall show, as applicable, the following:

4.1.3.1 Existing and proposed topography shown in two (2) foot contour intervals;

4.1.3.2 Existing and proposed roads, streets, driveways and loading and parking areas;

4.1.3.3 Existing and proposed walkways and sidewalks;

4.1.3.4 Existing and proposed drainage facilities, watercourses and wetlands;

4.1.3.5 Existing and proposed utilities;

4.1.3.6 Adequate provisions for potable water supply and sewage disposal;

4.1.3.8 Proposed methods of refuse storage and disposal;

4.1.3.9 Existing and proposed fire hydrants, fire ponds and/or fire alarm boxes;

4.1.3.10 Existing and proposed structures;

4.1.3.11 Existing and proposed buffer strips, earth berms and landscaping;

4.1.3.12 Existing and proposed signs;

4.1.3.13 Exterior illumination showing location, light and type of fixtures;

4.1.3.14 Outside storage and identity of items to be stored outside;

4.1.3.15 Recreational facilities, acres and open space;

4.1.3.16 A data block which gives needed zoning information including where applicable: percentage of lot coverage, acreage of the parcel, number and mix of units, required parking and number of spaces provided and zoning designation.

4.1.3.17 A key map drawn at a scale of at least one (1) inch = 400 feet showing the locations of buildings and facilities on abutting land, driveway entrances on both sides of the street or streets within 500 feet of the site and zone boundaries within 500 feet of the site;

4.1.3.18 Existing and proposed easements.

4.1.4 Abutters List

One list of abutters within 200 feet of the site including their current mailing addresses.

4.1.5 Architectural Elevations

Nine (9) copies of the general architectural elevations of the proposed buildings, prepared by a registered architect or engineer, drawn to scale and including type and color of building materials, exterior facade and facing, fenestration and any special architectural features. The location, height, size, dimensions, design, colors, lettering, lighting, intensity and appearance of all signs shall also be shown. The Commission may waive this requirement for any application for the construction of a building of less than 5,000 square feet.

4.2 SITE DEVELOPMENT PLAN SPECIAL REGULATIONS

4.2.1 Mylar Filing and Construction Deadlines.

An approved site plan (mylar copy) shall be signed by the Commission and filed in the office of the Town Clerk within ninety (90) days of the Commission's approval. The signed plan shall serve as the "Certificate of Approval". All work in connection with such site plan shall be completed within five years after the approval of the plan. Noted on the mylar shall be the date on which such five-year period expires. Failure to complete all work within such five-year period shall result in the automatic expiration of the approval, except that the Commission may grant one or more extensions of the time to complete all or part of the work, provided the total extension or extensions shall not exceed ten years from the date such site plan is approved. "Work" for purposes of this section means all physical improvements required by the approved plan.

4.2.2 Contiguous Parcels

For the purpose of integrated development, any number of contiguous parcels may be consolidated for the purpose of development and the consolidated parcel shall be construed to be one (1) lot when computing building coverage, yard requirements and permitted uses, provided:

4.2.2.1 The owners of each lot shall give to the owners of the consolidated parcel by deed, easement, or agreement filed in the Office of the Town Clerk, the right of entrance, exit, passage, parking and loading.

4.2.2.2 The consolidated parcel is developed with an integrated plan of buildings, parking, loading and unloading, and open space.

4.2.2.3 The Commission may require or limit use of access driveways to one or more parcels, whether or not under separate ownership, in order to assure safe traffic movement onto the street and to avoid congestion.

4.2.3 Sidewalk Requirements

The developer shall provide concrete sidewalks, four (4) feet wide along the linear front footage of all roads abutting the site, in accordance with Commission policy on file in the Office of Community Development.

4.2.4 Drainage Requirements and Stormwater Management

All developments shall be designed in such a way that the peak rate of runoff (in cubic feet per second) leaving the site in its developed state (post-development) shall be less than or equal to the peak rate of runoff leaving the site prior to development (pre-development). The Commission may, at the request of the developer, allow an increase in the peak rate of runoff leaving the site and the developer may agree to contribute to a Granby Downstream Fund established to correct flooding problems or potential flooding problems which may arise at a future date, in accordance with Commission policy on file in the Office of Community Development. The developer shall provide the Commission with a downstream hydrologic/hydraulic analysis with all requests for peak runoff increases.

Proposed drainage systems shall be designed in accordance with current engineering practice and shall include best management practices (BMPs) to manage the quantity of stormwater and treat the quality of stormwater. Proposed drainage systems shall address the following goals

A. Preserve the pre-development site hydrology to the greatest extent possible.

B. Preserve and protect streams, channels, wetlands, water bodies, watercourses and other natural features that protect water quality and provide water quality and quantity benefits.

C. Reduce the peak rate of runoff from developed land to minimize increases in flooding.

D. Manage stormwater runoff in a manner that maintains or improves the physical and biological characteristics of existing drainage systems, both on-site and off-site, and prevents increases in downstream flooding, streambank erosion and water pollution.

E. Emphasize non-structural approaches to controlling runoff and water quality, where appropriate.

F. Prevent pollution of drinking water sources, both above ground and below ground (aquifers) by minimizing the discharge of soluble pollutants.

G. Prevent pollutants from entering receiving waters and wetlands that exceed the systems ability to assimilate or treat the pollutants.

H. Reduce the average total suspended solids (TSS) loadings in the post development runoff by at least 80 per cent (80%).

H. Remove oils, greases and vehicle fluids from the post development runoff, prior to the runoff leaving the site.

I. Incorporate stormwater management practices that mitigate potential increases in the temperature of runoff

The analysis and design of drainage systems and stormwater management systems shall utilize the following publications, at a minimum;

- State of Connecticut Department of Transportation (CONNDOT) Drainage Manual;
- U. S. Soil Conservation Service TR-55 Manual;
- U. S. Soil Conservation Service TR-20 Manual;
- Connecticut Guidelines for Erosion and Sediment Control (2002);
- Connecticut Stormwater Quality Manual (2004).

4.2.4.1 Stormwater Management Requirements

The following stormwater management requirements shall be addressed:

- All proposed developments shall include an analysis of the upstream tributary drainage area and shall include a downstream impact analysis based on the post-development conditions.

- Proposed developments shall attenuate the post-development peak runoff rate to no more than the pre-development peak runoff rate, unless otherwise modified by the Commission.

- All drainage/conveyance systems, whether structural or non-structural, shall be analyzed, designed and constructed to accommodate existing upstream off-site runoff and developed on-site runoff (post-development).

- Proposed developments shall include provisions for the treatment of surface runoff in order to minimize the discharge of pollutants into existing conveyance systems, watercourses, water bodies and wetlands.

- All proposed developments shall include measures to control soil erosion and sedimentation during construction and post-development.

- Maintenance of all proposed drainage systems/facilities not dedicated to the Town shall be the sole responsibility of the property owner or property association. Maintenance and operation plans/schedules shall be part of any approved site plan.

4.2.4.2 Stormwater Quantity

All stormwater conveyance systems, storm sewer systems, surface drainage systems, detention systems, swales, channels, etc. shall be appropriate for the site and shall be designed in accordance with current engineering practice. Design storm frequencies used in the drainage analysis shall be appropriate for the site and shall be in accordance with the requirements of the Town and the CONNDOT Drainage Manual.

4.2.4.2.1 Peak Runoff Attenuation

Peak runoff attenuation can be accomplished by limiting impervious coverage, increasing travel times, utilizing pervious pavements, introducing groundwater recharge, constructing stormwater detention facilities or other approved methods. Increases in peak runoff must be attenuated for the 2-year, 10-year, 25-year and 100-year storm unless otherwise modified by the Commission. Detention systems not dedicated to the Town will require an operation and maintenance schedule which addresses: items of routine maintenance; frequency of maintenance; the party responsible for maintenance; and an emergency operation plan.

4.2.4.3 Stormwater Quality

All site developments shall include provisions for the treatment of stormwater runoff in order to minimize the transport of pollutants downstream or into the groundwater. These treatment requirements are an important part of the Town's strategy to comply with the National Pollutant Discharge Elimination System (NPDES) Permit Phase II Requirements for Post-Construction Runoff Control.

4.2.4.3.1 Stormwater Treatment Procedures

In general, the procedures for meeting the objectives of post-construction runoff control are:

A. Site Design Best Management Practices (BMPs)

Site design BMPs are techniques and facilities that can be used within the proposed development to reduce the quantity of runoff and treat runoff in order to reduce the level of pollutants. Site design techniques include minimizing impervious areas and retaining native vegetation. Site design facilities include roof downspout infiltration systems, drywells and the utilization of pervious pavement where appropriate. If practical, runoff storage and treatment measures shall be spread throughout the site rather than being placed at a single stormwater collection point (end-of-pipe structure).

B. Pretreatment Facilities

Pretreatment of runoff is required prior to discharging to the site's primary stormwater treatment facility or to any infiltration facility. The purpose of pretreatment is to remove large particles and debris from runoff in order to prevent clogging and minimize maintenance of any downstream treatment facility. Appropriate pretreatment facilities include deep sump catch basins, sediment traps, grass swales, vegetative buffers, gravel/riprap flow spreaders, underground detention systems, oil water separators and proprietary settling devices. Further downstream treatment utilizing primary treatment facilities is required after pretreatment.

C. Primary Treatment Facilities

Primary treatment of stormwater runoff is required at all points where stormwater discharges from the site into an existing stormwater conveyance system, watercourse, water body or wetland. Primary treatment facilities should be capable of capturing and treating the design water quality volume (WQV) or the design water quality flow (WQF) in accordance with the design procedures contained in the Connecticut Stormwater Quality Manual. Examples of primary treatment facilities include infiltration trenches, infiltration basins, rain gardens, bio-filtration swales, surface or underground filtration systems, bio-retention systems and proprietary filtration devices.

4.2.5 Landscape Treatment

A. The following shall apply to all developments where a Site Plan approval is required:

Where any commercial, industrial or multi-family use abuts a residential zone, a twenty-five (25) feet wide landscaped buffer strip shall be provided, on the lot used for such commercial, industrial or multifamily-use, extending the length of the property boundary, seeded and properly planted with trees and shrubs to insure a proper break between the two uses. The Commission may waive this requirement where the abutting residential zone does not contain a residential use;

B. The site shall contain a minimum landscaped area in the aggregate 20% of the total Site.

C. The site shall contain a landscaped area adjacent to the street which is not less than twenty (20) feet wide and extending along the entire linear front footage. This landscaped area shall be free of parking areas and planted with deciduous and coniferous trees located in clusters at a minimum rate of 1 tree per 25 feet of frontage. In addition to the trees, the frontage should include a variety of additional vegetation clusters utilizing local species of vegetation such as azalea, rhododendron and mountain laurel. The Commission may waive this requirement where existing slopes are present or where the developer demonstrates an excellence in building placement and landscape design;

D. Where any commercial, industrial or multi-family use abuts a residential zone, a twenty-five (25) feet wide landscaped buffer strip shall be provided extending the length of the zone boundary, seeded and properly planted with trees and shrubs to insure a proper break between the two uses. The Commission may waive this requirement where the abutting residential zone does not contain a residential use;

E. The Commission may require additional landscaping measures under unusual conditions or for noise abatement to prevent the depreciation of adjoining properties which may include fencing, walls, earth berms, mature plantings or a combination of measures;

F. The Commission may reduce the landscape requirements by not more than 25% for excellence in building or open 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.

G. The Commission shall consider, and may require, a Visual Streetscape Buffer when reviewing applications for Site Plan or Special Permit. The depth of the Streetscape Buffer will vary based on the factors outlined herein, up to a maximum depth of 500 feet. The buffer area shall be preserved in a natural state, between the street line and new interior development, except as necessary to allow access and achieve proper sight line for vehicles exiting and/or entering the development. The street or driveway that will provide access and egress to the developable portion of the property, by crossing the streetscape buffer, shall be landscaped to visually ease the transition from the existing road to the proposed development.

H. The streetscape buffer shall be permanently preserved through the creation of a conservation or similar easement and/or by deeding the fee or easement to an approved entity. In determining the applicability of a Streetscape Buffer the Commission shall consider the following:

- The setback of existing developments with the general area of the proposal.
- The condition of the streetscape within the area of the proposal.
- The potential to expand the streetscape buffer upon application of future developments.
- The impact that a streetscape buffer will have on the general aesthetics of the area.
- The depth of the property and the effect that such a requirement will have on the overall development potential of the site.
- The feasibility of developing the rear portion of the site.
- Factors that limit the developable areas of the site such as soils, wetlands and slopes.
- The extent of vegetative cover and the landform within the area of the streetscape buffer, before and after development.

4.2.6 Natural Features

Due regard shall be given to the preservation and potential enhancement of natural features, trees, streetscapes, scenic points, rock formations, and other assets of a community nature. All watercourses should remain in as natural a state as possible, and all land filing shall be subject to the landfill regulations of the Town. The developer shall preserve, insofar as possible, hardwood and evergreen trees that are not required to be removed by the building construction or public improvements.

4.2.7 Bonding Requirements

4.2.7.1 The Commission may require that a bond be posted by the applicant, in an amount and form acceptable to the Commission, in order to assure the completion of all work required by site the plan for the following: roads, parking areas, drainage systems, sanitary sewers, water lines and other public utilities, recreational facilities, landscaping and planting, improvements or conditions by the Commission or other Town departments.

4.2.7.2 A surety company bond in the amount approved by the Commission must be filed with the Town of Granby prior to the issuance of any building permit, except that, in lieu of a bond, there can be deposited with the Town cash or letter of credit in an amount sufficient to guarantee the completion of the work required on the plan.

4.2.7.3 In the case of water mains, electric lines or other utilities to be installed by a public utility corporation or municipal department, a statement from such corporation or department that the work will be done within a reasonable time and at no expense to the Town will be accepted in lieu of a bond or cash deposit.

4.2.7.4 A decision on any application; for a release or reduction of any security for completion of improvements, utilities and recreation facilities shall be made by the Commission, upon the recommendation of the Town Engineer.

4.2.7.5 An application for release and or reduction of security shall be made by letter from the developer to the Commission and shall indicate the value of the improvements, public utilities or recreation facilities remaining to be completed after the date of such application. A reduction in security shall not be less than in increments of 25% of the projected costs of the improvements.

4.2.7.6 A reduction of any security for completion will be allowed only if, after the Town Engineer's inspection, the remaining security is adequate to cover the estimated cost of completion. A release of any security for completion shall not be made until the Town Engineer certifies completion of the public utilities, improvements and recreation facilities that have been made in accordance with the requirements of the site plan approved by the Commission.

4.2.8 On Site Sewage Disposal

4.2.8.1 Where individual sanitary sewage disposal systems are proposed, the site plan shall be accompanied by a sanitary report, developed in accordance with the guidelines set forth by the Farmington Valley Health District. The report shall demonstrate the feasibility of the proposed individual systems; the report should deal with the area as a whole, discussing the following points:

a. General nature and development of the surrounding area;

b. Topography and natural drainage patterns;

c. Sub-surface conditions as shown by sub-surface investigation, including soil absorption characteristics, ground water level conditions, ledge rock and general nature of soil;

d. General description of the type of development contemplated;

e. Detailed description of proposed sanitary sewage disposal facilities indicated sizes for various ground conditions, materials to be used, and the general layout pattern to be used, etc;

f. Special precautions that may be necessary to provide proper functioning of the proposed disposal systems;

g. Map of the general area with locations of all tests shown on proposed layout;

h. Flood heights of any nearby streams, brooks or rivers.

The report shall contain test results and an engineering evaluation of test results based on an extensive subsurface investigation.

4.2.8.2 Since the principal purpose of the sanitary report is to demonstrate the feasibility of the ground for subsurface disposal of septic tank wastes, emphasis must be placed on the analysis and interpretations of test results and other observations by the engineer.

4.2.8.3 The report shall contain a statement by the engineer that, in his professional opinion, the area is suitable for the installation of individual sanitary sewage disposal systems of the general type and size described in his report. Any reservations or special conditions considered necessary by the engineer shall be repeated in this portion of his report.

4.2.8.4 If any additional information is requested, or if any additional tests are required, a supplemental report shall be submitted. The Commission may modify or waive the requirements of this Section for the construction of a structure of less than 10,000 square feet, or for any commercial or industrial building where the amount of water use is limited to lavatories and bath facilities.

4.2.9 Design Review

4.2.9.1 Evaluation by the Commission of the appearance of a project shall be based on the quality of its architectural design and on its relationship to its surroundings. All developments shall take into account the following guidelines:

a. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.

b. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.

c. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.

d. Materials shall be of durable quality.

e. Building components such as windows, doors, eaves, and parapets shall have good proportions and relationships to one another.

f. Colors shall be harmonious and shall use only compatible accents.

g. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building or they shall be so located as not to be visible from any public ways.

h. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.

i. Refuse and waste-removal areas, service yards, storage yards and exterior work areas shall be screened from view from public ways using materials as stated in criteria for equipment screening.

j. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent monotonous appearance.

4.2.10 Stipulations

The Commission, in approving a Site Development Plan, may stipulate such restrictions as appear to the Commission to be reasonable to assure compliance with the intent of these Regulations and to protect or promote the rights of individuals, property values and the environment in the area as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development or better overall neighborhood compatibility. Such restrictions may concern, without limitation, the components of the site plan and the layout, distribution and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening, signs and lighting. All conditions shall be satisfied, if possible, prior to the issuance of a building permit but must be complied with completely at the time of issuance of a certificate of occupancy.

4.2.11 Waiver of Requirements

When site plan approval is required as part of a Special Permit application in an R2A, R50 or R30 zone, the Commission may modify or waive the requirements of Sections 4.1.3, 4.1.5, 4.2.3 and 4.2.5.

4.2.12 Preliminary Plans

Any applicant may prepare a set of preliminary plans for an initial meeting with the Commission. The purpose of the meeting shall be to provide an informal opportunity for the applicant to avail himself/herself of the advice and assistance of the appropriate Town officials before preparation of the final plans and before a formal application for Site Development approval is made.

4.2.13 Minor Changes

When minor changes to approved site development plans are requested which do not require additional parking spaces, do not impact on necessary landscaping, do not change the visual appearance of the development or which may be required by field conditions, approval may be granted by the Community Development Director, Building Official and Town Engineer. All approved plans shall be filed with the office of Community Development and reported to the Commission at the next meeting. If approved, one paper copy of the approved plan must be filed by the applicant.

SECTION 5
AREA, YARD AND HEIGHT REQUIREMENTS

5.0 PURPOSE

To further the objective of Section 1.1, except as provided for existing lots here within, no building shall hereafter be erected, enlarged, altered or rebuilt, or premises used except in conformity with these Regulations, and as prescribed in the schedule, which is part of this section and is labeled "Schedule of Areas, Yards and Height Requirements."

5.1 SCHEDULE OF AREA, YARD, AND HEIGHT REQUIREMENTS

ZONE	MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MINIMUM LOT DEPTH
R4A	4 ACRES	100 Ft.	250 Ft.
R2A	2 ACRES	200 Ft.	250 Ft.
R50	50,000 sq.ft	200 Ft	200 Ft.
R30	30,000 sq.ft.	150 Ft	150 Ft.
PDM	5 ACRES	175 Ft.	250 Ft.
C1	1 ACRE	200 Ft.	150 Ft.
C2	20,000 sq.ft.	100 Ft.	150 Ft.
OP	1 ACRE	175 Ft.	175 Ft.
I	45,000 sq.ft. (1)	50 Ft. (1)	200 Ft. (1)
ED	10 ACRES (2)	450 Ft. (2)	450 Ft. (2)
T1	30,000 sq.ft.	150 Ft.	200 Ft.
Commercial Ctr.	20,000 sq.ft.	100 Ft.	150 Ft.
Ctr. Commons	30,000(9)	150 Ft.	150 Ft.
Ctr. Edge	30,000 sq.ft.	150 Ft.	150 Ft

ZONE	MAXIMUM STORIES	MAXIMUM HEIGHT/FEET	MAXIMUM% LOT COVERAGE
R4A	2 1/2	30 Ft.	15%
R2A	2 1/2	30 Ft.	15%
R50	2 1/2	30 Ft.	20%
R30	2 1/2	30 Ft.	25%
PDM	2	35 Ft.	30%
C1	2	30 Ft.	30%
C2	3	45 Ft.	40%
OP	3	50 Ft.	30%
I	2	40 Ft.	40%
ED	3	60 Ft.	40%
T1	2 1/2	30 Ft.	20% (6)
Commercial Ctr.	3	45 Ft.	30%
Ctr. Commons	3	45 Ft.	30% (8)
Ctr. Edge	2 1/2	30 Ft.	25% (9)

SECTION 5
AREA, YARD AND HEIGHT REQUIREMENTS

Note*: In the R4A zone no structure may be constructed within 100 feet of the Case Street front street line, or if no street line has been established, within 125 feet of the pavement centerline. A minimum 50 foot front yard shall apply to all other existing and proposed streets.

ZONE	MINIMUM FRONT YARD	MINIMUM REAR YARD	MINIMUM SIDE YARD
R4A	100/50* Ft.	50 Ft.	25 Ft.
R2A	50 Ft.	50 Ft.	25 Ft.
R50	50 Ft.	50 Ft	25 Ft.
R30	50 Ft.	30 Ft	20 Ft.
PDM	50 Ft.	40 Ft.	35 Ft.
C1	50 Ft. (3)	20 Ft. (3)	10 Ft. (3)
C2	50 Ft. (3)	20 Ft. (3)	10 Ft. (3)
OP	50 Ft.	20 Ft.	15 Ft.
I	50 Ft. (4)	20 Ft. (4) (3)	20 Ft. (4) (3)
ED	50 Ft. (5)	20 Ft. (5) (3)	20 Ft. (5) (3)
T1	50 Ft. (7)	30 Ft.	20 Ft.
Commercial Ctr.	25 Ft.	20 Ft.	10 Ft.
Ctr. Commons	50 Ft. (8)	30 Ft.	20 Ft.
Ctr. Edge	50 Ft. (9)	30 Ft.	20 Ft

(1) See Section 3.8.4.6
(2) See Section 3.9.4.2
(3) See Section 4.2.5
(4) See Section 3.8.4.5
(5) See Section 3.9.4.2
(6) See Section 3.10.3.5
(7) See Section 3.10.3.9
(8) See Center Common Zone Special Criteria 3.12.2
(9) See Center Edge Special Criteria 3.12.3

5.2 ADDITIONAL LOT LAYOUT/DESIGN REQUIREMENTS

5.2.1 Front Yards on Corner Lots

On corner lots, the front yard requirement shall be enforced on both street fronts.

5.2.2 Minimum Lot Frontage/Rear Yards

On a corner lot the minimum lot frontage shall be required along all streets, and a side yard line shall be required opposite all street lines.

5.2.3 Height Exceptions

5.2.3.1 The provisions of these Regulations limiting the maximum height of buildings shall not apply to the height of a church spire; tower or belfry; flagpole; water tank; chimney; elevator bulkhead; antenna; or similar use, all of which have a maximum height of 60 feet. The Commission may permit increases in the height of the above items to a maximum of 90 feet following the application and approval of a Special Permit and subject to the conditions of Section 8.2.

5.2.3.2 The maximum height of any residential building, as provided in Section 5.1, may be increased from 30 to 40 feet, and the number of stories may be increased to three (3), provided that the minimum building setbacks (front, side, rear yards) are increased by 2 feet for every one foot in height above the maximum outlined in Section 5.1. An A-2 survey, which outlines the reestablished minimum yard requirements, must be prepared and filed in the Town Hall Building Office prior to the issuance of a Certificate of Occupancy.

5.2.3.3 The Commission may approve increases in the height of commercial buildings and structures above the maximum outlined in Section 5 of these regulations following the issuance of a Special Permit and subject to the conditions of Section 8.2

5.2.3.3.1 The height shall not exceed 130% of the maximum outlined in Section 5.1 and the number of stories may not exceed one additional story.

5.2.3.3.2 The minimum building setback (front, side, rear yards) for any object whose height exceeds the maximum outlined in Section 5.1 shall be increased by 2 feet for every one foot in height above the maximum outlined in section 5.1. The Site Plan shall outline the re-established minimum yard requirements and upon approval shall be filed in the Land Records of the Town Clerk.

5.2.3.4 No object permitted by this Section 5.2.3 shall have a height greater than the distance between it and the nearest property line, it being intended that no such object would fall onto an adjacent property.

5.2.4 Through Lots (Or Double Frontage Lots)

On a through lot the minimum front yard is required on both frontages. All other yards shall be considered as side yards.

5.2.5 Lot Frontage Measurement

The required lot frontage shall be measured between the side lot lines at a distance of fifty (50) feet back from and parallel to the street line or where no street line has been established, seventy-five feet (75) back from and parallel to the centerline of the traveled way.

5.2.6 Accessory Buildings

All accessory buildings shall conform to the requirements as provided in Section 8.1.

5.2.7 Lot Square

In the case of subdivision or resubdivision, the shape of all lots shall be such that the lot can fit a square having sides equal to the minimum frontage required (for the particular zone where subdivision is proposed) minus twenty-five (25) feet, with one side of the square placed along the required lot frontage as close to parallel to the road as possible. All lots created within the R4A zone must be designed to accommodate a rectangle of no less than 200 feet by 400 feet within the perimeter of the lot.

5.2.8 Subdivision Modification

In the case of subdivision, or resubdivision, of a parcel of land containing a minimum of five (5) lots where the shape of the parcel, the topography or other natural features prevent the best subdivision in strict conformance to the lot sizes and areas required in Section 5.1, such requirements may be modified by the Commission is not over 20% of the lots in such subdivision, so long as the purpose and intent of Section 5.1 is carried out for the subdivision as a whole.

5.2.9 Front Yard Requirement

All buildings shall be set back in accordance with Section 5.1 except that where no building line has been established buildings shall be set back seventy-five (75) feet from the center line of the road.

Where new residential subdivisions are approved the Commission may permit a reduction of the 50 foot front yard requirement subject to the following criteria:

The reduced front yard may not be less than 30 feet.

The reduced front yard will only be permitted where lots are proposed within new residential subdivisions and where the front yard is measured from a proposed permanent dead end street which will be constructed as part of the subdivision.

The reduced front yards shall be shown and noted on the approved mylar copy of the subdivision and filed in the Town Land Records.

5.2.10 Lots of Records

On a lot of less than 150 feet frontage, under separate ownership of record, which lot contained an existing building or a building under construction April 29, 1955, and which building is hereafter altered or extended, one side yard may be not less than 10% of the lot frontage, provided the total of both side yards is not less than 30% of the lot frontage, and provided that no side yard is less then twelve (12) feet.

5.2.11 Undeveloped Lots of Records

On a lot less than 150 feet wide, under separate ownership of record on April 29, 1955, on which no principal building existed or was under construction on April 29, 1955, one side yard may be not less than 10% of the lot frontage, provided that the total of both side yards is not less than 30% of the lot frontage and provided that no side yard is less than twelve (12) feet.

5.2.12 Contiguous Developable Area

All lots created through subdivision or resubdivision shall contain a contiguous developable area equal to at least 60,000 in the R4A zone; 40,000 square feet in the R2A zone; 35,000 square feet in the R50 zone; and 30,000 square feet in the R30 zone. For the purpose of this Regulation, a contiguous developable area shall be defined as an uninterrupted contiguous area, which does not contain wetlands, watercourses, water bodies, ledge outcroppings greater than 20 square feet, or areas with slopes in excess of 20% that extend 50 linear feet or more. The contiguous developable area may be reduced by 50% when both public water and public sewer are available. Where Flexible Residential Development applications are proposed the minimum Contiguous Developable Area shall be reduced to 20,000 square feet in the R2A zone; 17,500 square feet in the R50 zone; and 15,000 square feet in the R30 zone. The 50% reduction for public water and public sewer shall not apply to FRD applications.

5.2.13 Road Frontage on Private Road

The minimum lot frontage requirement outlined within Section 5.1 cannot be applied along the frontage of a Private Street, except as follows: Where a FRD subdivision is proposed. Where a rear lot subdivision is proposed. In all other cases lots must demonstrate that they meet the minimum lot frontage on a street as defined by these regulations, with the exception of a private street.

SECTION 6
MINIMUM LIVING AREA

6.0 PURPOSE:

To further the objective of Section 1.1, no building shall be built hereafter for residential purposes unless it shall provide a minimum living area per dwelling as follows:

6.1 MINIMUM LIVING AREA FOR SINGLE-FAMILY DWELLING

Single Family Dwellings shall contain a minimum of 1,000 square feet of living area, 850 square feet of which must be located on the first floor.

The first floor is that which is located directly above and closest to the basement. For structures without basements the first floor is the floor directly above, in contact with and/or closest to, the ground or slab.

6.2 INTERPRETATION OF LIVING AREA

Living area shall be computed by using the exterior dimensions of the walls, which enclose the living area, without deduction for hallways, stairs, closets, and thickness of walls, columns or other features. The exterior walls will typically be the outside walls (those exposed to the weather) when computing the area of the first and second story of a one and two story structure. For half story, attic, and other spaces the exterior walls will be those enclosing an identified envelope of living area. Living Area is defined as - That portion of a residential dwelling which has ceilings, walls and floors finished in a manner which is clearly intended for human occupancy, insulated and heated and conforming to the Connecticut State Building Code for residential occupancy. For the purpose of Section 6.1, living area shall exclude basements, garages, porches or verandahs, breezeways and terraces and rooms intended for heating and mechanical equipment and the storage of the homes heating fuel.

6.3 MINIMUM FLOOR AREA FOR ACCESSORY APARTMENTS

Refer to Section 8.5.

6.4 MINIMUM FLOOR AREA FOR MULTI-FAMILY STRUCTURES

Any building containing two (2) units or more shall be considered a multi-family structure and shall be subject to Section 3.7.

6.5 MINIMUM FLOOR AREA FOR UNFINISHED SECOND STORY

Where the second story of a 1 1/2 or two-story dwelling is to remain in an unfinished state until a future date, the first story may be occupied provided it is in compliance with all building code requirements.

SECTION 7
OFF-STREET PARKING, ACCESS AND TRUCK LOADING REGULATIONS

7.1 PARKING SPACES

An application for a building permit for the erection or enlargement of any building other than a single family residential structure for which off-street parking is hereinafter required, or any application for a use requiring a site plan approval, shall be accompanied by a scale plan of not less than one (1) inch = 100 feet showing parking area and space, including the means of access and interior circulation and traffic control in conformance with the following Regulation:

7.2 DESCRIPTION OF PARKING SPACES

Each parking space shall have an area of not less than nine (9) feet by eighteen (18) feet. No area shall be credited if used as a loading space. All required parking spaces, except for single-family residents, shall be drained and permanently marked to delineate individual parking spaces. Parking areas shall be maintained by the owner of the premises.

7.3 LOCATION OF PARKING SPACES

7.3.1 Parking spaces and circulation driveways shall not be located within twenty (20) feet of the front property line or within fifteen (15) feet of the side property line or within ten (10) feet of the rear property line, except that, where two (2) commercial and/or industrial properties abut, parking areas may be paved to the common property line provided a legal easement or other document exists for the sharing of parking areas. The Commission may waive or modify this requirement for properties located within the Center of Town.

7.3.2 Parking shall be so designed that no parking is provided and no parking will be permitted on roadways or driveways giving access from a public street to interior lot parking spaces.

7.3.3 To reduce visual and audio impacts and the impact of heat, excessive drainage and snow removal, the Commission shall require that deciduous trees be planted to shade the parking area at a rate of one (1) two (2) inch caliper tree per fifteen (15) spaces; and parking areas shall be grouped in clusters of thirty (30) spaces or less, separated by landscaped islands. The Commission may waive or modify this requirement for properties located within the Center of Town.

7.3.4 Parking spaces as required shall be located either on the same lot with the principal use to which it is accessory or within a radius of 500 feet of any part of the property which it is intended to serve, provided, however, that the area is of the same zone classification. Joint use of off-street parking areas is permitted provided that the number of spaces shall not be less than the sum of various users computed in accordance with the requirements of this Section.

SECTION 7
OFF-STREET PARKING, ACCESS AND TRUCK LOADING REGULATIONS

7.4 PARKING SPACE REQUIREMENTS

In all zones, permanently maintained off-street parking spaces shall be provided in accordance with the following parking space-to-gross-floor area ratios. The Commission shall determine the parking requirement where a specific use is not listed, by determining a similar use.

7.4.1 Parking Space Ratios

Use	Minimum Requirement (1)	Parking Spaces Per 1,000 sq.ft. Gross Floor Area Footage
Single Family	2 per unit	
Multi-Family	2.5 per unit	
Hospital/Sanitarium		4
Nursing Home	1 per 3 beds	
Corporate Type		
Office Headquarters (3)		4
Commercial Office		5
Commercial Recreation		1.5
Medical Office		6
Retail Stores (4)		6
Shopping Centers (5)		5.5
Day Care Facilities		3
Restaurants		8
Places of Amusement		6
Public Assembly		6
Funeral Homes		20
Industrial		2
Wholesale Trade		0.5
Warehousing		0.5
Storage, Retail		5
Auto Showrooms		10
Auto Body Shops		4
Hotel/Motel		
Boarding House	1 per guest room	1
Elderly Multi-Family	1 per unit 1	

(1) Minimum requirements shall be in addition to other parking requirements.
(2) Gross floor area shall not include unfinished basements.
(3) Over 40,000 gross square feet.
(4) Up to 10,000 square feet.
(5) Retail stores totaling over 10,000 gross feet on a common site plan.

7.5 AISLE WIDTH

Aisles for access parking stalls shall be at least twenty-four (24) feet wide for double-loaded parking bays and at least twenty-two (22) feet wide for single-loaded bays. Where the parking stall angle is less than ninety (90) degrees, the aisle width may be appropriately reduced. A forty-five (45) degree parking stall will require a fourteen (14) foot aisle width.

7.6 OFF-STREET LOADING OF TRUCKS

Provision shall be made for the loading and unloading of all trucks off the street and highway right-of-way, and without encroachment on required parking areas. The adequacy of space and suitability of location shall be determined, among other things, by expected volume, building use and relation to streets and access driveways. The Commission may require that one (1) loading space ten (10) feet by twenty-five (25) feet with fourteen (14) feet clearance be provided for a building with a gross floor area of 10,000 square feet or more.

7.7 SURFACE TREATMENT

All parking spaces, loading facilities, and access roadways shall have at least six (6) inches of processed stone and two and one-half (2 1/2) inches of bituminous concrete as surface treatment unless waived by the Commission when another surface treatment will, in the opinion of the Commission, provide an adequate all- weather surface.

7.8 MAINTENANCE

It shall be the responsibility of the owner of any premises having privately owned roadways used by the public to maintain such roadways and off-street parking areas in a safe, clean and usable condition and to keep such areas open to vehicular traffic at all times of the year.

7.9 REDUCTION OF PARKING SPACES

7.9.1 Permanent Shared Use Reduction

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.

7.9.2 Temporary Installation Reduction

The Commission may waive the immediate installation of up to 25% of the required parking spaces where sufficient evidence has been presented, in the judgment of the Commission, to show that the reduced parking facilities will adequately serve the proposed use. Before the approval of a waiver by the Commission, the applicant shall show upon the Site Development 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 waived parking spaces as the Commission deems necessary within six (6) months of the Commission's request, when, in the opinion of the Commission such installation is needed.

SECTION 8
SPECIAL REGULATIONS

8.1 ACCESSORY BUILDINGS AND USES

Accessory buildings and uses shall include a garage or carport and the parking of a commercial vehicle, the parking or storage of a boat, trailer or mobile home, swimming pool, bath house, storage buildings, sheds and fences and similar buildings and uses. All accessory buildings and uses are subject to the following.

8.1.1 No accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory.

8.1.2 A building attached to the principal building by a covered passageway, or having a wall or part of a wall in common, shall be considered part of the principal structure.

8.1.3 Garages shall be permitted in residential zones as an accessory use to the primary residential use of the property.

8.1.3.1 The total area of the footprint of all garages shall not exceed 200 square feet of garage space for every 10,000 square feet of the total land area of the parcel on which it is to be constructed.

8.1.3.2 Garages shall be set back from all side and rear property lines a minimum distance equal to one and one-half (1 1/2) times the maximum height of the garage; a distance equal to the longest linear dimension of the garage; or a distance in compliance with Section 5 of these Regulations, whichever is greatest. (For barns see Section 8.15.10).

8.1.3.3 Any accessory building, including those allowed in this Section 8.1 and any building permitted in Section 8.15 that is (a) to be built in whole or in part within one hundred (100) feet from the street line and (b) is to cover a footprint of more than six hundred (600) square feet will require a Special Permit from the Commission.

8.1.3.4 Any accessory building, including those allowed in this Section 8.1 and any building permitted in Sections 8.15.9 and 8.15.11 that is to cover a footprint of more than one-thousand (1000) square feet will require a Special Permit from the Commission. This Section (8.1.3.4) shall not be applied to any building, which is to be built on a farm as defined by these Regulations.

8.1.4 A maximum of two (2) commercial vehicles may be parked on a residential lot, provided each such commercial vehicle shall have a maximum capacity of one and one- half (1 1/2) tons and shall be owned by the owner or permanent resident of the property on which it is to be parked. Commercial vehicles shall be stored in the garage, a barn or the rear yard of the property, provided they are not placed within ten (10) feet of a property line.

8.1.5 A maximum of two (2) recreational vehicles may be parked or stored outside on a lot, provided any such vehicle is parked in conformance with Section 8.1.4 and is owned or leased by the owner or permanent resident of the property on which it is to be parked. Recreational vehicles shall be stored in the garage, a barn or the rear yard of the property, provided they are not placed within ten (10) feet of a property line.

8.1.6 A swimming pool accessory to a dwelling or residence shall be permitted, provided such pool and any accompanying bathhouse, deck or similar structure shall not be located within twenty-five (25) feet of any side or rear lot lines of the lot on which it is located.

8.1.7 The Building Official may permit, in conjunction with a use described on an approved plan and subject to proper safeguards as to location and duration, the temporary use of a trailer for business purposes as an accessory to a bona-fide construction operation, or the temporary use of a trailer for residential purposes in emergency situations; i.e., fire or other catastrophes.

The use of a trailer as a sales office for residential subdivision will not be permitted. No trailer may remain on site in excess of four (4) months without reviewing said approval.

8.1.8 No accessory building other than a garage shall exceed twelve - (12) feet in height or 200 square feet in area.

8.1.9 No accessory building shall be nearer than ten (10) feet to any rear or sideline and no accessory building may be located within a required front yard. Garages must conform to the yard requirement outlined in Section 5.1.

8.1.10 Fences, and walls used as fences, shall be considered an accessory use and shall be allowed subject to the following:

a) No fence shall be higher than ten (10) feet unless it is placed within all side, rear and front yards.

b) Where fences are placed within ten (10) feet of a boundary line, the finished side of the fence shall face the neighboring property. In most cases the finished side of a fence shall be the side opposite the fence post. This Regulation shall not apply to livestock fencing, Section 8.15.14.

c) Fences that are designed as noise barriers or landscape buffers and proposed to separate residential use from a use of higher intensity may be placed on or near the property line, where the Commission approves such fence under Section 4.2.5 Landscape Treatment. Such fences are not subject to Section 8.1.10.a

SECTION 8
SPECIAL REGULATIONS

8.2.0 Uses designated as requiring Special Permits have been determined to warrant special consideration prior to their establishment in a particular area. The Commission shall hear and decide on all requests for Special Permits and shall only permit such requests when they are found to be in compliance with the following:

8.2.1 Suitable Location for Use

That the location and size of the proposed use and the nature and intensity of use in relation to the size of the lot will be in harmony with the orderly development of the area and compatible with other existing uses in the area.

8.2.2 Suitable Structures for Use

That the kind, size, location and height of structures and the nature and extent of landscaping on the lot are appropriate for the proposed use and will not hinder or discourage the appropriate use of adjoining property or diminish the value thereof.

8.2.3 Environmental Compatibility

That the proposed use shall be compatible with the surrounding area and shall not subject the area to excess noise, vibrations, odors or create a nuisance in any other manner.

8.2.4 Neighborhood Compatibility

That the design elements of the proposed development are attractive and suitable in relation to the site characteristics and the style of other buildings in the area and that the proposed use will not alter the essential characteristics of the area or adversely affect property value in the neighborhood.

8.2.5 Adequate Parking and Access

That the proposed parking and loading facilities are adequate and properly located and the proposed entrance and exit driveways are laid out to achieve maximum safety.

8.2.6 Adequate Streets for Use

That existing or proposed streets providing access to the proposed use are adequate in width, grade, alignment and visibility and have adequate capacity for the additional traffic generated by the proposed use.

8.2.7 Adequate Emergency Access

That the proposed site shall be accessible for fire apparatus and police protection and is laid out and equipped to further the safe and timely provision of emergency services.

8.2.8 Adequate Public Utilities

That the proposed water supply, sewage disposal and storm water drainage shall conform with accepted engineering criteria, comply with all standards of appropriate regulatory authorities and not unduly burden the capacity of such facilities.

8.2.9 Environmental Protection and Conservation

That the proposed plans have provided for the conservation of natural features and drainage basins, the protection of the environment of the area and sustained maintenance of the development.

8.2.10 Consistent with Purposes

That the proposed use will not have any detrimental effects upon the public health, safety, welfare, or property values and that the proposed use will not conflict with the purposes of these Regulations.

8.2.11 All Special Permit applications coming before the Commission shall comply with the requirements of Section 4 of these Regulations, as applicable for the proposed use, and shall contain a specific "description of use."

8.2.12 The Commission is empowered to grant a Special Permit subject to such reasonable conditions, restrictions and safeguards as may be deemed necessary by the Commission for the purpose of protecting the health, safety and general welfare of the community, as outlined in Section 4.2.10.

8.2.13 No Special Permit shall become effective and no building permits shall be issued until a copy of such Special Permit, in compliance with Section 8-3d of the Connecticut General Statutes, is recorded in the land records of the Town of Granby by the applicant, owner or agent of the premises and any permit not filed within ninety (90) days of approval shall become null and void.

8.3 ALCOHOLIC BEVERAGES

In any district, which permits the sale of alcoholic beverages upon granting of a Special Permit, the standards to be applied by the Commission are as follows and are in addition to the requirements of Section 8.2.

8.3.1 The sale of alcoholic beverages under any permit other than a hotel permit, restaurant permit, manufacture permit for brew pub, package store permit, grocery permit, special outing facility permit or **Farm Winery Liquor permit** is prohibited.

8.3.2 The provisions of this Section shall not be deemed to be retroactive except that any building or premises legally in use for the sale of alcoholic liquors in contravention of this Section, which is not used for such non-conforming use for a period of six (6) months, shall thereafter conform to these Regulations.

8.4 SPECIAL COMMERCIAL ASSEMBLY USE

Special Commercial Assembly uses; (as defined in Section 8.4.2) are allowed by Special Permit in Residential Zones subject to the following requirements.

8.4.1 Design and Operating Criteria

Design and operating criteria governing the location of a commercial recreation use shall include the following:

8.4.1.1 A special commercial assembly use may be granted only on a tract of land containing more than fifty (50) acres and located in a Residential Zone (R2A or R50).

8.4.1.2 No structure or recreational activity except single-family dwellings shall be less than 100 feet from the nearest public highway and each such structure or activity shall conform to highway and each such structure or activity shall conform to such side and rear line requirements as deemed necessary by the Commission based on proposed use.

8.4.1.3 Off-street parking shall be provided as required in Section 7. No parking area shall be located less than 100 feet from a public highway and, where located less than 100 feet from any other property line, shall be protected by a landscaped buffer strip which shall be not less than forty (40) feet wide.

8.4.1.4 The volume of sound from music and public address systems shall be so controlled as to prevent objectionable noise off the premises.

8.4.1.5 Serving of food and refreshments out of doors shall terminate at 9 p.m. and all other outdoor activities shall terminate at 10 p.m.

8.4.1.6 Banquets, meetings, stage presentations and dancing shall be held inside a structure, but this shall not prevent presentation outside a structure of athletic exhibitions or contests requiring outdoor facilities.

8.4.1.7 Area lighting shall be such that no light source can be seen beyond property lines.

8.4.1.8 Clearing of trees and other natural features shall be limited to those areas specifically designated.

8.4.2 Permitted Special Uses

Commercial assembly shall include only the following permitted uses and approved combinations thereof:

8.4.2.1 Outdoor athletic activities including facilities for sledding, skating, swimming, tennis and similar activities.

8.4.2.2 A standard golf course of not less than nine (9) holes as a principal recreation use. A par-three golf course, putting greens, driving range or miniature golf range is permitted as accessory to a major recreational facility but is expressly prohibited as a principal use.

8.4.2.3 The keeping and boarding of horses for riding, instruction and exhibition as an accessory use to a major recreational facility.

8.4.2.4 Outdoor picnic facilities including barbecue pits and outdoor fireplaces as an accessory use to a major recreational facility.

8.4.2.5 Social and recreational facilities for dining and dancing including banquets, meetings, receptions, assemblies and entertainment provided such activities are accessory to and part of an indoor-outdoor recreation enterprise and are carried on inside a structure. The sale of alcoholic beverages in connection with such uses is permitted in conformance with the requirements of Section 8.3.

8.4.2.6 Activities similar to those listed above as are commonly provided by such organizations as day camps, swimming and tennis clubs and other recreational enterprises and that are listed in the application and on the site plan; may be approved by the Commission subject to such additional safeguards as the Commission may require.

8.4.3 Approval, Amendment and Lapsing of Special Permit

Approval by the Commission of a Special Permit for commercial assembly use shall be based on an approved site plan; which shall clearly show the location of buildings, construction, improvements and the limits of the open area outdoor activities together with a list of the uses and accessory uses.

8.4.3.1 The applicant may submit and the Commission may approve minor amendments to an approved Special Permit provided that any amendments that extend the limits or the number of kinds of activities or buildings shall not be approved until after a public hearing.

8.4.3.2 Unless otherwise extended by the Commission, approval of a special commercial assembly use shall become null and void two (2) years after approval unless a substantial part of the facilities is in operation.

8.4.4 Conformance with Regulations

The provisions of this Section shall not be deemed to be retroactive with regards to continuance of existing commercial assembly uses. However, any existing use, which is discontinued for a period of one (1) year, shall thereafter conform to these Regulations.

8.4.5 Structure Defined

For purposes of this Section a structure shall be defined as: a building, a tent covering more than 100 square feet of ground and a solid fence or wall over six (6) feet high but excluding utility poles, flag poles and highway bridges.

8.5 ACCESSORY APARTMENT

8.5.1 Accessory Apartment

The Commission may grant a special permit for the construction and occupation of one (1) accessory apartment in an existing single-family dwelling provided:

8.5.1.1 The owner of the property subject to the permit shall reside on the premises in the residential structure subject to this permit throughout the duration of the permit. The permit shall become null and void and the apartment eliminated at such time that the owner ceases to live on the premises as required.

8.5.1.2 The Building Official shall make a determination as to whether or not the accessory apartment can be reasonably constructed in compliance with the building code and may require that the applicant make any necessary modifications to the primary structure to assure that the building and unit are safe for the inhabitants.

8.5.1.3 An accessory apartment shall contain at least 450 square feet.

8.5.1.4 The apartment shall have its own outside access convenient to the parking area and vehicular and pedestrian access to the lot.

8.5.1.5 The apartment shall be equipped with its own bath and kitchen.

8.5.1.6 At least three (3) off-street parking spaces shall be provided for the use of the primary building and the accessory apartment.

8.5.1.7 The entire structure shall continue to be metered by one (1) common electrical service.

8.5.1.8 The apartment shall be re-inspected annually.

8.6 SIGNS

8.6.1 Purposes

8.6.1.1 The purposes of these Sign Regulations are:

8.6.1.2 To encourage the effective use of signs as a means of communication;

8.6.1.3 To maintain and enhance the aesthetic quality of the Town;

8.6.1.4 To attract sources of economic development and growth;

8.6.1.5 To improve pedestrian and traffic safety;

8.6.1.6 To minimize the possible adverse effects of signs on nearby public and private property; and

8.6.1.7 To enable the fair and consistent enforcement of these Sign Regulations.

8.6.2 Applicability - Effect

8.6.2.1 A sign may be erected, placed, established, painted, created, or maintained in the Town only in conformance with the standards, procedures, exemptions and other requirements of this Regulation.

8.6.2.2 The effect of this Regulation as more specifically set forth herein is:

8.6.2.3 To establish a system, which allows a variety of types of, signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this regulation.

8.6.2.4 To allow certain signs that are small, unobtrusive and incidental to the principal residential use of the respective lots on which they are located, subject to the substantive requirements of this Regulation, but without a requirement for permits.

8.6.2.5 To provide for temporary signs in limited circumstances and for a specific period of time.

8.6.2.6 To prohibit all signs not expressly permitted by this Regulation; and

8.6.2.7 To provide for the enforcement of the provisions of this Regulation.

8.6.3 DEFINITIONS AND INTERPRETATION

Words and phrases used in this Regulation shall have the meanings set forth in this Section. Words and phrases not defined in this Section but defined in Section 1.4 shall be given the meanings set forth in such Section. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Regulation.

AGRICULTURAL SIGN: A freestanding or building sign advertising roadside stands, farm stores and agricultural products.

ANIMATED SIGN: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

BANNER: Any sign of lightweight fabric or similar material that is mounted to a pole, a rope, wire or similar material or is mounted to a building by a frame at one or more edges. The flag of the United States, State of Connecticut or Town of Granby shall not be considered banners.

BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

BUILDING MARKER: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material and attached to the building or made a permanent part of it.

BUILDING SIGN: Any sign attached to any part of a building, as contrasted to a freestanding sign.

CANOPY SIGN: A building sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

COMMERCIAL MESSAGE: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

SECTION 8
SPECIAL REGULATIONS

CONSTRUCTION/REPAIR SIGN: A freestanding or portable sign pertaining to and during construction or repair of property on which the sign is located.

CUSTOMARY HOME OCCUPATION SIGN: A freestanding or building sign located in a residential zone, which identifies a Customary Home Occupation, which exists on the premises where the sign is located.

DIRECTORY SIGN: A freestanding or building sign on which the names and locations of occupants or the use or uses of a building are given.

FLAG: The flag of the United States, State of Connecticut or Town of Granby.

FREESTANDING SIGN: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

IDENTIFICATION SIGN: A freestanding or building sign giving only the name and address of the occupant or organization.

INCIDENTAL SIGN: A freestanding or building sign, generally informational, that has a purpose secondary to the use of the property on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

MARQUEE: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN: A building sign attached to, in any manner, or made a part of a marquee.

NON-CONFORMING SIGN: Any sign that does not conform to the requirements of this Regulation.

OFF-PREMISE SIGN: Signs, which advertises or directs attention to a business, commodity, service or entertainment that is conducted or offered for sale elsewhere than upon or within the premises where the sign is located.

OPEN SIGN: A sign, which is limited to the one word "OPEN".

PENNANT: Any lightweight plastic, fabric, lights, or other material, whether or not containing a message of any kind, suspended from a rope, wire, pole, antenna, or string, usually in series, designed to move in the wind and/or attract attention.

PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

PRIVATE PROPERTY SIGN: Any sign with a message that intends to identify private property, provide a warning to others and/or to keep others from trespassing. These signs include, no hunting, no fishing, and no trespassing, keep out, and beware of dog and other similar signs.

PROJECTING SIGN: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

PUBLIC SERVICE SIGN: A sign advertising a civic, charitable, or religious use located on the premises.

REAL ESTATE SIGN: A freestanding or building sign pertaining to the impending sale, lease or rental of property on which it is located.

RESIDENTIAL DAY CARE/PRESCHOOL SIGN: A freestanding sign which identifies a Day Care Center, preschool or similar use which operates within a residential zone, serves more than 6 children and which has been issued a special permit by the Planning and Zoning Commission.

ROOF SIGN: Any sign erected and constructed wholly on and over the roof of a structure supported by the roof and extending vertically above the highest portion of the roof.

ROOF SIGN, INTEGRAL: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose or, identify the purpose of a person or entity, or to communicate information of any kind to the public.

SPECIAL PUBLIC SERVICE SIGN: Any sign, which identifies an event for public, civic, religious and non-profit agencies.

SPECIAL COMMERCIAL MESSAGE SIGN: A permanent, freestanding sign that can be changed or rearranged without altering the basic face or overall dimensions or the surface of the sign. Special Commercial Message Signs promote or identify a commercial event, accomplishment, occasion or happening, such as a sidewalk or other special sale, an anniversary, the appearance of a special guest or famous person, the introduction of a new product line or similar event.

SUBDIVISION SIGN: A freestanding sign, which identifies an approved subdivision, which includes the construction of a new road or roads.

SUSPENDED SIGN: A building sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TAG SALE SIGN: A temporary sign advertising the sale of previously owned goods from a residential property containing a residential structure.

TEMPORARY SIGN: Any sign that is used only temporarily and is not permanently mounted.

WALL SIGN: Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits or an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

WINDOW SIGN: Any sign placed on the inside of a window to communicate information of any kind to the public. Signs placed on the outside of a window are building signs.

8.6.4 COMPUTATIONS

The following principles shall control the computation of sign area and sign height:

8.6.4.1 Computations of Area of Individual Signs

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display. This area shall include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but shall not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets Zoning Regulations and is clearly incidental to the display itself. The area of a freestanding sign shall include all solid areas located between the posts. Where there is only one post, the sign area will be all areas, except the post. Where a post is not clearly distinguished from the sign, the entire area, including the posts shall be counted within the area of the sign.

8.6.4.2 Computations of Area of Multi-Faced Signs

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.

When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

8.6.4.3 Computation of Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal building on the zone lot, whichever is lower.

8.6.5 DESIGN, CONSTRUCTION AND MAINTENANCE

All signs shall be designed, constructed and maintained in accordance with the following standards:

8.6.5.1 All signs shall comply with applicable provisions of the State of Connecticut Building Code.

8.6.5.2 Except for open and temporary signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

8.6.5.3 All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.

8.6.6 DESIGN, CONSTRUCTION AND MAINTENANCE OF SIGNS:

8.6.6.1 All signs shall be designed and constructed safely to support their weight and to withstand wind and other stress. Signs shall be constructed in accordance with the requirements of the State of Connecticut Basic Building Code.

8.6.6.2 All signs shall be kept and maintained in safe, neat and orderly condition and appearance and shall be repainted or otherwise maintained periodically to prevent corrosion or deterioration. The owner of the sign shall be responsible for providing such maintenance. For freestanding signs, maintenance shall also require that the ground area for a distance of not less than ten (10) feet in all directions be kept free and clear of weeds, trash and other debris. In the event a sign is not maintained, in a safe, neat, and orderly condition by the owner of the sign; the owner of the premises upon which such sign is displayed shall be liable for such maintenance.

8.6.6.3 Whenever any business, service or other use moves from premises, or for any other reason a sign is not applicable to the premises, such sign will be considered abandoned. All abandoned signs shall be removed from such premises within ten (10) days after the date of such abandonment. In the event that such sign is not removed within such ten days, the owner of the premises shall be liable for such removal.

8.6.7 SIGNS IN THE PUBLIC RIGHT OF WAY

No signs shall be allowed in the public right of way, except for the following:

8.6.7.1 Public signs erected by or on behalf of a governmental body to post notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic; Bus stop signs erected by a public transit company.

8.6.7.2 Informational signs of a public utility regarding its poles, lines, pipes, or facilities.

8.6.7.3 Public service signs.

8.6.7.4 Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right of way.

8.6.7.5 Mailboxes, newspaper boxes and similar receptacles containing limited identification.

8.6.7.6 Other Signs Forfeited

Any sign installed or placed on public property, except in conformance with the requirements of this Section, shall be forfeited to the public and subject to confiscation.

In addition to other remedies herein, the Town shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

8.6.8 EXEMPTIONS FROM THIS REGULATION

The following shall be exempt from this Regulation:

8.6.8.1 Any public warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;

8.6.8.2 Works of art that do not include a commercial message;

8.6.8.3 Holiday lights and decorations with no commercial message.

8.6.8.4 Memorial plaques, building markers, or historical plaques and similar items displayed for non-commercial purposes.

8.6.8.5 Mailboxes, newspaper boxes and similar receptacles containing limited identification.

8.6.9 SIGNS PROHIBITED UNDER THIS REGULATION

All signs not expressly permitted under this Regulation or not exempt from regulation herein are prohibited. Except as exempted herein, such signs include, but are not limited to:

- Animated Signs
- Banners, except as provided in Section 8.6.10.1
- Beacons
- Pennants

- Portable signs
- Roof signs
- Off premise signs
- Projecting signs
- Inflatable signs and tethered balloons

8.6.9.1 Signs, which as determined by the Zoning Enforcement Office, constitute a traffic hazard by reason of obstruction of view, distraction, or danger to the safety of the public, shall be immediately removed.

8.6.9.2 No sign may be placed in or on a tree, fence or other type of vegetation or structure, which is not normal component of a sign. Private property signs are exempt from this requirement.

8.6.10 SIGNS PERMITTED WITHOUT A BUILDING PERMIT

Signs permitted without a building permit are limited to:

8.6.10.1 **OPEN:** signs limited to one per business with a maximum size of two square feet or in the form of a banner when connected to a pole and placed perpendicular to the face of a building or attached to a freestanding sign provided said banner shall not exceed 18 square feet, with no dimension greater than 5 feet and provided that it is placed outside of the road right of way.

8.6.10.2 **IDENTIFICATION:** Signs limited to one per residence, with a maximum size of 2 square feet, located in back of the street line and with a maximum height of 8 feet. Identification signs shall be of wood construction only and shall be designed and illuminated in a manner, which is compatible with the residential area.

8.6.10.3 I**DENTIFICATION:** Signs limited to one per business with a maximum size of 2 square feet, located on the building within 5 feet of the main entrance of the identified business.

8.6.10.4 **INCIDENTAL:** Signs with a maximum size of two 2 square feet per sign and a maximum of 6 such signs per lot and with a maximum height of 8 (eight) feet.

8.6.10.5 **REAL ESTATE:** Signs with a maximum size of 4 square feet, limited to one per lot, placed outside of the road right of way and with a maximum height of 8 feet. All real estate signs must be removed within one week of the sale, lease or rental of the property.

8.6.10.6 **AGRICULTURAL:** Signs with a maximum size of 16 square feet, limited to one freestanding sign and one building sign per lot. Freestanding agricultural signs shall be placed outside of the road right of way and have a maximum height of 8 feet.

8.6.10.7 **CONSTRUCTION/REPAIR:** Signs with a maximum size of 4 square feet, limited to one per lot, placed outside of the road right of way and with a maximum height of 5 feet. Construction/Repair signs must be removed within one week of the completion of the construction or repair of the property.

8.6.10.8 **PUBLIC SERVICE:** Signs with a maximum size of 20 square feet, limited to one per lot, placed outside of the road right of way and with a maximum height of 8 feet.

8.6.10.9 **SPECIAL PUBLIC SERVICE EVENT:** Signs are permitted as temporary signs provided they contain a maximum of 16 square feet are limited to one per lot, placed outside of the road right of way and have a maximum height of 8 feet. Special Public Service Event Signs include Grand Opening signs, when placed on the property of the grand opening, by the Granby Chamber of Commerce. Special Public Service Event Signs must be removed within 30 days from the day of placement.

8.6.10.10 **PRIVATE PROPERTY:** Signs with a maximum size of one square foot and with a maximum height of 8 feet. When placed along the boundary of a property, such signs will be permitted at the rate of one sign per 200 linear feet. Private property signs are permitted on trees and fences.

8.6.10.11 **TAG SALE:** Signs are permitted provided they contain a maximum of 10 square feet, have a maximum height of 6 feet, are limited to two per lot, and are placed outside of the road right of way on the property where the tag sale is being held. Tag Sale Signs shall not be displayed for more than 2 days before the sale and must be removed immediately upon the sales completion. No Tag Sale sign shall remain on any property for more than 5 consecutive days. Tag Sale signs shall not be displayed more than once per calendar year.

8.6.11 **SIGNS PERMITTED FOLLOWING THE ISSUANCE OF A SIGN PERMIT.**

8.6.11.1 **SIGNS IN RESIDENTIAL ZONES INCLUDING:**

8.6.11.1.1 **CUSTOMARY HOME OCCUPATION**: Signs with a maximum size of 3 square feet per sign limited to one freestanding and one building sign per lot. Customary Home Occupation signs shall be of wood construction only and shall be designed and illuminated in a manner which is compatible with the residential area. Freestanding signs shall be placed outside of the road right of way and with a maximum height of 8 feet and building signs shall be placed within 5 feet of the building entrance. A Customary Home Occupation sign shall be in lieu of an identification sign.

8.6.11.1.2 **RESIDENTIAL SUBDIVISION**: Signs with a maximum size of 16 square feet, limited to one per subdivision, placed outside of the road right of way and with a maximum height of 8 feet. Subdivision signs shall be removed prior to the issuance of a building permit for the last lot remaining in the subdivision.

8.6.11.2 **SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES INCLUDING**:

8.6.11.2.1 **BUILDING:** signs with a maximum size of one square foot of signage for every one running foot of frontage, one sign per business frontage, to a maximum of 24 square feet for any one business. Where multiple storefronts exist, this requirement shall limit the square footage of each individual storefront's sign, based on the running frontage of each individual storefront. For the purpose of this Regulation a building's frontage shall be that portion of a building which faces either a street or parking area and which provides the primary customer access.

8.6.11.2.2 **COMMERCIAL SUBDIVISION:** signs with a maximum size of 16 square feet, limited to one per subdivision, placed outside of the road right of way and with a maximum height of 8 feet. Subdivision signs shall be removed prior to the issuance of a building permit for the last lot remaining in the subdivision.

8.6.12 **SIGNS PERMITTED FOLLOWING THE ISSUANCE OF A SITE PLAN AND A SIGN PERMIT.**

8.6.12.1 **Signs in Commercial and Industrial Zones Including:**

8.6.12.1.1 **Building:** Signs, which identify space, located on any floor above the first floor of a building, at a maximum rate of one half of a square foot of signage for every running foot of the building's second floor frontage. The maximum area of any building sign, serving a tenant who occupies space above the first floor is 12 square feet.

8.6.12.1.2 Either a **Freestanding:** Signs containing a maximum area of 9 square feet; or a **Directory** Sign containing a maximum of 30 square feet with no more than 5 square feet dedicated to any occupant may be permitted per lot. Freestanding and directory signs shall have a maximum height (8) eight feet. The posts of such signs shall not be more than 6 feet apart, measured from the center of each post.

8.6.12.2 **SIGNS IN RESIDENTIAL ZONES:**

8.6.12.2.1 **Freestanding:** Signs for Non-Residential, Special Permit Uses within Residential Zones with a maximum size of 9 square feet, limited to one per lot and placed outside of the road right of way, with a maximum height of (6) six feet, provided the sign is compatible with the residential character of the area. The posts of such signs shall not be more than 4 feet apart, measured from the center of each post.

8.6.12.2.2 **Freestanding:** Signs for Planned Development Multifamily Developments with a maximum size of 9 square feet, limited to one per lot and placed outside of the road right of way, with a maximum height of (6) six feet, provided the sign is compatible with the residential character of the area. (maximum height of 6 feet). The posts of such signs shall not be more than 4 feet apart, measured from the center of each post.

8.6.13 SIGNS PERMITTED FOLLOWING THE ISSUANCE OF A SPECIAL PERMIT AND A SIGN PERMIT.

8.6.13.1 The Commission may permit a sign which exceeds the maximum square footage outlined herein and may approve signs of a number, height, type and location which are not otherwise permitted herein, with consideration of the following:

8.6.13.1.1 The quality of the architectural design

8.6.13.1.2 The type of illumination

8.6.13.1.3 The style and color

8.6.13.1.4 The relationship of the sign to the building and to other signs within the area

8.6.13.1.5 The location and height of the sign

8.6.13.1.6 The materials of construction

8.6.13.1.7 The visibility of the sign

8.6.13.1.8 The existence and quality of a Unified Sign Plan

8.6.13.1.9 The quality of the graphic design

8.6.14 ILLUMINATION

Signs may be illuminated only upon the issuance of a Special Permit by the Commission. No sign may be illuminated by either internal or external illumination without such approval. In making a decision on the proposed illumination of a sign the Commission shall consider the following items in addition to the criteria outlined within Section 8.2.

1. The proximity of the sign to residential properties,
2. The specific location of the sign as placed on the property,

3. The type of lighting proposed,(Fluorescent and HID high intensity discharge, metal halide, high-pressure sodium)

4. The style and the location of the proposed light fixtures, with the preferred location of the fixtures being on and towards the top of the sign,

5. The intensity of the proposed lighting,

6. The potential impact of the proposed light on pedestrian and vehicular traffic,

7. The proximity of the sign to other lighted areas and the amount of ambient light within the general area of the sign,

8. The proximity of the sign to other illuminated signs and the consistency of the proposed illumination with other area signs.

The proposed illumination must be confined to or directed to the surface of the sign. With external illumination, the source of light shall be so located and directed that glare from the light source is not visible to pedestrian or vehicular traffic. Naked or unshaded incandescent or fluorescent light are not be permitted.

Internally lighted signs are prohibited in all residential zones.

Internally lighted signs may be permitted within commercial zones, with maximum size of 75% of the maximum sign size outlined within Section 8.6 for the particular sign type. For example a directory sign (maximum size of 30 square feet) is limited to 22.5 square feet if it is internally illuminated.

8.6.15 PERMIT REQUIREMENTS

8.6.15.1 No sign governed by the provisions of this Regulation shall be erected, altered or located by any person, firm or corporation from and after the date of adoption of the Amendment without the necessary permits, if required, issued by the Commission and/or the Town of Granby Zoning Enforcement Officer.

8.6.15.2 An application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located or his authorized agent. The application for a sign permit will be accompanied by the following:

8.6.15.2.1 The name, address and telephone number of the owner or person entitled to possession of the sign and the sign contractor or erector.

8.6.15.2.2 The location by street address of the proposed sign.

8.6.15.2.3 A statement of the value of the sign.

8.6.15.2.4 An accurately scaled drawing of the sign.

8.6.15.2.5 A map showing the location of the sign on the site.

8.6.15.2.6 Permit fee of $25 per sign.

8.7 SEDIMENTATION AND EROSION CONTROL

A soil erosion and sediment control plan shall be submitted with any application for a site plan or special permit and for all requests for building permits when the disturbed area of such development is cumulatively more than one-half (1/2) acre. In order for the development to proceed, the plan must be certified. "Certification" means a signed, written approval by the Commission or its designated agent that a soil erosion and sediment control plan complies with the applicable requirements of these Regulations.

To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology. Such principles, methods and best practices necessary for certification are found in the "Guidelines" and these Regulations. Alternative principles, methods and practices may be used only with the approval of the Commission.

8.7.1 Erosion and Sediment Control Plan

Each erosion and sediment control plan shall be prepared by a registered professional engineer and shall contain, but not be limited to the following:

A narrative describing:

The type and purpose of the development/construction;

The schedule for grading and construction activities including:

- Estimated start and completion dates, which address seasonal concerns;
- Sequence of grading and construction activities;
- Sequence for installation and/or application of soil erosion and sediment control measures;
- Sequence for any temporary removal and re-installation of the soil and sediment control measures;
- Sequence for final stabilization of the site.

The design criteria for proposed soil erosion and sediment control measures and storm water management facilities;

The construction details for proposed soil erosion and sediment control measures and storm water management facilities;

The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;

The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

8.7.2.1.1 A site plan drawn at a scale of 1" = 40', at a minimum, (Sheet size of 24" x 36") in accordance with Class A-2 standards as defined by the existing Code of Practice for Standards of Accuracy of Surveys and Maps adopted by the Connecticut Association of Land Surveyors to show the following:

- The location of the proposed development and adjacent properties;
- The boundaries of the property;
- The existing and proposed topography including soil types, wetlands, watercourses and water bodies;
- The existing structures on the project site, if any;
- The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines and proposed easements;
- The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
- The sequence of grading and construction activities;
- The sequence for installation and/or application of soil erosion and sediment control measures;
- The sequence for final stabilization of the development site; and

8.7.3 The soil erosion and sediment control plan shall contain any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent. The designated agent is the Town Engineer or the Zoning Enforcement Officer. Erosion and sediment control plans shall contain the following certification signature blocks, as applicable:

"I hereby certify that this plan is in compliance with the Town of Granby Soil Erosion and Sediment Control Regulations and the Connecticut Guidelines for Soil Erosion and Sediment Control dated 2002, as amended."

(Signature)_____, (Date)_____

(Name)_____, (P.E. Registration)_____

"The Planning and Zoning Commission of the Town of Granby certifies that this Soil Erosion and Sediment Control Plan complies with the Town's Soil Erosion and Sediment Control Regulations and the Connecticut Guidelines for Soil Erosion and Sediment Control dated 2002, as amended."

(Signature)_____, (Date of Approval)

"The Town Engineer or Zoning Enforcement Officer of the Town of Granby certifies that this Soil Erosion and Sediment Control Plan complies with the Town's Soil Erosion and Sediment Control Regulations and the Connecticut Guidelines for Soil Erosion and Sediment Control dated 2002, as amended."

(Signature)_____, (Date of Approval)

8.7.4 Minimum Acceptable Standards

8.7.4.1 Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the principles as outlined in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed and does not cause off-site erosion and/or sedimentation.

8.7.4.2 The minimum standards for individual measures are those contained in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The Planning and Zoning Commission or the Hartford County Soil and Water Conservation District may grant exceptions when requested by the applicant if technically sound reasons are presented.

8.7.4.3 Computations for runoff shall be in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended; the CONNDOT Drainage Manual (2002), as amended, or other generally accepted engineering standards.

8.7.5 Issuance or Denial of Certification

8.7.5.1 For Site Plan and Special Permit Applications, the Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this Regulation or deny certification when the development proposal does not comply with these Regulations. Certification will normally occur together with the Commission's final action on the application.

8.7.5.2 For Building Permit Applications, the Zoning Enforcement Officer or Town Engineer shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this Regulation or deny certification when the development proposal does not comply with these Regulations. Certification will normally occur together with the issuance of the building permit.

8.7.5.3 Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124 of the Connecticut General Statutes, as amended.

8.7.5.4 Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District; which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan.

8.7.6 Conditions Relating to Soil Erosion and Sediment Control

8.7.6.1 For Site Plan and Special Permit Applications, the estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a bond or other assurance acceptable to the Commission in accordance with the provisions specified within these Regulations.

8.7.6.2 Site development, preparation and or construction shall not begin unless the soil erosion and sediment control plan is certified.

8.7.6.3 Excavation, soil disturbance and the removal of vegetation may only begin in accordance with the installation of the planned soil erosion and sediment control measures and facilities as outlined within the certified plan.

8.7.6.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

8.7.6.5 It is the developer's/builders responsibility to correct erosion or sedimentation problems in the field and take appropriate measures to avoid such problems. In the event that the erosion and sediment control measures, as shown on the certified plan, are not functioning to prevent erosion and sedimentation, either through inadequate design, emergency conditions, or unforeseen field conditions, the Planning and Zoning Commission or its designated agent shall direct the developer to revise the plan to correct and/or eliminate any deficiencies in the plan, and to install and maintain new erosion control measures. The developer shall promptly comply with any directives of the Commission, or its designated agent.

8.7.6.6 In the event that the developer/builder wants to make changes to the certified plan, the developer shall submit a revised plan to the Commission or its designated agent. The Commission, or its designated agent shall review the revised plan and either certify or deny the revised plan in accordance with these regulations.

8.7.6.7 The Commission, or its designated agent, shall have the authority to order and/or approve changes to the certified plan in the event of unforeseen field conditions which require immediate remedial measures to improve the effectiveness of the certified plan.

8.7.6.8 In the event that a developer/builder fails to perform the work within the time limits specified in the certified plan or fails to perform any work in accordance with the certified plan, the Commission or its designated agent shall advise the developer in writing of this fact and direct that any necessary work be completed within a specified time. If the developer does not comply with the directions of the Commission, or its designated agent, the Commission may arrange for said work to be done by the Town, or by a private contractor, hired by the Town. The cost of this work shall be paid for with the bond funds that were deposited by the developer and held by the Town.

8.7.6.9.1 Should an emergency situation arise, due to extreme weather or the failure or inadequacy of the erosion and sedimentation measures, the Town is authorized to take immediate action to address the situation. The cost of this work shall be paid for with the bond funds that were deposited by the developer and held by the Town. Should the developer's bond funds be insufficient to cover the cost of work performed by the Town or by a private contractor, hired by the Town, under Section 8.7.6.8, 8.7.6.9 or 8.7.7, the developer\property owner shall be obligated to reimburse the Town for the expenses. In such cases a final Certificate of Occupancy shall be withheld until such time that the Town is reimbursed for its costs.

8.7.7 Building Permits and Bonds

All applications for building permit must include a cash bond of $1,000 or 10% of the cost of the building permit, whichever is greater, for erosion and sedimentation control, when the disturbed area of the development is cumulatively more than one-half (1/2) acre. This bond may not be required where the Town is currently holding adequate bond funds for approved Site Plan and Special Permit applications as outlined herein.

Should the Commission or its designated agent determine that an area of a construction site, which appears to be cumulatively more than one-half (1/2) acre has been disturbed, construction activities may be immediately halted until such time that a certified erosion control plan is approved and installed in accordance with these regulations.

8.7.8 Inspection

Inspections shall be made by the designated agent during development to ensure compliance with the certified plan and to ensure that control measures and facilities are performing properly. The Commission, or its designated agent, may require the developer to submit progress reports to verify that the soil erosion and sediment control measures have been installed properly and that they are being operated and maintained in accordance with the certified plan. If progress reports are required, they shall correspond to the construction/installation sequence of the certified plan.

8.7.9 Agreement

An agreement permitting the Town or its agent to enter onto the property to make inspections, emergency repairs, corrections or installations (on forms provided by the Town) shall accompany all bonds.

8.8 CUSTOMARY HOME OCCUPATION

Customary home occupations permitted in Sections 3.1, 3.2 and 3.3 shall be subject to the following provisions:

8.8.1 A customary home occupation shall be carried on entirely within the dwelling unit excepting agricultural, instructional and educational activities, which may be permitted outside. The home occupation may be permitted within an enclosed accessory building, upon issuance of a Special Permit by the Planning and Zoning Commission.

8.8.2 A customary home occupation shall be carried on by the inhabitants of such dwelling unit and shall only involve the employment on the premises of any member of the immediate family residing in such dwelling unit plus one (1) person, full or part-time, not residing in such dwelling unit.

8.8.3 A customary home occupation shall be clearly incidental and secondary to the use of such dwelling unit and lot for residential purposes.

8.8.4 A customary home occupation shall not change the residential character of such dwelling unit and lot.

8.8.5 A customary home occupation shall be contained within the dwelling unit and shall occupy an area not to exceed 25% of the gross floor area of such dwelling unit.

8.8.6 A customary home occupation shall not offer display or advertise any commodity or service for sale or rental on the premises except that signs may be permitted in conformance with Section 8.6.

8.8.7 A customary home occupation shall not store any materials or products on the premises outside of the dwelling unit or the permitted accessory building in which it is located.

8.8.8 A customary home occupation shall not provide on the premises any service or offer for sale any product when such sale or service results in a significant increase in traffic to the area.

8.8.8 A customary home occupation shall not create any objectionable noise, odor, vibrations, or unsightly conditions.

8.8.9 A customary home occupation shall not provide on the premises any service or offer for sale any product when such sale or service results in a significant increase in traffic to the area.

8.8.10 A customary home occupation shall not create a health or safety hazard.

8.8.11 A customary home occupation shall not create interference with radio and television reception in the vicinity.

8.8.12 A customary home occupation shall not be a barber shop, beauty parlor or a professional office where customers, clients or patients come to the home or any similar use; shall not permit the retail sale of items not made on the premises; and shall not permit the repair of automobiles or similar vehicles.

8.8.13 The Building Official may, at his/her discretion and for good cause; such as, a non-customary use, potential excessive noise, storage of materials or parking, refer any question concerning a customary home occupation to the Commission for its review and recommendations

The Commission shall have thirty (30) days from its receipt of the request from the Building Official within which to forward its report or findings and recommendations to the Building Official. Said report of the Commission shall be advisory only, and the failure of the Commission to submit its report within the prescribed thirty (30) day period shall not prevent the Building Official from reaching a decision on the application for the customary home occupation after the prescribed thirty (30) day time period has expired.

8.9 RETAIL SALE OF ANTIQUES WITHIN THE R2A, R50 AND R30 ZONES

The retail sale of antiques in conjunction with a primary residential use may be allowed by the Commission subject to the following requirements in addition to the requirements of Section 8.2:

8.9.1 The retail sale of antiques shall:

a) Be carried on entirely within the dwelling unit or within a completely enclosed permitted accessory building on the same lot as the dwelling unit;

b) Be carried on by the inhabitants of such dwelling unit and shall involve the employment on the premises of any member of the immediate family residing in such dwelling unit plus one (1) person, full or part-time, not residing in such dwelling unit;

c) Be clearly incidental and secondary to the use of such dwelling unit and lot for residential purposes;

d) Not change the residential character of such dwelling unit and lot;

e) Not allow the storage or display of any products or materials on the premises outside of the dwelling unit or the permitted accessory building in which it is located;

f. Not create a health or safety hazard.

8.9.2 No residential structure located on a cul-de-sac, dead end street, or unimproved street shall be approved for the sale of antiques.

8.10 BED-AND-BREAKFAST OR INN USED IN CONJUNCTION WITH A RESIDENCE

A bed-and-breakfast or inn when used in conjunction with a primary residential use may be allowed by the Commission subject to the following requirements in addition to the requirements of Section 8.2:

8.10.1 A bed-and-breakfast or inn use shall:

a) Not contain more than twelve (12) guest rooms;

b) Provide no meals other than breakfast and no meal shall be provided to the general public if not a guest of the bed-and-breakfast or inn;

c) House a guest for a period not in excess of thirty (30) continuous days;

d) Not change the residential character of the dwelling;

e) Not be located within fifty (50) feet of an existing neighboring structure;

f) Not be located on a cul-de-sac or dead end street containing greater than four (4) residential structures.

g) Contain one additional parking space for each guest room.

8.10.2 The owner of the property shall reside on the property throughout the duration of its use as a bed-and-breakfast or inn.

8.10.3 Prior to the issuance of a Special Permit the Building Official or Fire Marshal shall inspect the structure and report to the Commission.

SECTION 8
SPECIAL REGULATIONS

8.11 OPEN SPACE AND RECREATION OVERLAY ZONE

8.11.1 It is the policy of the Town of Granby to preserve open space in accordance with the requirements set forth herein. These Open Space and Recreation Requirements have been prepared from a regional perspective in an effort to preserve wildlife habitat, flora and fauna, while preserving for the citizens of the region an area in which to enjoy nature, with an opportunity to walk, jog, cross country ski, bicycle, horse ride, picnic, fish, wade, sit or otherwise spend time in a natural setting. In addition to these passive activities these requirements recognize the importance of areas which may be used for active recreational activities which include competitive sports and the importance of the Town's agricultural areas, which the Town strives to preserve, in an effort to provide locally grown fruits and vegetables, dairy products, trees, shrubbery and similar products. The Open Space and Recreation requirements outlined herein are based on the Town's Long Range, Master Plan, titled Preservation and Growth, A Plan of Conservation and Development and on studies and research which have identified agricultural and other important undeveloped areas throughout the town together with areas which can unite or link these areas. These "linkages" are formed by joining undeveloped and undevelopable land areas; including existing open spaces, areas with developmental restrictions, such as streams, wetlands and severe slopes and through the identification and plotting of existing trails. These areas are combined and identified on a map contained herein and entitled Granby's Open Space and Recreation Map.

8.11.1.1 All subdivision and zoning applications which include areas contained within the Open Space and Recreation Map, shall clearly identify those areas on a map of the property or properties which comprise the application, drawn at a scale of one inch equals one hundred feet (1"=100'). The areas outlined on the Open Space and Recreation map shall be directly transposed from said map to the 100-scale application map using a simple scaling process.

8.11.1.2.1 Development applications, which include, areas contained within the Open Space and Recreation Map; shall, where possible, set aside those areas for preservation. As provided within the Subdivision Regulations, Section 3.1.3.1, an area equal to twenty percent (20%) of the combined acreage of the lots shall be preserved for open space, and as outlined within Section 8.20 of the Zoning Regulations, Flexible Residential Development, fifty percent (50%) of the site shall be preserved for open space. Where applications for development contain areas within the Open Space and Recreation Map the required preservation of open space shall closely correspond with those areas outlined within the open space and recreation map. To aid in the final determination of the location of the open space a pre application meeting with the Planning and Zoning Commission is strongly recommended for all applications.

8.11.1.3 All subdivision applications, which contain a total of 10 acres or more, shall be designed in accordance with the requirements of Section 8.20 of the Zoning Regulations, Flexible Residential Development, where 50% or more of the total area to be subdivided is contained within the Open Space and Recreation Map. The Commission may waive this requirement where soil conditions clearly prevent a reduction in the minimum lot size outlined within the underlying zone, as required in Section 5 of these Regulations or where no new road construction is proposed.

8.11.1.4 All subdivision applications, which contain a total of 10 acres or more, shall be designed in accordance with the requirements of Section 8.20 of the Zoning Regulations, Flexible Residential Development, where 25% or more of the total area to be subdivided is contained within the Open Space and Recreation Map and identified as agricultural land. A minimum of 25% of the required open space shall be the agricultural land area. The Commission may waive this requirement where soil conditions clearly prevent a reduction in the minimum lot size outlined within the underlying zone, as required in Section 5 of these Regulations or where no new road construction is proposed.

8.11.1.5 Where a proposed subdivision includes an area containing a significant stream or a stream linkage as shown on the Open Space and Recreation Map, the applicant shall, where possible, preserve as open space the stream and an area located within two hundred feet from either side of the center line of the stream. Streams under this section include, but are not limited to: the East and West branch of the Salmon Brook; Dismal Brook; Mountain Brooks; Higley Brook; Kendall Brook; Kendall Brook; Hungary Brook; Bissell Brook; Ring Brook; and Belden Brook. This preservation area will be required as part of the fifty percent (50%) FRD, or twenty percent (20%) conventional subdivision requirement.

8.11.1.6 Where a proposed development includes an area containing an existing trail or trail linkage, the trail and an area located within 50 feet from either side of the centerline of the trail shall be preserved. The Commission may agree to a relocation of any existing trail, provided the relocation is made in consideration of environmentally sensitive areas and is attached at both ends with the original trail.

8.11.1.7 Where a proposed development includes an area abutting an existing trail, which can be used for a future trail linkage, an area for a new or connecting trail shall be preserved, together with a land area of 50 feet from either side of the centerline of the proposed trail.

8.11.1.8 Development applications shall preserve a location for the parking of vehicles within areas that can provide public access to existing and proposed open space, particularly those areas which provide access to new and existing trails and recreational areas.

The preservation of these areas will be required as part of the fifty percent (50%) FRD, or twenty percent (20%) conventional subdivision requirement. The Commission may reduce the open space requirement, and thereby permit an equal increase in density, where an application proposes the construction of parking areas, provided the reduction is based on the value of the construction verses the value of the land prior to development.

8.11.1.9 The Commission may permit a reduction in the fifty percent (50%) FRD, or twenty percent (20%) conventional subdivision open space requirement and thereby permit an equal increase in density, where the application proposes to construct public facilities, such as ball fields, and other recreational facilities, provided the reduction is based on the value of the construction verses the value of the land and the additional lots.

8.11.1.10 Where a subdivision is proposed which does not contain areas located on the Open Space and Recreation Map, the Commission may require the preservation of open space as outlined in Section 8.20.8 of the Zoning Regulations and Section 3.1.3.2 of the Zoning Regulations or the Commission may require a fee in lieu of the required open space.

Such payment shall be equal to not more than 10 percent of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value; shall be determined by an appraiser jointly selected by the commission and the applicant.

A fraction of such payment, the numerator of which is one, and the denominator of which is the number of approved parcels in the subdivision shall be made at the time of the sale of each approved parcel of the land in the subdivision and placed in a fund which shall be used for the purpose of preserving open space or acquiring additional land for open space or for recreational or agricultural purposes. The open space requirements of this section shall not apply if the transfer of all land in the subdivision of less than five parcels is to a parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration, or if the subdivision is to contain affordable housing.

8.11.1.11 The permanent preservation of open space shall be accomplished by deeding the property, preservation easements, conservation easements, public access easements or a combination of easements to the Town of Granby or to an approved non-profit organization, or in a manner consistent with Section 8.20.9.2 of the Zoning Regulations. In all cases where the preserved open space is not deeded to the Town of Granby the specific wording of conservation, preservation or public access easements shall be required with the application to ensure the permanent preservation, usage and/or access to the open space. The easements shall remove any development rights from the open space, shall provide for the maintenance of trails or recreational areas, shall prohibit or outline the conditions under which the removal of vegetation will be allowed, shall address the keeping of animals, shall address residential accessory uses, shall permit the operation of agricultural activities, shall prohibit or outline the conditions under which the grading of land or removal of earth products will be allowed, shall provide for or prohibit public access, etc., as may be appropriate for the specific location and purpose of the open space.

8.12 TRANSITIONAL OFFICE USE AND/OR CONVERSION

The purpose of this Section is to permit, under certain conditions, the new construction of an office building or the conversion of an existing structure to an office facility when such construction or conversion will act as a transition of uses between residential uses and zones or areas of high traffic. A transitional office use and/or conversion shall be subject to the following requirements in addition to the requirements of Section 8.2:

8.12.1 All applicants shall file a site plan in conformance with Section 4 of these Regulations.

8.12.2 All proposals shall conform to the area requirements of the zone in which they are located.

8.12.3 All proposals are subject to the requirements of Section 7 Off-Street Parking.

8.12.4 Transitional offices shall only be located where residential zones abut zones of a higher intensity or along state routes where traffic conditions and the development of surrounding properties discourage residential usage.

8.12.5 A transitional office shall be designed so as to be compatible with neighboring structures.

8.13 RESIDENTIAL USES IN NON-RESIDENTIAL ZONES

Where residential uses are permitted in non-residential zones as a Special Permit, they shall be subject to the following requirements in addition to the requirements of Section 8.2.

8.13.1 There shall be no new construction of residential facilities in non-residential zones except as provided herein.

8.13.2 An existing residential structure or use may be extended or enlarged and the number of units expanded to not more than a total of three (3), except that in no case may the number of units be increased in any zone other than the C1, C2 and OP. No unit may be added without a Special Permit and three (3) family structures shall meet the density requirements and general intent of Section 3.7.

8.13.3 Accessory uses may be permitted subject to Section 8.1.

8.13.4 Where a residential structure exists in a non-residential zone, no additional usage of the property may occur unless the lot area contains at least 20,000 square feet of land area for each unit in addition to the minimum lot area required in the particular zone.

8.13.5.1 The Commission may permit a mixed development combining multi-family units and commercial activity, provided a minimum of 60% of the building area is dedicated to commercial use and the minimum number of residential units is twenty (20). No building permits shall be issued for the residential units if separate, until 80% of the commercial facilities are complete. The project design shall conform to the requirements of Section 3.7 and shall conform to the requirements of the particular zone in which it is located. This section shall be applied to the C1, C2 and OP zones only.

8.14 REAR LOTS

8.14.0 Rear lot applications shall be considered as special situations, each requiring individual justification by the applicant. The burden of proof shall be on the applicant to demonstrate how special circumstances make a specific rear lot development proposal consistent with Section 8.2 and how it will avoid adverse effects on surrounding properties.

8.14.1 The design of the rear lot will be in basic harmony with the surrounding uses and will be in general character with the surrounding neighborhood. Where rear lots are proposed within existing developments, the proposed house shall be screened from other surrounding dwelling units, by topography, natural vegetation, new plantings, excessive distance or a combination of such factors. If land grading or additional vegetation is called for on the rear lot, it shall be planned so that it adds to, rather than subtracts from, any existing screening.

8.14.2 The rear lot shall have an adequate and safe access way at least twenty (20) feet in width running from an accepted street. If the access way is in the form of an easement across a front lot (existing or proposed), then the frontage of the front lot shall be measured exclusive of the easement width.

8.14.3 A rear lot shall have a minimum area of 5 acres. The front, side and rear yards shall be at least twice the minimum requirement of Section 5.1. Access ways shall not be used in the area computation.

8.14.4 If rear lots are proposed in subdivisions, the incidence of rear lots shall not exceed the greater of one (1) lot or 20% of the number of lots for which subdivision approval is sought. The Commission may waive this requirement when such waiver will result in a reduction in the length of subdivision roads.

8.14.5 All rear lots must comply with the contiguous developable area requirements of Section 3.2.7 of the Subdivision Regulations.

8.14.6 Section 3.2.6 of the Subdivision Regulations concerning Lot Square, shall not apply to rear lots.

8.14.7 The design of the rear lot shall be such that a rectangle of 200 feet by 400 feet can be accommodated within the perimeter of the rear lot.

8.14.8 All rear lot applications shall include maps and plans prepared in accordance with Section 2.1 of the Subdivision Regulations as necessary to demonstrate that the proposed lot(s) conform to the above regulations and all applicable Subdivision and Zoning Regulations and the State of Connecticut Public Health Code.

8.15 AGRICULTURE

These Regulations have been developed to promote, protect, retain and encourage Granby's rural character. This rural character has its roots in the tradition of New England Agriculture: the small farm, the fruit orchard, and the dairy. Granby's overall plan for development requires that this agricultural presence be continued through the use of inclusionary rather than exclusionary agricultural regulation. Creative development; which seeks to further an agricultural presence and the retention of a rural character shall be encouraged.

8.15.1 Dogs, cats and other pets, which are kept as companions and normally housed together with human occupants, are permitted in any zone on any size lot in conjunction with a residence.

8.15.2

The keeping of livestock shall be permitted in all residential zones on any lot of 30,000 square feet or more.

8.15.2.1 On a lot of less than one (1) acre but at least 30,000 square feet, the following livestock may be kept:

a) A maximum of fifteen (15) small animals made up of hens, capons and rabbits only, or

b) One (1) sheep, or

c) One (1) female goat.

8.15.2.2 On a lot containing one (1) acre or more, a maximum of two (2) animal units per acre as described below shall be permitted:

Class A Livestock: One (1) Animal Per Unit: Class A Livestock shall include large animals whose mature weight is 500 pounds or more such as equine, bovine and other large animals.

Class B Livestock: Three (3) Animals Per Unit: Class B Livestock shall include medium-sized animals whose mature weight falls within the range of 30 - 500 pounds. Such as, sheep and goats, and excluding pigs.

Class C Livestock: Fifteen (15) Animals Per Unit: Class C Livestock shall include small animals with a mature weight of less than thirty (30) pounds; such as, poultry, fowl and rabbits.

Class D Livestock: One-half (1/2) Animal Per Unit:

Class D Livestock: Shall include pigs subject to Section 19-13-B23 (a) of the Connecticut Public Health Code, as amended.

8.15.2.3 To determine the number of additional animals allowed per lot, a straight ratio shall be applied to all lots in excess of one (1) acre. After the first acre, additional animals may be kept as follows:

1 group A animal per 21,780 square foot of land area
1 group B animal per 7,260 square foot of land area
1 group C animal per 1,452 square foot of land area
1 group D animal per 43,560 square foot of land area

8.15.2.4 Where applicable, offspring shall apply only to the animal ratio after weaning.

8.15.2.5 Farms shall be exempt from the above animal unit requirements.

8.15.3 The keeping of livestock may include raising, breeding, instructing, training, sales, boarding, riding, driving and similar uses normally associated with the keeping of livestock and, on a farm, a veterinary practice for Class A, B & C livestock only.

8.15.4 All manure piles shall be set back a minimum of forty (40) feet from all property lines, shall be visually screened from dwellings on adjacent properties and shall not be placed within the minimum required side, rear and front yard.

8.15.5 The raising of animals exclusively for their pelts is prohibited.

8.15.6 An appropriate shelter shall be provided for all livestock, which is kept on a parcel of less than five (5) acres.

8.15.7 In all cases, where riding, boarding and instructional activities involved with the keeping of horses are undertaken for compensation, a parking area which may be paved or unpaved shall be provided in accordance with the following table:

Number of Horses	Parking Spaces
1 - 10	1/per 2 horses
11 or more	1/per 3 horses but not less than six (6) spaces.

8.15.8 All animals shall be kept in a manner that conforms to all applicable Regulations of the Public Health Code, the Department of Environmental Protection, the Connecticut Department of Agriculture and the General Statutes of Connecticut.

8.15.9 Barns shall be permitted in R4A, R2A, R50 and R30 zones.

8.15.10 Barns shall be set back from all side and rear property lines a minimum distance equal to one and one-half (1 1/2) times the maximum height of the barn; a distance equal to the longest linear dimension of the barn; or a distance in compliance with Section 5 of these Regulations, whichever is greatest, except that within the R4A zone, the maximum required yard for a barn shall be 50 feet.

Any existing non-conforming barn, originally constructed for agricultural purposes, may continue to be used for agricultural purposes.

8.15.11 Detached greenhouses shall be permitted provided that they are placed on the premises in accordance with Section 8.15.10.

8.15.12 The storage and repair of farm vehicles and other similar equipment within a barn shall be permitted on a farm. This shall not permit the operation of a repair garage for the general public.

8.15.13 Seasonal agricultural group quarters consisting of one (1) trailer or mobile home shall be permitted on a farm with a land area exceeding twenty (20) acres and where agricultural production is the principal means of livelihood as defined by Section 12-91 of the Connecticut General Statutes subject to the following conditions:

8.15.13.1 A temporary occupancy permit shall be issued for a period not to exceed 240 days in any one (1) year and shall be strictly limited to the growing and harvesting period of the primary agricultural product. This permit must be renewed annually.

8.15.13.2.1 Prior to the issuance of a temporary occupancy permit, the applicant shall provide evidence satisfactory to the Building Official that verifies participation in a bona- fide migrant farm worker program.

8.15.13.3 Any trailer or mobile home shall be located a minimum of one hundred (100) feet from any street, side or rear lot line, fifty (50) feet from any dwelling on the same lot and two hundred (200) feet from any dwelling on any other lot.

8.15.13.4 Any trailer or mobile home shall be visually screened from all public rights-of-way and from any residence on an adjacent lot.

8.15.14 The Planning and Zoning Commission may issue a Special Permit, subject to the criteria of Section 8.2, for a Farm Hand Residential Facility. FHRF's are designed to aid large-scale agricultural operations by providing year round housing for a farm manager, and/or other farm employees under the following conditions:

8.15.14.1 The agricultural operation must be the primary use of the land.

8.15.14.2 The agricultural use must be operated on a common property with a total contiguous land area of at least 20 acres.

8.15.14.3 The agricultural operation must contain a farm building or buildings with a combined square footage in excess of 6000 square feet, excluding buildings used for residential purposes.

8.15.14.4 The total area of the living quarters must not be less than 450 feet, nor exceed 1,500 square feet. A FHRF may contain any number and style of rooms as may typically be found within residential structures, except that the facility shall be limited to a maximum of 3 bedrooms, one kitchen, and two bathrooms.

8.15.14.5 All occupants of the Farm Hand Residential Facility must be full time employees on the site of the agricultural operation which received the Special Permit.

8.15.14.6 The living area of the Farm Hand Residential facility shall be contained within a barn or other existing building. The Farm Hand Residential facility may not be a separate structure designed and constructed solely as a residential home, but must be designed as a combination agricultural/residential facility. Not more than 40% of the total area of the building may be used as the FHRF.

8.15.14.7 The Farm Hand Residential facility must have an outside access which is convenient to a parking area.

8.15.14.8 The structure containing the Farm Hand Residential Facility shall be metered by one (1) common electrical service and have one (1) common heating system, though only the FHRF must be heated and have electricity.

8.15.14.9 The Farm Hand Residential Facility shall have a potable water supply and septic service approved by the Farmington Valley Health District.

8.15.14.10 The Farm Hand Residential Facility must be removed at such time that the premises are no longer used as an agricultural operation as defined herein.

8.15.14.11 The Farm Hand Residential Facility must comply with all applicable building and Fire Codes and may be inspected annually by the Fire Marshal and/or Building Official.

8.15.15 Where fencing is constructed for the purpose of confining livestock, it shall be set back a minimum of five (5) feet from all property lines.

8.15.15.1 The above five (5) foot minimum setback shall not apply to fencing constructed for use on a farm.

8.15.15.2 The above five (5) foot minimum setback shall not apply where adjoining property owners agree on the location of the fence.

8.15.15.3 This Regulation shall not prohibit the repair, maintenance or replacement of fence legally existing prior to the adoption of this Regulation.

8.15.16 Temporary roadside stands for the sale of farm products shall be permitted on the property of those responsible for the raising of said products, unless specifically prohibited by the Granby Police Department for reasons of public safety. Such stands shall not be less than ten (10) feet from the traveled way and not less than fifty (50) feet form any street intersection. Temporary roadside stands shall be exempt from the minimum front yard requirement. All roadside stands shall be removed during the months of January and February.

8.15.17 The Commission may grant a Special Permit, subject to Section 8.2, for a Farm Store as an accessory use to a bona-fide farm operation under the following conditions:

8.15.17.1 The farm store may only be located on an active farm site.

8.15.17.2 The farming operation must have derived at least $15,000 in gross sales or incurred at least $15,000 in expenses related to such farming operation during the previous calendar year.

8.15.17.3 The farm store shall be confined to an area within an existing barn or similar structure or, if new construction is proposed, the scale and design shall be compatible with the residential/agricultural area.

8.15.17.4 The store must have its primary means of access and egress from a through street.

8.15.17.5 All parking areas; shall be approved by the Commission.

8.15.17.6 The following items may be sold at the Farm Store: fruits, vegetables, plants, flowers, trees, shrubs and similar items, processed foods such as jams, conserves, preserves, pickled foods, honey, maple syrup, baked goods, eggs and similar products, grown or produced in Granby. A Farm Store may sell a full range of dairy products, which may be produced on or off site. The Farm Store may provide seating for the public and tables where food and beverages may be consumed. The Commission may permit the sale of items not produced or grown in Granby where it is necessary to supplement the variety of items available for retail sale.

8.15.17.7 The Farm Store must meet all state and local codes and health requirements.

8.15.17.8 The Commission may limit the size and scope of a Farm Store in relation to the size of the farm based on acreage and production and may further condition any approval in accordance with Section 8.2 of these Regulations.

8.15.18 One non-illuminated sign with a maximum of sixteen (16) square feet advertising the sale of locally grown agricultural products shall be permitted on the property of those responsible for the raising of said products, provided the sign is placed in back of the street line and is on display only while the harvest from the property is being sold. No permit or fee will be required.

8.15.19 The Commission shall annually appoint an Agricultural Advisory Board consisting of not more than five (5) nor less than three (3) members.

The Agricultural Advisory Board shall be made up of citizens knowledgeable in the area of animal husbandry and familiar with State and local regulations concerning agriculture. A majority of the Board must have owned and managed livestock. The Agricultural Advisory Board's primary responsibility shall include locating, preparing and distributing information concerning agricultural management, particularly the keeping of animals; aiding the Zoning Enforcement Officer by reviewing agricultural operations and making suggestions in the event of a complaint; analyzing recurring issues; conflicts and problems and making suggestions for regulating improvements; advising citizens who are interested in an agricultural usage of their property, particularly concerning the keeping of animals; and undertaking special assignments at the request of the commission; i.e., conducting surveys, inventorying agricultural usage, promoting agricultural products, etc.

8.16 RESTAURANTS

8.16.0 Restaurants vary widely by size, nature, character, site layout, traffic impact and more. The Institute of Transportation Engineers publication, Trip Generation, 5th Edition, uses 78 pages to address the differing traffic implications for its classification of 4 types of restaurants. A restaurant's peak operating period will vary based on the primary meals served, be it breakfast, lunch, dinner, or brunch. The potential impact on an area cannot be fully understood without understanding the type of restaurant proposed. Recognizing this, the Commission has determined that restaurants may only be established within the Town of Granby following the issuance of a Special Permit by the Commission, subject to the following review criteria and requirements:

8.16.1 Outdoor walk-up windows and drive-through windows shall be permitted only upon the submission of evidence satisfactory to the Commission that the proposed walk-up or drive-through window will not cause or contribute to hazards to vehicles or pedestrians or otherwise adversely impact the surrounding area. No drive through window will be permitted if it is within 1,000 feet of a residential zone. No drive through window will be permitted if any part of a driveway that provides vehicular access and/or egress to the window is located within 400 feet (measured in a direct line) to any part of another driveway that provides vehicular access and/or egress to a drive through window serving another restaurant.

8.16.2 The size, nature, character, and site layout of the restaurant shall be designed in such a way as to minimize hazards to pedestrians and vehicles, to harmonize with the character of the surrounding area, and to prevent any nuisance or unnecessary annoyance to nearby properties.

8.16.3 The restaurant's proposed hours of operation shall be appropriate for the area in which it is proposed. The Commission may limit the restaurant's hours of operation. In determining the appropriateness of the proposed hours of operation, the Commission shall consider traffic safety, density of similar establishments, the size of the facility, service of alcoholic beverages, type of entertainment provided, if any, and proximity to residences and other potentially sensitive uses.

8.16.4 Entertainment may be permitted as an accessory use provided the entertainment is clearly secondary to the primary restaurant use. Live or recorded music and any other entertainment shall cease no later than 1 A.M. Sunday through Thursday and 2 A.M. on Friday and Saturday.

The Commission may further limit the hours where such activity may become a nuisance to the area. Unless live entertainment is specifically permitted within the special permit, it shall be prohibited.

8.16.5 The sale of alcoholic beverages for consumption on the premises may be permitted as an accessory use. The retail sale of liquor shall be subordinate to the principal use, which must be that of a restaurant providing service of hot meals. No more than 15 percent of the gross floor area shall be devoted to a cocktail lounge or bar. This measurement; shall be derived by calculating the square footage of the area, which encompasses the bar, the associated stools, and a three-foot aisle beginning at the back of the stools.

No more than 25 percent of the gross floor area shall be devoted, at any time, to the combined uses of cocktail lounge, bar, dance floor, stage or standing room for the viewing of entertainment. The applicant shall provide a floor plan indicating the size and location of any bar or entertainment area as described above.

8.16.6 Commercial Recreation may be permitted as an accessory use provided the commercial Recreation is clearly secondary to the primary restaurant use. Commercial Recreation shall be limited to a maximum of 25% of the gross floor area of the restaurant.

8.16.7 Traffic generated by restaurant operations shall not adversely affect traffic flow, circulation or traffic patterns, or the level of service on adjacent or nearby streets. The Commission may require an applicant to provide data or analysis from a qualified traffic engineer or other appropriate expert and may condition the approval of a special permit on roadway, signalization, intersection, drainage, or other improvements if the Commission deems such requirements to be necessary.

8.16.8 Restaurants that are expected to produce more than 300 vehicle trip ends per peak hour of generation are prohibited.

8.16.9 Dumpsters shall not be allowed within any required yard or buffer and shall typically be enclosed by an opaque gate with six-foot masonry walls on three sides. Outdoor storage shall only be allowed within the required dumpster enclosure or similar structure approved by the Commission.

8.16.10 The design and operation of the proposed restaurant shall be compatible with other area land uses. In preparing the proposal, the applicant shall take into account the impact the proposal will have on the area where the development is planned. Due regard shall be given to:

- Area traffic volumes
- On-site parking and traffic patterns
- Site and off-site litter
- Smoke and cooking odors
- Noise
- Lighting

- Sewage disposal
- Refuse disposal
- Landscaping
- Building design
- Design of the site plan
- Design of any proposed signs
- Method of delivering stock and inventory.

8.16.11 In determining the impact of the above items the applicant and the Commission shall review:

- The nature of manner in which service is provided
- The use of non-disposable vs. disposable containers and dinnerware
- The use of hand held, printed menus vs. menus displayed in a sign or tablet form
- The percent of take-out service vs. sit down service
- The employment of waiters and waitresses
- The proportions of on-premises and off-premises consumption of food and beverages
- The hours of operation
- The square footage of the restaurant
- The percentage of total building space allocated for food preparation, dining, entertainment, recreation, alcohol consumption, etc.

8.17 SELF-SERVICE STORAGE FACILITIES (SSSF)

SSSF's shall be subject to the following requirements in addition to the requirements of Section 8.2:

8.17.1 SSSF's shall be limited to dead storage use only.

8.17.2 No activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises.

8.17.3 Examples of prohibited activities include but are not limited to the following:

8.17.3.1 Auctions, commercial wholesale or retail sales or miscellaneous or garage sales;

8.17.3.2 The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment;

8.17.3.3 The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment;

8.17.3.4 The establishment of a transfer and storage business;

8.17.3.5 Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.

8.17.4 Building height shall not exceed eighteen (18) feet.

8.17.5 Fencing and screening shall be provided as follows:

8.17.5.1 A barrier must be provided around the perimeter of the development.

8.17.5.2 If the barrier is to be provided by a fence, said fence shall be a minimum of six (6) feet in height and shall be constructed of opaque materials that will prevent the passage of light and debris. Examples include brick, stone, architectural tile, masonry units, wood or similar materials, but expressly prohibiting woven wire.

8.17.6 Buildings shall be so situated and/or screened that overhead access doors are not visible from off the site.

8.17.7 The following off-street parking and delivery width requirements are in addition to those outlined in Sec. 7:

8.17.7.1 Parking shall be provided by, parking/driving lanes, adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open on to one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane. Required parking spaces may not be rented as, or used for, vehicular storage.

8.17.7.2 One parking space for every fifty (50) storage cubicles or fraction thereof shall be located adjacent to the project office. A minimum of two (2) such spaces shall be provided

8.18 SPECIAL FLOOD HAZARD AREAS

8.18.1 STATUTORY AUTHORIZATION

The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Planning and Zoning Commission of the Town of Granby, Connecticut, does ordain as follows:

8.18.2 FINDING OF FACT

The flood hazard areas of the Town of Granby are subject to periodic flood inundation, which results in the 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.

These flood losses are caused by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damage. Uncontrolled development and use of the floodplains can adversely affect the community.

The Town of Granby has voluntarily participated in the National Flood Insurance Program (NFIP) since February 15, 1980. The NFIP is founded on a mutual agreement between the federal government and each participating community. Local, state and federal governments must share roles and responsibilities to meet the goals and objectives of the NFIP. The community's role is of paramount importance. Property owners are able to receive federally-subsidized flood insurance only if the community enacts and enforces the minimum floodplain regulations required for participation in the NFIP.

8.18.3 STATEMENT OF PURPOSE

It is the purpose of this Regulation to regulate floodplain development, promote public health, safety, and general welfare, and minimize public and private losses due to flood conditions in specific areas by provisions designed:

- To protect human life and health, and prevent damage to property;
- To minimize expenditure of public funds for costly flood control projects;
- To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- To minimize prolonged business interruptions and other economic disruptions;
- To minimize damage to public facilities, infrastructure and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges, located in the floodplain;

- To help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize flood damage and flood blight areas;

- To insure that potential buyers are notified that property is in a flood hazard area;

- To prevent increase in flood heights that could increase flood damage and result in conflicts between property owners;

- To ensure that those who occupy the flood hazard areas assume responsibility for their actions; and

- To discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

8.18.4 OBJECTIVES

In order to accomplish its purposes, this Regulation includes objectives, methods and provisions that:

a. Restrict or prohibit uses which are dangerous to health, safety and property due to flood or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

b. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

c. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of flood waters;

d. Control filling, grading, dredging and other development which may increase erosion or flood damage; and

e. Prevent or regulate the construction of barriers or obstructions which will unnaturally divert flood waters or which may increase flood hazards to other lands.

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8.18.5 EFFECTIVE DATE OF REGULATIONS

The effective date of these regulations is February 15, 1980, as amended to September 9, 2008.

8.18.6 DEFINITIONS

Area of Special Flood Hazard: The land in the floodplain within a community subject to one (1) percent or greater chance of flooding in any given year.

Base Flood: The flood having a one (1) 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.

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

Building: see definition for "Structure".

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: Means any manmade changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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 the effective date of the floodplain management regulations adopted by a 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).

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 or runoff of surface waters from any source.

Flood Insurance Study (FIS): The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

Flood Insurance Rate Map: (FIRM) means an official map of a community, on which the Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

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 (1) foot.

Highest Adjacent Grade (HAG): The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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, building access or storage, in an area 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 8.18.9.2 of this Regulation.

Manufactured Home: A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision: Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value: Market value of the structure shall be determined by an independent appraisal prepared by a certified professional appraiser.

Mean Sea Level: The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood Insurance Rate Map are referenced.

New Construction: Structures for which the "start of construction" commenced on or after **February 15, 1980**. (The effective date of 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 the effective date, February 15, 1980, of the floodplain management regulation adopted by the community.

Recreational Vehicle: Means a vehicle, which is:

a) Built on a single chassis;

b) 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 primary not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or 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, installation of piles, construction of columns or any work beyond the stage of excavation or 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 street 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: Means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Improvement: Means any combination of repairs, reconstruction, alteration or improvements to a structure taking place within a 10 year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be (1) 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. 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 any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions.

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 Regulation. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed 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.

8.18.7 GENERAL PROVISIONS

8.18.7.1 AREAS TO WHICH THIS REGULATION ALREADY APPLIES

This Regulation shall apply to all areas of special flood hazard within the jurisdiction of the Town of Granby. The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for the Town of Granby dated September 26, 2008, with accompanying Flood Insurance Rate Map (FIRM), dated September 26, 2008, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this Regulation. Since mapping is legally adopted by reference into the Regulation it must take precedence when more restrictive until such time as a map amendment is obtained. This regulation shall also apply to any area shown as Flood Zone on the Town of Granby Zoning Map. A Special Permit, issued by the Planning and Zoning Commission shall be required in conformance with the provisions of this Regulation prior to the commencement of any development activities within the above areas.

8.18.7.2 STRUCTURES ALREADY IN COMPLIANCE

A structure or development already in compliance with this Regulation shall not be made non-compliant by any alteration, modification, repair, reconstruction or improvement and must also comply with other applicable local, state, and federal regulations. No structure or land shall hereafter be located, extended, converted, modified or structurally altered without full compliance with the terms of this Regulation and other applicable regulations.

8.18.7.3 ABROGATION AND GREATER RESTRICTIONS

This Regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Regulation and another ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

8.18.7.4 INTERPRETATION

In the interpretation and application of this Regulation, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body, and;
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

8.18.7.5 WARNING AND DISCLAIMER OF LIABILITY

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 Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This Regulation shall not create liability on the part of the Town of Granby 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. The Town of Granby, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Granby.

8.18.7.6 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Regulation, which shall remain in full force and effect; and to this end the provisions of this Regulation are hereby declared to be severable.

8.18.8 ADMINISTRATION

8.18.8.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Director of Community Development is hereby appointed to administer, implement and enforce the provisions of this Regulation.

8.18.8.2 CERTIFICATION

Where required under this Regulation, a Connecticut registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Regulation. Such certification must be provided to the Director of Community Development.

8.18.8.3 DUTIES

Duties of the Building Official and Director of Community Development shall be, but are not limited to:

a. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

b. Assure that all necessary permits have been received from other State and Federal agencies from which approval is required.

c. Notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

d. Record the elevation (in relation to mean sea level) 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 Building Official shall obtain certification from a registered professional engineer or architect.

e. When base flood elevation data or floodway data have not been

provided, the Officials shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a registered professional engineer or architect.

f. When interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard, the Director of Community Development shall make the necessary interpretation. The Director of Community Development may require the applicant to provide a report from a professional engineer, survey data or other information to aid in the interpretation. All records pertaining to the provisions of this Regulation shall be maintained in the Office of the Building Official.

8.18.9 PROVISIONS FOR FLOOD HAZARD REDUCTION

8.18.9.1 General Standards for Flood Hazard Reduction

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

1. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage.

2. New construction, substantial improvements, and structures that have sustained substantial damage shall be constructed with materials and utility equipment resistant to flood damage.

3. New construction, substantial improvements, and repairs to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

4. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.

5. Electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be 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.

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

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7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

9. 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 pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

10. In any portion of a watercourse that is altered or relocated, the flood carrying capacity must be maintained. Notify adjacent communities and the Connecticut Department of Environmental Protection (DEP), Inland Water Resources Division prior to any alteration or relocation of a watercourse.

11. If **<u>any</u>** portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. 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 flood zone will require the entire structure to meet the standards of the more restrictive zone.

12. 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.

13. Compensatory Storage. The water holding capacity of the floodplain, except those areas, which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure; shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

14. Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

8.18.9.2 SPECIFIC STANDARDS

Construction Standards in Special Flood Hazard Areas (SFHA), Zones A, A1-30, AE.

1. Residential Construction

All new construction, substantial improvements, and repair to structures that have sustained substantial damage, which are residential structures shall have the bottom of the lowest floor, including basement, elevated to or above the base flood elevation (BFE). Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to or above the BFE.

2. Non-Residential Construction

All new construction, substantial improvements, and repair to structures that have sustained substantial damage which are commercial, industrial or non-residential structures shall:

a. Have the bottom of the lowest floor, including basement, elevated to or above the base flood elevation (BFE); or

b. In lieu of being elevated, non-residential structures may be dry flood-proofed to one (1) foot above the BFE provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Connecticut 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 section. Such certification shall be provided to the Director of Community Development on the FEMA Floodproofing Certificate, Form 81-65.

c. Electrical, plumbing, machinery or other utility equipment that service the structure must be elevated to or above the BFE.

3. 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 to meet the following minimum criteria:

a. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding.

b. The bottom of all openings shall be no higher than one (1) 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.

4. Manufactured Homes

All manufactured homes shall have the lowest floor elevated to or above the base flood level. They shall be placed on a permanent foundation which itself is securely anchored and to which the structure is secured anchored.

5. A-Zones Restrictions

In A-Zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement or other development (including fill) shall 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.

6. Recreational Vehicles

Recreational vehicles placed on sites within all A-Zones shall either (1) be on the site for fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, or (3) meet all the general standards of Section 8.18.4 and the elevation and anchoring requirements of Section 8.18.4.3. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

7. Floodways

Areas where floodways have been designated or determined by these Regulations shall be interpreted to prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any (0.00) increase in flood levels during occurrence of the base flood discharge.

When utilizing data other than that provided by the Federal Emergency Management Agency, the following standard applies: select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designated to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one (1) foot at any one (1) point.

8.18.10 STANDARDS FOR SUBDIVISION PROPOSALS

In all special flood hazard areas the following requirements shall apply:

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

d. In Zone A, base flood elevation data shall be provided for subdivision proposals and other proposed developments which are five (5) acres or fifty (50) lots, whichever occurs first.

8.18.11 VARIANCE PROCEDURES

8.18.11.1 ESTABLISHMENT OF VARIANCE PROCESS

1. The Zoning Board of Appeals, as established by the Town of Granby, shall hear and decide appeals and requests for variances from the requirements of this Regulation**.**

2. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Director of Community Development in the enforcement or administration of this Regulation.

3. Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within a radius of one hundred (100) feet of the land in question may appeal within fifteen (15) days after such decision to the State Superior Court of Hartford County**,** as provided in Section 8-8 of the General Statutes of Connecticut.

4. The Director of Community Development shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.

8.18.11.2 SPECIFIC SITUATION VARIANCES

Buildings on a Historic Register - Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.

Functionally Dependent Use or Facility - Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meet all the requirements of Section 8.4.

Floodway Prohibition - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

8.18.11.3 CONSIDERATIONS FOR GRANTING OF VARIANCES

In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Regulation and the items listed below as; a–k. Upon consideration of these factors and the purposes of this Regulation, the Zoning Board of Appeals may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this Regulation.

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 comprehensive plan and floodplain management program for that area;

i. The safety 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.

8.18.11.4 CONDITIONS FOR VARIANCES

- Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the applicant or the surrounding property owners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.

- Variances shall only be used upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) 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, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall quality to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances, are not sufficient cause for the granting of a variance.

- No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a "functionally dependent use" provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.

- Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted, to be built; with the lowest floor elevation below the base flood elevation (BFE) and the elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.

8.18.12 ENFORCEMENT

Each Floodplain Permit shall authorize, as a condition of approval, the Director of Development or designated agents to make regular inspections of the subject property. The Director of Community Development or designated agents, are also authorized to inspect any property in a Special Flood Hazard Area (SFHA) where it appears that violations of these regulations may be taking place.

If the Director of Community Development finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which in violation of these regulations, the Director of Community Development shall:

- Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the activity cease and ordering the property owner to either seed to obtain a Floodplain Permit prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the Special Flood Hazard Area (SFHA) immediately.

- Notify the Building Official and request that any floodplain permit(s) in force be revoked or suspended and that a stop work order be issued.

- The Director of Community Development may suspend or revoke a Floodplain Development Permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application including application plans. Prior to revoking any permit, the Director of Community Development shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct, which warrants the intended action.

- Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in Section 10.0.

- In the event violations or obstructions are not promptly removed from the Special Flood Hazard Area (SFHA), the Director of Community Development may cause such removal and remediation work to be performed utilizing bond money held in escrow pursuant to Section 3.0 of this Regulation, or may direct the director of public works or appropriate agent to cause such work to be done and to place a lien against the property.

8.18.13 PENALTIES FOR VIOLATION

Any violation of the provisions of this Regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grant of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this Regulation or fails to comply with any of its requirements shall, upon conviction thereof, be fined a penalty of [$250.00] per day [or imprisoned for not more than ten (10) days for each day of violation, or both,] and in addition shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town of Granby from taking such lawful action as is necessary to prevent or remedy any violation.

8.19 RESIDENTIAL/RECREATIONAL DEVELOPMENT

8.19.1 The Commission encourages a preliminary meeting between the Commission and the applicant before the filing of an application, at which the applicant and the Commission can discuss the broad outlines of the proposed development. After the filing of an application, a public hearing shall be conducted, after which the Commission may approve a Special Permit for an integrated development of single-family residential, passive open space and active recreational uses, subject to the provisions of Section 4 and 8.2 of these Regulations and the following criteria:

8.19.2 Site Statistics

8.19.2.1 The development shall be considered only in a single-family residential zone.

8.19.2.2 The site shall contain a minimum of 200 acres.

8.19.2.3 The site shall contain such frontage as is necessary to provide two separate points of access for a proposed through street connecting existing State and/or Town roads.

8.19.3 Design Standards

8.19.3.1 At least 50 per cent of the gross site shall be designated as permanent open space as follows:

a) At least 30 per cent of the gross site shall be designated as permanent open space for passive recreation, agriculture, preservation of natural features: forest and wild life habitat (this portion being the "Passive Open Space").

b) Up to 20 per cent of the gross site may be designated as permanent active improved recreation areas (this portion, collectively, being the "Active Recreation Area"). Any Active Recreation Area shall contain at least one primary recreational entity; which shall be owned (or leased) and maintained by a private individual or entity.

c) In exceptional circumstances as determined by the Commission, the percentages described in clauses a and b, above, may be modified; provided, however, that in no event shall less than 20 per cent of the gross site by designated as Passive Open Space.

d) In approving an application, the Commission shall determine both that the locations of the proposed open space within the development are appropriate and that the allocations within such open space between Passive Open Space and Active Recreation Areas are reasonable.

In acting on an application, which proposes, among other uses, a golf course, the following areas of the golf course shall be allocated to the Active Recreation Area: all driving ranges, practice tees, practice greens, tees, greens, sand traps and paved paths.

8.19.3.2 Primary active recreational uses permitted in the Active Recreation Area may include golf courses, cross-country ski centers, equestrian centers or other similar uses deemed appropriate by the Commission.

a) Secondary recreational uses, which may be allowed, include tennis courts, swimming pools, paved recreational uses and walkways or other similar uses deemed appropriate by the Commission, all of which uses shall be considered to be part of the Active Recreation Area.

b) Accessory uses, which may be allowed, include the following:

1. Restaurant(s) and/or banquet facilities;

2. Maintenance equipment and facilities;

3. Retail sales and/or rental of items used or consumed in the primary or secondary recreation activity, i.e. tack shop, pro shop, ski rental, etc; and

4. Any other accessory use deemed appropriate by the Commission; all of which uses shall be considered to be part of the Active Recreation Area.

8.19.3.3 All of the Passive Open Space, and such part of the Active Recreation Area as the Commission deems appropriate, shall be owned by or shall be subject to conservation easements, conforming to the reasonable requirements of the Commission, enforceable by Granby Land Trust, Inc., the McLean Fund, a similar charitable entity, the State of Connecticut and/or the Town of Granby.

Each of the owners of the lots within the proposed development shall have by deed or other instrument recorded in the Granby Land Records a scenic easement, conforming to the reasonable requirements of the Commission, over all of the Passive Open Space and such part of the Active Recreation Area as may be determined by the Commission.

8.19.3.4 The maximum number of lots, which may be located within the development, none of which shall be located within the Passive Open Space or the Active Recreation Area, shall be determined by the following formula:

L = (.95G - W - S - C) divided by Z,
Where

L= maximum number of lots;
G= gross site area;
W= area of wetlands, watercourses, floodplains and water bodies inexistence as of the date of the application.
S= area of slopes in excess of 20% over a minimum of 100 linear feet of slope;
C= the greater of (a) 3% of the area of (b) the combined areas of buildings, parking lots, tennis courts, swimming pools, restaurants and/or banquet facilities, facilities used for retail sales and/or rentals and other commercial structures and improvements proposed to constitute or support uses in the Active Recreation Area; and
Z= minimum required lot area in the zone of the site; provided, however, that if the site is located in more than one zone, z shall be recalculated on pro rate basis corresponding to the number of acres in each zone compared to the total number of areas in the gross site <.95 provides an allowance for roads.

All areas to be expressed in acres.

8.19.3.5 All lots approved under this section shall meet the following minimum standards:

a) Each lot shall contain at least 30,000 square feet of contiguous developable lands as defined in Section 5.3.12 of these Regulations and either shall be capable of supporting a septic system, a septic reserve area and a well as determined by the Farmington Valley Health District or shall be served by an alternative community system or systems approved by the appropriate regulatory authority.

b) Each lot shall contain at least 25 feet of frontage on a Town or private roadway.

c) Each lot shall contain front yards of at least 40 feet on Town roads and 20 feet on private roads.

d) Notwithstanding Section 5.2.7 of these Regulations, which shall not be applicable to a Residential/Recreational Development, a square 125 feet on a side shall fit on each lot.

e) Each lot shall conform to all other requirements of the R-30 Zone except as specifically modified herein.

8.19.3.6 The Commission shall determine which roads, if any, shall be dedicated to the Town and which homeowners' association or one or more owners of lots within the development. The applicant shall submit to the Commission, and the Commission shall find appropriate, any applicable homeowners' association bylaws and regulations describing the means and method of funding the maintenance of any private roads.

8.19.3.7 All roads approved under this section shall meet the flowing minimum standards:

a) The thickness of the pavement, base, and sub base of all roads shall be as required by Town standard.

b) Pavement widths of all roads shall be as required by Town standard except as waived by the Commission based upon the expected reduced traffic load. No street shall be permitted with pavement width of less than 18 feet.

c) Right-of-way widths of all streets shall be as follows:

1. Through streets 60 feet
2. Other Town roads 50 feet
3. Private roads 40 feet

d) Curbs shall be placed on all major roads and on all other roads except as waived by the Commission.

e) Cleared shoulder/snow shelf widths shall be kept to a minimum as determined by the Commission in order to minimize tree removal and site disturbance.

f) Storm drainage systems shall provide for safe and proper drainage of all roads as determined by the Town Engineer and approved by the Commission.

g) All utilities shall be underground.

h) In keeping with the character of Granby, streetlights will only be allowed as approved by the Commission.

8.19.4 In acting on an application for a Residential/Recreational Development and applying the standards set forth in Section 4 and 8.2 of these Regulations, the Commission may require the applicant to provide documents or other information concerning, and may impose conditions or restrictions relating to:

a) The expected impact of the proposed development on the neighborhood, on the area of the Town in which it is to be located, on nearby private or public open space areas and on aquifers and other ecological systems in the area;

b) The extent to which the proposed development is to be buffered from existing and permitted uses in the area;

c) The expected impact of the proposed development on traffic volume and congestion in the area;

d) The expected impact of noise likely to be generated on the site on abutting properties and the neighborhood;

e) The extent to which uses proposed for the development will be confined to the development and trespassing on adjoining properties will be discouraged by signing, fencing, marking of boundaries of other means;

f) The adequacy and safety of existing State and Town roads expected to serve or to be affected by the proposed development;

g) The economic viability of the uses proposed for the Active Recreation Area as set forth in a market study and/or a business plan;

h) The extent to which uses proposed for the Active Recreation Area are pre-leased or committed for or the extent to which construction and maintenance of such uses are assured by bonding or other means;

i) The compatibility of the proposed development with other existing sues in the area and with uses permitted under these Regulations and the Commission's Subdivision Regulations.

j) The extent and nature of public access, if any, to the proposed Passive Open Space and Active Recreation Area;

k) How areas within the Passive Open Space and Active Recreation Area are to be maintained;

l) The phasing of the proposed improvements within the development; and

m) The extent to which proposed water usage will impact existing streams, watercourses, water bodies and aquifers.

8.19.5 The Commission may require the applicant to adopt for the proposed development restrictions acceptable to the Commission prohibiting or regulating snowmobiles, dirt bikes, un-mufflered motor vehicles and other noise generating machines or activities.

8.19.6 An application for a Special Permit for a Residential/Recreational Development shall be accompanied by an application for subdivision approval and both applications; shall be considered by the Commission at the same public hearing.

8.19.7 Environmental Control of Operations

8.19.7.1 If the activities proposed by the applicant, or reasonably to be expected to occur on the site, involve the application of any pesticides, herbicides, fungicides, fertilizers or chemicals, the applicant shall submit as part of its application a report prepared by a qualified scientist (including, but not necessarily limited to a geologist, biologist, hydrologist, soil scientist and/or limnologist). The applicant shall also make the author of the report available for comment and questioning during the public hearing on the application.

The report shall cover the following matters:

a) The chemical and physical nature of the substances to be applied, the frequency of application and the quantity involved in each application;

b) The expected effects on water, air and soils (both on-site and off-site, including aquifers) of the applications (both long and short term) under the normal operating conditions proposed or expected by the applicant;

c) The expected effects of the applications under unusual conditions which could be anticipated to occur, such as drought, wind, heavy rains, extreme heat or cold, accidents (such as spills or leaks) and events caused by human error;

d) The ability of safeguards such as monitoring systems to avoid or mitigate the effects described in clauses a and b, above; and

e) The specific safeguards, if any, proposed by the applicant.

8.19.7.2 The Commission may require the applicant to submit additional reports on specific matters if it is unclear to the Commission whether the applicant's proposal adequately protects public health, safety, convenience and property values.

8.19.7.3 When and if such policies are available, the Commission may require that the applicant obtain and maintain a policy of environmental impairment liability insurance in an amount and with a deductible satisfactory to the Commission, which policy shall name the Town of Granby, and any homeowners' association as additional assured.

8.19.8 The Commission may require that the applicant post a bond with a recognized corporate surety, or provide other financial security satisfactory to the Commission, to insure that all conditions required by the Commission are maintained in the event of a default in the performance of any condition of the Commission's approval.

8.19.9 The Commission may require additional conditions, which may be necessary to protect the public health, safety, convenience and property values.

8.19.10 Except as noted above, all Residential/Recreational Developments permitted by this Section 8.19 shall conform to the other requirements of these Regulations and to the Commission's Subdivision Regulations.

8.20 FLEXIBLE RESIDENTIAL DEVELOPMENT (FRD).

8.20 PRINCIPLE

A flexible residential development arranges homes closer together in groups on smaller lots than those normally required by Zoning Regulation. FRD permits a reduction in lot size and a variation in shape and location without increasing the overall density, following the approval of a Special Permit in accordance with the criteria and procedures set forth in Section 8.20.

8.20.1 Purpose

Without increasing overall density, the purpose of FRD is to ensure that residential development in Granby, to the extent reasonably possible, preserves the natural features of the land including agricultural soils, wetlands, watercourses and the rural character of the community. In the interest of promoting these objectives, development shall be permitted on lots of lesser dimension than would otherwise be required by Section 5 of the Zoning Regulations if the conditions set forth in this section are met.

8.20.2 Establishment

It is hereby established that all land within the R30, R50, and R2A zones is eligible for a Special Permit for a FRD. Where the Commission approves a FRD the dimensional requirements of the underlying zones, outlined in Section 5 are hereby superseded in their entirety.

8.20.3 Pre Application Conference

The Commission strongly recommends that prior to the submission of an application for a FRD, the applicant initiate a pre application conference with the Commission and its staff to discuss the conceptual aspects of the proposed development and to prepare and present a conceptual plan, or it's equivalent, for informal consideration by the Commission. The conceptual plan, or its equivalent, shall be designed to allow the Commission to make a general comparison between the FRD and a conventional development plan.

Neither the pre application conference, the informal review of the conceptual plan, or its equivalent, nor the Commission's suggestions shall be deemed to constitute approval of any portion of the application.

8.20.4 Application

The applicant for a Special Permit for Flexible Residential Development shall file with the Commission, in the Office of the Director of Community Development the following:

8.20.4.1 A completed application form and fees for the Special Permit in accordance with Section 10.2.3 and Section 8.11 of these Regulations and in accordance with the Subdivision Regulations.

8.20.4.2 Nine (9) copies of the proposed development plan showing the information required by the Subdivision Regulations.

8.20.4.3 Any and all information necessary to demonstrate compliance with Section 8.2 of these Regulations and the information regarding site plans set forth in Section 4 of these Regulations.

8.20.4.4 As applicable, a summary or general description of the proposed bylaws, rules and Regulations of any association or corporation of lot owners within the proposed FRD; the proposed method by which all site utilities will be provided; the manner of ownership and maintenance of any private roadways, private or public facilities and any commonly owned real property rights, including Open Space, and a description of the proposed Open Space, including the method of proposed protection of each of those areas and the manner of preservation of the Open Space.

8.20.5 Conservation Commission Review

The applicant for the FRD permit shall, simultaneously with the filing described in 8.20.4 above, file a copy of the application with the Conservation Commission. The Conservation Commission may submit written comments to the Planning and Zoning Commission within forty-five (45) days of the filing date. Failure by the Conservation Commission to comment within forty- five (45) days shall be deemed lack of objection to the proposed development plan.

8.20.6 General Eligibility Requirements For A Special Permit

8.20.6.1 A FRD shall only be permitted in the R-30, R-50, and R2A zones.

8.20.6.2 A FRD shall consist of parcels of land containing no less than six (6) contiguous acres.

8.20.6.3 A FRD must provide for the preservation of Open Space in accordance with the requirements of these Regulations and the requirements of Section 8.11.

8.20.7 Open Space and Development Densities.

8.20.7.1 In all FRD's a minimum of 50% of the site shall be preserved as open space. At least 40% of this open space must be free of wetlands, watercourses, water bodies, flood plain- A zones, and slopes in excess of 20% that extend 50 linear feet or more. The Commission may modify the 40% requirements where the applicant can demonstrate that the percentage of wetlands, watercourses, water bodies, flood plain A zones, and excessive slopes that exist on the total property is equal to or greater than the percentage of such areas that is proposed for the open space area.

8.20.7.2 For the purposes of Section 8.20, Open Space is an area covered by a restriction, which permanently prohibits development in a manner consistent with the conditions and requirements set forth in Section 8.20.

8.20.7.3 The Commission, in its sole discretion, may permit non-commercial recreational uses within the open space, provided that such uses are not inconsistent with or harmful to the preservation of the restricted area or to the character of the neighborhood. The Commission may also permit activities and accessory structures necessary to support open space and agricultural uses.

8.20.7.4 The Commission may modify any application so as to designate Open Space in locations other than those proposed if such modification will further the conditions and requirements set forth in Section 8.20.9.1 and Section 8.11.

8.20.7.5 To determine the maximum number of lots permitted in a FRD, the total area to be developed shall be reduced by subtracting 75% of the wetlands, watercourses, water bodies, flood plain A zones, 100% of slopes in excess of 20% that extend 50 linear feet or more, 10% of the total area for roadways, and 100% of all designated use areas other than single family lots and open space. The remaining area shall be divided by the minimum lot size permitted in the zone, as outlined in Section 5, in which the subdivision is proposed. An increase in density may be only allowed as provided in Section 8.11.

For Example: Total acreage minus 75% of wetlands, watercourses, water bodies and flood plain A zones, 100% of qualifying slopes, and 10% of the total acreage for roads = "X". "X" divided by the minimum lot size = number lots permitted. Not withstanding the number of lots produced by this formula, a FRD must not result in the creation of more lots than would occur in a standard subdivision. A conceptual standard design plan must be prepared for this purpose.

8.20.7.6 **Minimum Lot Area, Frontage and Yard Requirements**
Minimum Lot Area

R50 & R2A	20,000 sq. feet
R30	15,000 sq. feet
Minimum Lot Frontage	25 feet
Minimum Front Yard	20 feet
Minimum Side Yard	10 feet
Minimum Rear Yard	20 feet

8.20.7.7 Community wells and community septic systems may be permitted within the Open Space, provided that they are in accordance with the guidelines set forth in Section 8.20.8, and provided that they are in accordance with the State of Connecticut Department of Health Regulations as administered by the Farmington Valley Health District and the State Department of Environmental Protection, as applicable.

8.20.7.8 All parcels created by a flexible development plan shall be counted as buildable lots unless specifically restricted from residential use.

8.20.7.9 The Open Space shall not contain any portion of a buildable lot.

8.20.8 Design Guidelines

The development shall be laid out to protect and preserve the open space and to protect adjoining property owners. The development shall also be laid out to achieve any one, or a reasonable mix of the following objectives:

8.20.8.1 To promote the preservation guidelines outlined within the Open Space and Recreational Overlay Zone.

8.20.8.2 That all or part of any existing forests, fields, pastures and other land in agricultural use be preserved and maintained, especially the preservation of land mapped as Class I or II farmland soils, together with sufficient buffer areas, of not less than 50 feet, to minimize conflict between residential and agricultural use. The Commission may waive the minimum buffer requirement where existing features exist which provide an acceptable buffer at less than the required minimum.

8.20.8.3 That consideration be given to the preservation, creation, and connection of areas used for wildlife habitat, recreational corridors and trails within subdivision open space.

8.20.8.4 That a provision be provided for pedestrian access between properties and for a perimeter design concept intended to facilitate the networking of trails for pedestrian and/or equine use to ensure recreational access to resource lands as provided for in the Subdivision Regulations.

8.20.8.5 That the location of the open space areas be primarily in areas, which are contiguous to existing open space areas, or in areas of the site with the highest probability of connecting with future open space areas.

8.20.8.6 That the scenic views and vistas, particularly as seen from public or scenic roads, be preserved.

8.20.8.7 That historic and prehistoric sites; and their environs, in so far as needed to protect the character of the site, be preserved.

8.20.8.8 That the visual integrity of hilltops and ridge lines be maintained by siting development so that building silhouettes will be below the ridgeline or, hilltop or, if the area is heavily wooded, the building silhouettes will be at least ten (10) feet lower than the average canopy height of trees on the ridge or hilltop.

8.20.8.9 That consideration be given to the protection of existing residential areas, which shall include the creation of sufficient buffer areas, of not less than 50 feet, to minimize conflict between existing residential use and the proposed FRD. The Commission may waive the minimum buffer requirement where existing features exist which provide an acceptable buffer at less than the required minimum or where the proposed lots, which abut the existing residential use, contain the minimum required area outlined in Section 5.

8.20.9 Requirements for the Open Space

8.20.9.1 All developments under the terms, conditions and requirements of these Regulations shall preserve open space land to serve one or more of the following purposes:

1. To preserve land areas outlined within the Granby Open Space and Recreation Overlay Zone in accordance with Section 8.11.

2. The creation of public parks, playgrounds or other outdoor non-commercial recreation areas, athletic fields and related facilities.

3. The protection of natural streams, ponds, or water supply.

4. The conservation of agricultural soils, wetlands, or marshes.

5. The protection of natural drainage systems or assurance of safety from flooding.

6. The preservation of existing natural buffers.

7. The conservation of forests, wildlife, agricultural and other natural resources.

8. The networking of trails and corridors on which motorized vehicles shall be prohibited.

8.20.9.2 The permanent preservation of open space shall be accomplished by deeding the property, granting preservation easements or any other method which accomplishes irrevocable preservation in accordance with the requirements set forth in this Section to two or more of the following entities:

The Town of Granby;

The State of Connecticut;

The Granby Land Trust;

The McLean Game Refuge;

An approved Home Owners Association;

The State D.E.P.;

The American Farmland Trust;

The Connecticut Audubon Society;

The Sierra Club;

The Ct Trust For Historic Preservation;

The Connecticut Wildlife Federation;

Salmon Brook Historical Society;

The Nature Conservancy;

Other approved nonprofit organization.

8.20.9.3 All lots in a FRD shall have a scenic easement over all open space within the subdivision. Such easement shall require that the open space remain open space in accordance with the Regulations.

8.20.9.4 The preservation as outlined in Sections 8.20.9.2 and 8.20.9.3, regardless of the method used, shall be completed within one year of the date of approval.

8.20.9.5 In determining which of the entities should own or control the proposed Open Space, or whether to require Open Space in locations different from those proposed, the Commission shall consider the following factors:

8.20.9.5.1 The ownership of any existing open space on adjacent properties or the proximity to non-adjacent open space, which might reasonably interconnect, with the proposed Open Space in the future.

8.20.9.5.2 The proposed use of Open Space for active or passive uses and the extent of maintenance, supervision, or management required.

8.20.9.5.3 The potential benefits which the Open Space might provide to residents of the Town or the State, if it were accessible to them.

8.20.9.5.4 The size, shape, topography and character of the Open Space.

8.20.9.5.5 The recommendations, if any, of the Granby Plan of Development.

8.20.9.5.6 The reports or recommendations of any State or Town agencies, including, but not limited to, the Granby Recreation Commission, the Connecticut Capitol Regional Council of Governments and the Connecticut Department of Environmental Protection.

8.20.9.6 Regardless of the manner of ownership of the Open Space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure:

8.20.9.6.1 The continued use of such land for the intended purposes;

8.20.9.6.2 The continuity of proper maintenance for those portions of the Open Space requiring maintenance; and

8.20.9.6.3 When appropriate, the availability of funds required for such maintenance.

8.20.10 Commonly Owned Land and Facilities;

8.20.10.1 If dedicated open land or community recreation facilities are to be owned jointly or in common by the owners of lots or dwelling units, maintenance of the common land or facilities shall be permanently guaranteed through the establishment of an incorporated homeowners' association.

8.20.10.2 When an association is established to own Open Space, the association must be legally established to fulfill the following requirements prior to the endorsement of the final plans.

8.20.10.2.1 The homeowners association must be established as a legally recognized entity.

8.20.10.2.2 The association must be responsible for liability insurance, local taxes, and the maintenance of any recreational and other facilities.

8.20.10.2.3 There shall be mandatory membership in the association or corporation by all the original lot owners and any subsequent owners.

8.20.10.2.4 Each lot owner shall have an equal vote in determining the affairs of the organization, costs shall be assessed equally to each lot; and the organization shall remain under the control of the developer until a majority of the lots are conveyed to permanent owners.

8.20.10.2.5 The association or corporation must have the power to assess and collect from each lot owner a specified share of the costs associated with maintenance, repair, upkeep and insurance of the Open Space.

8.20.10.2.6 The association must have the authority to adjust the assessment to meet changed needs.

8.20.10.2.7 The method or organization, by-laws and rules of procedure of the homeowners' association shall be in a form acceptable to the Commission and are subject to a review by the Town Attorney. The Commission may require that the developer of a FRD establish a sinking fund to be used to maintain common areas. The sinking fund shall be transferred to the homeowners' association when the assets are transferred to the association upon completion of a requisite portion of the development.

8.20.11 Boundary Lines

To prevent trespassing on adjacent lands, the boundary lines of all Open Space shall be identified and marked in such reasonable manner as may be required by the Commission to insure the identification of the Open Space.

8.20.12 Final Review

In reviewing the FRD application, the Commission, in addition to the factors set forth in the preceding sections, shall consider the following:

8.20.12.1 The enhancement of the community interest listed in Section 8.20.1 (Purpose) and expressed in Section 8.20.8 (Design Guidelines).

8.20.12.2 The degree of the developments impact on immediate abutters and the surrounding neighborhood in comparison to the impacts of a conventional development.

8.20.12.3 Maintenance of agricultural activity on the site.

8.20.12.4 Future management of special habitat (flora and fauna) areas.

8.20.12.5 The impact on ground and surface water quality.

8.20.12.6 Protection of historic sites or sites of prehistoric or archaeological significance.

8.20.12.7 Compliance with all requirements of Section 8.2 of the Regulations.

8.20.12.8 The degree to which recreational corridors are employed to facilitate the creation of a town wide network.

8.20.13 Approval

The Commission shall approve the Special Permit for Flexible Residential Development or approve it with conditions necessary to protect the public health, safety, convenience and property values, if it finds that the development plan on balance will better serve the Town of Granby and the neighborhood surrounding the development than a Standard Subdivision development.

8.20.14 Conditions

The Commission may establish conditions in addition to those outlined in Section 4.2.10, including but not limited to the following:

8.20.14.1 Granting of a covenant or easement to ensure that existing fields or pastures will be plowed or mowed periodically with attention given to the requirements of existing animal and plant species.

8.20.14.2 Granting of an easement providing and defining rights of public access.

8.20.14.3 Designation of no-cut or limited-clearing areas on lots.

8.20.14.4 Measures to ensure the maintenance of scenic views and vistas.

8.20.14.5 Requiring evidence that at least two (2) organizations are willing to accept the responsibility for the preservation and maintenance of the Open Space.

8.20.15 Recording

The applicant shall record on the Granby Land Records all legal documents required to ensure the permanent preservation of the open space prior to the Commission's execution of the final mylars, unless otherwise noted within the Commission's approval.

SECTION 8
SPECIAL REGULATIONS

8.21 AQUIFER PROTECTION OVERLAY ZONE

8.21.1 Purpose

The purpose of this Regulation is to protect and preserve ground water quality within stratified drift aquifers and the recharge areas. This water is the source of Granby's present public water supply, and its quality must be preserved for present and future populations. Since these ground water resources, have been shown to be contaminated easily, by land uses and other activities, it is necessary that specific controls be exercised within the area to protect the ground water quality.

8.21.2 Aquifer Overlay Zone Map

The provisions of these Regulations shall apply to all land within the area designated on the Aquifer Protection Overlay Zone Map. This map includes the area of the stratified drift aquifer and its direct recharge areas and was prepared in accordance with the methodology outlined in "Delineating Recharge Areas for Stratified - Drift Aquifers in Connecticut with Geologic and Topographic Maps" by Eleanor H. Handman. Where possible the map has been adjusted to follow street lines, property lines and other existing boundaries. The map has also been adjusted by removing an area in and around the existing Granby landfill. The Commission may amend the boundaries of the overlay zone following a public hearing as new information Becomes available to more adequately determine the boundaries of the aquifer and recharge areas.

Where the boundary of the overlay zone is disputed by an applicant other than the Commission; an application in accordance with Section 10.2.8 to amend the boundary, may be filed with the Commission.

8.21.3 Use Regulations

Uses, which are permitted in the existing underlying zones, are permitted except as prohibited or restricted herein.

8.21.4 Special Permit

The following uses and activities are permitted within the Aquifer Protection Overlay Zone, following the issuance of a Special Permit by the Commission. The additional requirements for a Special Permit set forth herein shall be applied to all requests for a Special Permit under this Section and shall be in addition to the requirements of Section 8.2 and 4 of these Regulations.

8.21.4.1 Underground leaching systems for storm water from paved highways, parking and developed areas.

8.21.4.2 Floor drains systems.

8.21.4.3 Mining of sand, gravel or other earth material.

8.21.4.4 Agricultural uses encompassing more than 5 acres of land area.

8.21.4.5 Underground storage tanks for heating oil and diesel fuel for non-residential users.

8.21.4.6 Underground storage tanks for gasoline for non- residential purposes, when such tanks are confined to the recharge area of the Overlay Zone.

8.21.4.7 The bulk storage of chemical products and waste materials, including the bulk storage of road salt.

8.21.4.8 Any and all uses outlined within the underlying zone, except that a single-family residential use does not require a Special Permit.

8.21.4.9 Any existing business operation, which becomes a legal non-conforming use, in whole or in part, through the prohibitions outlined in Section 8.21.9, may be expanded or upgraded and underground storage tanks replaced, following the issuance of a Special permit.

8.21.5 Special review requirements for Special Permit uses outlined within the Aquifer Protection Overlay Zone

8.21.5.1 In order to assure compliance with the general purpose of these Regulations, individuals and entities seeking uses which are subject to a Special Permit under this Section shall submit an application in conformance with the following requirements, as applicable, which are in addition to the requirements of Sections 4 and 8.2 of the Zoning Regulations.

8.21.5.1.1 The application shall include a specific and detailed description of the proposed use or activity; commercial (trades and services), industrial (manufacturing and processing); products produced; standard industrial code (S.I.C.) and material safety data sheets

8.21.5.1.2 The application shall include a complete list of the types, composition and volumes of all hazardous materials (including fuels) used, stored, processed, handled or disposed, other than those volumes and types associated with normal household use, together with a copy of the manufacturer's recommendations or requirements for the use, storage, processing, handling and disposal of the materials.

8.21.5.1.3 The application shall include the estimated amounts, types and description of the wastes, which will be generated by the use or activity, and the proposed method of disposing of these wastes. Included within this report are any solid wastes, hazardous wastes, sewage and non-sewage wastewater discharges.

8.21.5.1.4 The application maps shall show the location of private drinking water supply wells within 200 feet of any proposed construction, location of public water supply wells within 1,000 feet of any proposed construction and other water supplies which may be affected by the activity.

8.21.5.1.5 The application shall include a site plan and building plan showing: hazardous materials loading, storage, handling and process areas; floor drains; process vents; sewage disposal; and waste storage or disposal areas.

8.21.5.1.6 The application shall include a specific and detailed description of the established Best Management Practices for the particular use and shall include the following:

8.21.5.1.6.1 A list of the published sources used in determining the Best Management Practices.

8.21.5.1.6.2 Evidence that the proposal conforms with the established Best Management Practices.

8.21.5.1.6.3 Reasons for any variations between the published Best Management Practices guidelines and the proposed practices.

8.21.5.1.7 The application shall include other additional information as may be required by the Commission regarding: the proposed use, its potential impact to water quality, hydro geological information, monitoring, and mitigation measures.

8.21.5.2 In the review of a Special Permit under this Section, the Commission shall apply the following evaluation criteria and considerations, which are in addition to the requirements of Sections 4 and 8.2 of the Zoning Regulations.

8.21.5.2.1 Compliance with published Best Management Practices and other guidelines, including those outlined in: Guidelines to Contamination Sources for Wellhead Protection, A Cape Cod Aquifer Management Project Document dated February 1989, as Amended, Best Management Practices for type V wells Phase I. Inventory of Current Management Practices For Type V Wells, by Lee Rogers.

8.21.5.2.2 Compliance with published Performance and Design Standards including: Protecting Connecticut's Groundwater by Ellen Z. Harrison and Mary Ann Dickinson.

8.21.5.2.3 Evaluation of both the type of use and the specific area of the Aquifer Protection Overlay Zone in which the use is proposed.

8.21.5.2.4 Evaluation of the potential degradation to the ground water created by the proposed use or activity, as determined by published surveys, documents and publications, which outline the proposed uses past, record in regards to ground water pollution. A historical record of ground water degradation may be balanced by documents outlining the reduced risks of pollution due to modern practices and advances in technology.

8.21.5.3 The Commission may attach conditions of approval to a Special Permit to insure the protection of the ground water quality. These conditions may include:

8.21.5.3.1 Monitoring as outlined in Section 8.21.8.

8.21.5.3.2 An annual renewal of the permit.

8.21.5.3.3 Frequent inspection by the Zoning Enforcement Officer or other appointed official.

8.21.5.3.4 Annual reporting and documentation relating to the proposed use.

8.21.5.3.5 Other conditions which in the opinion of the commission will aid in protecting the Aquifer.

8.21.6 Pesticide, Fertilizer and Herbicide Use

A management plan, together with a copy of any required state licenses shall be placed on file with the Commission prior to any application of any chemical pesticides, fertilizers or herbicides, over any land area in excess of 5 acres, used for crops, lawns, gardens or landscaping within the Aquifer Protection Overlay Zone. The management plan shall indicate types and compositions of materials, application schedule, and conformance with applicable Best Management Practices. These management plans and practices shall require a system of Integrated Pest Management and encourage the use of environmentally safe products and organic pesticide and fertilizer use.

8.21.7 Agricultural Operations

8.21.7.1 New agricultural operations established subsequent to the effective date of this regulation shall be considered a use subject to a Special Permit where:

8.21.7.1.1 The agricultural use is new to a building or section of the land, except that the expansion of crop or pasture land will not be considered a new agricultural operation unless the new area is equal to or greater than 5 acres.

8.21.7.1.2 The use is expanded with the building of an additional structure in excess of 1,000 square feet.

8.21.7.1.3 The new agricultural use will involve the application of pesticides, herbicides or fertilizers upon any new land area where they were not previously applied.

8.21.7.2 Following documentation that a Farm Resources Management Plan has been approved by the Department of Environmental Protection and/or the Hartford County
Soil and Water Conservation District and implemented for the agricultural operation, the Commission shall waive the requirement for a Special Permit.

8.21.8 Monitoring

If it is determined that additional safety measures and monitoring are needed for any use within the Aquifer Protection Zone, a monitoring program may be required which may consist of:

- Installation of monitoring wells
- Periodic sampling
- Reporting of analysis
- Other measures as required by the Commission

8.21.9 Prohibited Uses

The following uses and activities shall be prohibited from the aquifer protection overlay zone due to the considerable risk that these uses and activities pose to the aquifer.

8.21.9.1 The septic system discharge of any non-domestic waste, which shall include non-biodegradable waste or persistent organics and inorganics.

8.21.9.2 The on-site disposal or burial of garbage, rubbish, bulky waste or other junk or unwanted materials, excluding, composting, recycling or the temporary placement of unwanted materials destined for reuse or permanent disposal at an alternate site.

8.21.9.3 Municipal and state maintenance garages.

8.21.9.4 On site dry cleaners.

8.21.9.5 Automotive service stations or similar use which involves truck, boat or automobile engine or body repairs, excepting existing businesses which may be expanded or upgraded following the issuance of a Special permit.

8.21.9.6 Industrial printing establishments engaged in plate making, commercial lithography, photoengraving and gravure.

8.21.9.7 Self-service storage facilities.

8.21.9.8 Furniture stripping operation.

8.21.9.9 Underground storage tanks for any hazardous material, except as provided in Sections 8.21.4.2, 8.21.4.5 and 8.21.4.6.

8.21.9.10 Any existing business operation, which becomes a legal non-conforming use, in whole or in part, through the prohibitions outlined in Section 8.21.9, may be expanded or upgraded and underground storage tanks replaced, following the issuance of a Special Permit by the Commission.

8.21.10 Waiver Provision

The requirements outlined in Sections 8.21.5 and Section 4 of these Regulations may be modified or waived by the Commission for applications where the underlying zone is R-30, R-50, or R2A. No modification or waiver shall be issued until such time that a Public Hearing is held before the Commission and a written narrative of the proposed use is filed.

8.21.11 The Zoning Board of Appeals shall not be permitted to grant use variances in the Aquifer Protection Zone.

8.22 HOME INSTRUCTION

8.22.0 Home instruction which involves the training of more than 3 students at any one time as an accessory to a primary residential use may be allowed by the Commission subject to the following requirements in addition to the requirements of Section 8.2: Any Customary Home Instruction, involving the training of 3 or fewer students at any one time may be considered a Customary Home Occupation, provided said use conforms to Section 8.8.

8.22.1 An application for Home Instruction shall identify any and all areas of the property where the instruction will be undertaken. Such areas to include areas within the home as well as any outbuildings or outside areas.

8.22.2 An application for Home Instruction shall outline the proposed days and the hours of the day when the Home Instruction will occur.

8.22.3 An application for Home Instruction shall outline the location of abutting residential structures within 500 feet.

8.22.4 An application for Home Instruction shall outline vehicular access and egress, identify the areas where students will be dropped off and picked up, address the anticipated parking requirements and outline the design of any proposed parking area.

8.22.5 All Home Instruction shall be operated by the inhabitants of the residence where the use is proposed and may only involve the employment of members of the immediate family residing on the premises, plus one (1) person, full or part-time, not residing in such dwelling unit.

8.22.6 All Home Instruction shall be clearly incidental and secondary to the use of the property for residential purposes.

8.22.7 No Home Instruction shall be permitted if it is found that it will change the residential character of the property.

8.22.8 No Home Instruction shall be permitted if it is found that it will result in a significant increase in traffic to the area.

8.22.9 No Home Instruction shall be permitted if it is found that it will result in objectionable noise, odor, vibrations, or unsightly conditions, or that it will create a health or safety hazard.

8.22.10 The owner of the property shall reside on the property throughout the duration of its use for Home Instruction.

8.22.11 Only signs, which conform, to the CUSTOMARY HOME OCCUPATION signs standards as outlined within Section 8.6 will be permitted.

8.22.12 In approving the Home Instruction the Commission may attach conditions as provided in Sections 4 and 8.2 and shall consider a condition which provides for the maximum number of students that may be on the premises at any one time.

SECTION 8
SPECIAL REGULATIONS

8.23 REAR LOTS IN COMMERCIAL ZONES

8.23.1 Special Permit Applications for Rear Lots in Commercial Zones shall be considered for properties located within the; C1, C2, OP, I, and ED zones, subject to the requirements of Section 8.2. A commercial rear lot is any lot, which does not meet the minimum requirement for frontage under Section 5 of these Regulations as required for the zone in which the property is located. Each application for a commercial rear lot shall demonstrate how specific circumstances make the commercial rear lot development proposal consistent with the regulations herein while avoiding adverse effects on the Town.

8.23.1.1 The commercial rear lot shall have an adequate and safe access way with a minimum right of way width of 30 feet measured along the total length between the Street line and the rear boundary line of the front lot(s). If the access way is in the form of an easement across a front lot (existing or proposed), then the frontage of the front lot shall be measured exclusive of the easement width.

8.23.1.2 In all commercial zones the commercial rear lot shall contain a minimum area of not less than one and one-half (1 1/2) times the minimum requirement of the zone in which the commercial rear lot is proposed.

8.23.1.3 The following Yard requirements shall be maintained for all Commercial Rear Lots:

8.23.1.3.1 Front Yard - Minimum 50 feet,

8.23.1.3.2 Side Yard - Minimum 50 feet,

8.23.1.3.3 Rear Yard - Minimum 50 feet.

8.23.1.4 All commercial rear lot applications shall include, at minimum, a conceptual development plan for the rear lot, which plan shall demonstrate compliance with the requirements of these regulations. Where the application for a commercial rear lot involves a previously developed site, as may be required to accommodate a transfer of ownership, then a complete survey of the property which outlines all improvements, must be included with the application.

8.23.1.5.1 The development of the rear lot(s) shall be compatible and harmonious with the development of the front lot(s). Where possible a common site plan shall be prepared which includes both the front and the rear lot. Common access ways which serve both front and rear lots shall be utilized whenever possible and the design of the parking, landscaping, drainage, lighting, etc., for the rear lot development shall be compatible and harmonious with the design of the front lot.

8.23.1.6 The Commission may waive the Lot Square requirement of Section 5.2.7.

8.24 ADULT ORIENTED ESTABLISHMENT

8.24.1 Definitions

8.24.1.1 For the purposes of this ordinance, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

8.24.1.2 **Adult Oriented Establishment:** Shall include, without limitation, "Adult Bookstore", "Adult Arcade", "Adult Cabaret", "Adult Model Studio", "Adult Motel", "Adult Paraphernalia Store", "Adult Theater or Motion Picture Theater", "Massage Center", "Sexual Encounter Center" or similar use or term, which meets the definition of the above terms.

8.24.1.3 **Adult Bookstore:** An establishment having a substantial or significant portion of its stock and trade in books, films, photographs, tapes, CDs, video cassettes, or other video/audio medium, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein.

8.24.1.4 **Adult Arcade:** An establishment where, for any form of consideration or gratuity, one or more motion picture projectors, mini-motion picture projectors, slide projectors, VCRs, CD players or other video/audio medium are used to show, to one or more persons, films, slides or other photographic reproductions which are characterized by an emphasis on depicting or describing specified sexual activity or specified anatomical areas.

8.24.1.5 **Adult Cabaret:** A nightclub, bar, restaurant, theater or similar establishment which features "adult entertainment" or performances which are characterized by the exposure of "specified anatomical areas", or defines itself as such by advertising an adult oriented business to the general public.

8.24.1.6 **Adult Model Studio:** Any place where, for any form of consideration or gratuity, person(s), identified as models or similar term are made available for the purpose of displaying specified anatomical areas in order to be observed, sketched, drawn, painted, sculptured, photographed, or are similarly depicted, for the benefit of persons paying such consideration or gratuity. Excluded from this definition are any licensed educational institutions where the exposure of specified areas is a minor portion of the educational experience and such exposure is associated with a particular curriculum or program.

8.24.1.7 **Adult Motel:** A commercial establishment which offers public accommodations, for any form of consideration or gratuity, and provides patrons with closed circuit television transmissions, images transmitted by computer, films, video cassettes, slides or other photographic reproductions, or video/audio medium, which are characterized by an emphasis on depicting or describing specified sexual activity or specified anatomical areas and which advertises the availability of this type of material by means of a sign(s) visible from a public right of way or by means of off premises advertising in newspapers, magazines, leaflets, radio or television, offers a sleeping room for rent for period of time less than ten hours or allows a tenant or occupant to sub rent a sleeping room for rent for a period of time less than ten hours or allows a tenant or occupant to sub rent a sleeping room for a time period less than ten hours or defines itself as such by advertising as an adult oriented business to the general public.

8.24.1.8 **Adult Paraphernalia Store:** A business having a significant portion of its stock in trade in paraphernalia, devices or equipment characterized by an emphasis on depicting or describing specified sexual activity or used in connection with specified sexual activity; or defines itself as such by advertising as an adult oriented business to the general public.

8.24.1.9 **Adult Theater or Adult Motion Picture Theater:** A theater, concert hall, auditorium or similar establishment which, for any form of consideration or gratuity, regularly feature live performances or the presentation of films, video cassettes, slides or other photographic reproductions, or video/audio medium, featuring adult entertainment, characterized by an emphasis on depicting or describing specified sexual activity or specified anatomical areas.

8.24.1.10 **Sexual Encounter Center:** A business that regularly offers for any form of consideration, activities between male and female persons and/or persons of the same sex, when one or more of the persons displays specified anatomical areas or engages in specified sexual activities. This definition does not apply to any treatment or examination of another person for a bona fide medical purpose when such treatment or examination is conducted in a manner substantially consistent with reasonable medical practices commonly accepted by the American Medical Association or similar organization.

8.24.1.11 **Massage Center:** A business that regularly offers for any form of consideration, activities between male and female persons and/or persons of the same sex, when one or more of the persons offers to massage another without benefit of substantial educational training and certification and/or offers these services after 9:00 p.m. or before 7:00 a.m.

This definition does not apply to licensed (LMD, A.M.T.A.) Massage Therapists, Physical Therapists, or any treatment or examination of another person for a bona fide medical purpose when such treatment or examination is conducted in a manner substantially consistent with reasonable medical practices commonly accepted by the American Medical Association or similar organization.

8.24.2 **No building or use of land for the establishment of an adult oriented establishment, as defined above, shall be approved in the Town of Granby unless such use is in strict compliance with the following requirements:**

8.24.2.1 No adult oriented establishment shall be established on a lot if any portion of such lot is situated within 1,000 ft. radius of any lot; used or approved to be used, for a public or private school, house of worship or library.

8.24.2.2 No adult oriented establishment shall be established on a lot if any portion of such lot is situated within 1,000 ft. radius of any lot; used or approved; to be used for an adult oriented establishment.

8.24.2.3 No adult oriented establishment shall be established within 1,000 ft. radius of any lot located in a residential zoning district. (R30, R50, R2A, PDM)

8.24.2.4 No alcoholic beverages shall be sold or consumed within adult oriented establishments.

8.24.2.5 Adult oriented establishments shall be designed so as to prohibit the view of any sexual aids or paraphernalia; films, books, tapes, periodicals, CDs, drawings or advertisements depicting specified anatomical areas or specified sexual activity from a sidewalk, street, driveway or parking area.

8.24.2.6 Any signs located inside or outside an adult oriented establishment visible from a sidewalk, street, driveway or parking area shall not visually depict, describe or name any specified anatomical area or specified sexual activity.

SECTION 8
SPECIAL REGULATIONS

8.25 UTILITY USES

8.25.1 The purpose of this Section is to permit, under certain conditions, the establishment of Utility Uses, as defined in Section 1.4 upon issuance by the Commission of a Special Permit and together with conditions, which the Commission may attach to the Permit in order to assure that the use is in compliance with Section 8.2 of these regulations.

8.25.2 Within Residential Zones a Utility Use, which contains 600 square feet or more.

8.25.2.1 Shall be the primary and only use on a lot.

8.25.2.2 Shall conform to the minimum requirements of Section 5, except that the minimum side yard shall be 30 feet.

8.25.2.3 Shall be of a scale, square footage and height, which is similar to those of buildings located on neighboring residential properties.

8.25.2.4 Shall be designed to harmonize with structures typically found within the surrounding residential zones. Designs, which mirror area barns, shall be preferable to area garages.

8.25.2.5 Shall be of a material and have components, which are similar to those of neighboring structures. Materials shall include items such as exterior siding and roofing while components include items such as windows and doors.

8.25.2.6 Shall be located on property, which is designed and maintained in a manner, which is similar to that of surrounding residential properties.

8.25.2.7 Shall have no service yard or outside storage.

8.25.2.8 Shall contain no hazardous substances.

8.25.2.9 Shall place all utility lines servicing the structure underground.

8.25.2.10 Shall be unmanned except for routine maintenance and shall not require sanitary sewers or septic systems.

8.25.3 Within Residential Zones, a utility use which covers an area of less than 600 square feet:

8.25.3.1 May be located on lot which contains an existing residential use, provided the total area of the lot is equal to the minimum required within the zone plus the area set aside for the utility use and all residential structures are located at least 50 feet from the utility use.

8.25.3.2 May be set back from the street line a distance of less than 50 feet, but not less than 15 feet, as determined by the Commission based on the size and location of the structure and the existing and proposed screening.

8.25.3.3 Must be screened from neighboring properties and the street with evergreen and other plantings as determined by the Commission.

8.25.3.4 Must be in general compliance with Sections 8.25.2.3 through 8.25.2.10 as applicable, based on the size and location of the proposed utility use.

8.25.4 Within Residential Zones, a utility use which covers an area of less than 50 square feet:

8.25.4.1 Shall be permitted when located on lot which contains an existing residential use, provided the total area of the lot is equal to the minimum required within the zone plus the area set aside for the utility use and all residential structures are located at least 50 feet from the utility use.

8.25.4.2 Shall be completely screened from the Street with evergreen planting.

8.25.4.3 May be located a minimum of 10 feet from the street line.

8.25.5 Within non-residential zones, utility structures shall require a Special Permit if they are to contain 50 square feet or more:

8.25.5.1 Utility Uses may be designed as a primary use or as part of a coordinated site plan subject to section 4 of these Regulations.

8.25.6 Within non-residential zones, a utility use which covers an area of less than 50 square feet:

8.25.6.1 Shall be permitted when located on lot which contains an existing commercial use, provided the total area of the lot is equal to the minimum required within the zone plus the area set aside for the utility use and all area structures are located at least 50 feet from the utility use.

8.25.6.2 Shall be completely screened from the Street with evergreen planting.

8.25.6.3 May be located a minimum of 10 feet from the street line.

SECTION 8
SPECIAL REGULATIONS

8.26 WIRELESS TELECOMMUNICATION SITES

8.26.1 Intent

8.26.1.1 The intent of this regulation is to plan for and guide the establishment and or expansion of wireless telecommunication services within the Town of Granby while protecting neighborhoods and minimizing any adverse visual and operational effects of such wireless telecommunications facilities through careful design, siting and screening. More specifically this regulation has been developed in order to:

a. Maximize the use of existing and approved towers and other structures that can accommodate new antennas and transmitters in an effort to reduce the number of communication towers needed to serve the community;

b. Encourage providers to co-locate their facilities on a single tower;

c. Site facilities below visually prominent ridgelines;

d. Minimize the location of facilities in visually sensitive areas;

e. Encourage creative design measures to camouflage facilities;

f. Protect historic and residential areas from potential visual adverse impacts of the communication towers and equipment;

g. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

8.26.2 Definitions.

For the purpose of applying the provisions of this section the terms below shall be defined as follows:

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

b. CO-LOCATION means locating wireless communication facilities from more than one provider on a single site.

c. HEIGHT OF TOWER means the vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.

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

e. WIRELESS TELECOMMUNICATION SERVICES means licensed wireless telecommunication services including, but not necessarily limited to, 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.

f. WIRELESS TELECOMMUNICATION SITE means a facility operated by a licensed wireless telecommunication service provider, which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves, associated with wireless telecommunication services.

8.26.3 Location Preferences.

The locations for siting the equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed in paragraphs 1 through 3 below, in order of preference.

a. On existing structures such as buildings, water towers and utility poles.

b. Co-located on existing or approved towers.

c. Co located on new towers

8.26.4 Permitted Uses.

The following uses, which generally pose minimum adverse visual impacts, shall be permitted in all zones subject to the requirements listed in Sections 8.26.6, 8.26.7 and 8.26.8.

8.26.4.1 Wireless telecommunication sites located on nonresidential buildings and screened from view from all surrounding streets and driveways used by the general public during all four seasons. The method and materials used to shield such sites; must be approved by the Granby Planning and Zoning Commission as part of the Site Plan Review.

8.26.4.2 Wireless telecommunications sites where the antenna is mounted to existing towers, utility poles, water towers, light standards, bridges or other structures not classified as buildings provided the following standards are meet:

a. No changes are made to the height of such structure.

b. No panel antenna shall exceed 72 inches in height and 24 inches in width.

c. No dish antenna shall exceed 3 feet in diameter.

d. All accompanying equipment buildings or boxes shall be screened, fenced and designed as approved by the Granby Planning and Zoning Commission as part of the Site Plan review.

8.26.5 Uses Allowed Only by Special Permit

Wireless Telecommunications Sites, not otherwise permitted Section 8.26.4 above, may be permitted by the Commission following the issuance of a Special Permit. In addition to the criteria provided in Section 8.2, applications submitted under this section shall also comply with the requirements listed in Sections 8.26.6, 8.26.7 and 8.26.8.

8.26.6 Site Plan Requirements:

All proposals to develop a wireless telecommunication site as a permitted use or special permit use shall be subject to the site plan requirements listed in Section 4 of these regulations. In addition the following information shall be submitted:

8.26.6.1 Permitted Use: (Additional Information Required on the Site Plan)

a. A plan showing where and how the proposed antenna will be affixed to particular building or structure.

b. Details of all proposed antenna and mounting equipment including size and color.

c. Elevations of all proposed shielding and details of materials including color.

d. An elevation of all proposed equipment buildings or boxes. Details of all proposed fencing including color.

e. A design drawing including cross section and elevation of all proposed towers

f. 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. Where a monopole is proposed the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line.

g. An analysis of the fall zone for the proposed tower.

h. Proof that either the applicant or co-applicant holds bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support.

i. A report or letter from the State Department of Transportation or the Federal Aviation Administration that the proposed tower complies with all airport safety requirements for Bradley International Airport.

j. A map depicting the extent of the provider's planned coverage within the Town of Granby and the service area of the proposed wireless telecommunication site.

8.26.6.2 Special Permit Use: (Additional Information Required on the Site Plan)

a. All of the plans and information required for Permitted Uses in the previous subsection.

b. Upon request of the Commission the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.

c. For towers located in or within 1,000 ft of a Residential Zone, the applicant shall provide a view shed analysis showing all areas from which the tower would be visible during all four seasons.

8.26.7 <u>Lot Size, Height and Area Requirements</u>

8.26.7.1 Lot Size.

Wireless telecommunication sites shall only be permitted on lots that contain at least twice the minimum land area required within the underlying zone.
Where it is proposed that such a wireless telecommunication site occupy a lot as a principal use the minimum lot size shall be as required for the underlying zone or 40,000 square feet, whichever is greater.

8.26.7.2 Height

The maximum height of a tower proposed under this regulation shall be 200 feet including the antenna and all 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.

The maximum height of any rooftop mounted equipment building or box shall be 15 feet above the roof surface.

8.26.7.3 Setbacks

8.26.7.3.1 All freestanding monopole towers shall comply with the following minimum property line setbacks:

a. Front Yard – In residential zones = 100 feet

b. Side and Rear Yards in residential zones = 50 feet for towers less than 60 feet in height and 100 feet for towers equal to or greater than 60 feet.

c. Side and Rear Yards in nonresidential zones, 25 feet for towers less than 60 feet in height and 50 feet for towers equal to or greater than 60 feet. However, where a side or rear lot line is contiguous to a residential zone the setback for that particular yard shall be as required for such a tower in a residential zone.

d. All other towers (non-monopole) in residential zones shall be located a minimum distance from any property line equal to 125 percent of the proposed tower height or 200' feet whichever is greater.

e. All other towers (non-monopole) in nonresidential zones shall be located a minimum distance from any property line of at least 100 feet or a distance equal to the height of the tower, whichever is greater.

f. All equipment buildings/boxes or equipment areas which are each 50 square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.

g. All equipment buildings/boxes or equipment areas which are each less than 50 square feet in area shall comply with the minimum property line setbacks as follows:

Front Yard - Same as for a principal building in the underlying zone.

Rear and Side Yards - 20 feet.

8.26.8 General Requirements

a. No wireless telecommunication site shall be located within 200 feet of an existing or proposed residence.

b. No tower exceeding 60 feet in height shall be located within 1,000 feet of the boundary of a historic district or property listed on the National Register of Historic Places.

c. No lights shall be mounted on proposed towers unless otherwise required by the FAA. All strobe lighting shall be avoided if possible.

d. Towers not requiring special FAA painting or markings shall be painted a non-contrasting blue or gray.

e. Towers may not be used to exhibit any signage or other advertising.

f. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and [comparable] antennas for at least [two] six additional users if the tower is over 100 feet in height or for at least one additional [comparable] antenna if the tower is over 50 feet in height. 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.

g. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall to the greatest degree possible blend with the color and design of such building.

h. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.

i. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions.

j. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.

k. All generators installed in conjunction with any wireless telecommunication site shall comply with all State noise regulations. In addition, such generators shall employ the best available technology to reduce noise. Such means shall include, but not be limited to, enclosure within a building, using a fuel source as propane and employment of soundproofing devises.

l. All equipment buildings, boxes or equipment areas shall be placed within a common building or buildings that are of a scale, square footage and height which is similar to those of buildings located on neighboring residential properties. Such buildings shall be designed to harmonize with structures typically found within the surrounding residential zones. Designs, which mirror area barns, shall be preferable to area garages. Such buildings shall be of a material and have components, which are similar to those of neighboring structures. Materials shall include items such as exterior siding and roofing while components include items such as windows and doors.

8.26.9 Abandonment

A wireless telecommunication site not in use for 12 consecutive months; shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such 12-month period. Upon removal the site shall be restored to its previous appearance and where appropriate re-vegetated to blend with the surrounding area. An appropriate cash bond, as determined by the Commission shall be submitted as surety before a building permit is issued.

8.26.10 Expiration of Permit

The approval of an application for special permit shall be void and of no effect unless construction of the project commences within one year and is completed within two years from the date of the approval granted by the Commission. For purposes of this regulation the term start of construction shall be defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of the period to start construction upon written request by the applicant. The Commission shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations that have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the extended time period sought.

8.27 ACTIVE ADULT RESIDENTIAL DEVELOPMENT

8.27.1 Purpose

The purpose of this section is to allow for greater flexibility and variety in the development of housing for persons who are 55 years of age and older. This section allows for variations in density, home construction, and site layout while promoting a high standard of design and livability. This section provides design guidelines and encourages the construction of a community where those who are 55 and older can maintain an independent lifestyle among supportive friends and neighbors. An Active Adult Residential Development (AARD) shall be designed with recognition of the character of any adjacent residential neighborhoods, developments within the ED Zone and the town as a whole. The AARD shall be designed with specific recognition of the population to be housed.

The site infrastructure as well as the individual residential units, which will be privately maintained, shall be designed with consideration for the cost of maintenance and longevity. The site design shall preserve natural site features and provide open spaces in a manner that benefits the residents and with regard to the placement of the individual units.

8.27.2 Zoning Procedure

Active Adult Residential Developments shall be allowed only by special permit. Such housing shall be permitted in the ED, R30 and PDM zones and shall include the accessory use of Customary Home Occupations outlined in Section 8.8. The Commission may approve an Active Adult Residential Development only after submission of an application in accordance with the requirements of Sections 3.9 and 4 of these Regulations and a finding that the standards contained herein and in Section 8.2 have been met. No application for an AARD shall be approved unless the Commission finds that a need exists within the Town of Granby for the specific housing type proposed. The Commission shall also determine that the topography and other natural features of the property are capable of accommodating the proposed housing density and that the overall proposal is in general accordance with the Town's Fundamental Values as identified within the Town's Plan of Conservation and Development.

8.27.3 Standards and Requirements for an AARD

8.27.3.1 An Active Adult Residential Development shall be designed in accordance with the following standards and requirements:

8.27.3.2 The proposed development shall be a Common Interest Ownership Community as defined in Chapter 828 of the Connecticut General Statutes.

8.27.3.3 The proposed development shall be served by public water and public sewer.

8.27.3.4 The proposed site shall have a minimum lot area of 10 acres.

8.27.3.5.1 The maximum number of dwelling units shall be five (5) per developable acre, except that the commission may allow an increase in density of up to 20% of the allowable number of units under the following guidelines:

8.27.3.5.2 That 60% of the units which exceed the normally allowable density be sold at a price affordable to persons who earn no more than the median family income as defined for the Greater Hartford MSA, as published annually by the Department of Housing and Urban Development or similar publication.

8.27.3.5.3 That the maximum total income of a buyer of an affordable unit not exceed the median family income for the Greater Hartford MSA as published annually by the Department of Housing and Urban Development or similar publication;

8.27.3.5.4 That the affordable units be contained within separate units located throughout the development;

8.27.3.5.5 That the appropriate documents necessary to implement these Regulations be prepared by the developer and approved by the Commission subject to a review of the Town Attorney. The documents shall include an agreement whereby the units remain affordable for at least 50 years.

8.27.3.6 Impervious surface coverage shall not exceed 40% of the overall site.

8.27.3.7 Only single-family detached units and attached structures with no more than 3 units will be allowed.

8.27.3.8 The minimum living area of each dwelling unit shall be in accordance with the minimum living area for a single-family dwelling as outlined in Section 6.1 of these Zoning Regulations.

8.27.3.9 The maximum building height shall be 30 feet.

8.27.3.10 **Reserve**

8.27.3.11 There shall be at least two parking spaces provided for each dwelling unit. At least one of these parking spaces shall be provided within an attached garage, which shall be directly accessible from within the unit. A minimum of 25 percent of the units shall accommodate a two car attached garage. All unit driveways shall be a minimum of 25 feet in length.

8.27.3.12 Each dwelling unit shall have a full basement.

8.27.3.13 Each dwelling unit shall have a masonry chimney if:

a. The unit is heated with fuel oil,

b. The unit has a fireplace or stove capable of burning solid fuels such as wood, coal, pellets or similar fuel.

c. A smokestack of any kind extends above any portion of the unit roofline.

8.27.3.14 Buildings shall be of a design, and shall use building materials that are compatible with single-family residential character and design.

8.27.3.15 Buildings containing dwelling units (including deck and porches) shall conform to the following location standards:

8.27.3.15.1 No closer than 10 feet to accessory buildings,

8.27.3.15.2 No closer than 25 feet to private roads or parking areas;

8.27.3.15.3 No closer than 25 feet to other residential buildings;

8.27.3.15.4 No closer than 50 feet to an exterior lot line.

8.27.3.16 Any proposed accessory buildings shall be shown on the plans submitted and shall observe the following location standards:

8.27.3.16.1 No closer than 10 feet from any property line,
No closer than 25 feet to a development's main roads;

8.27.3.16.2 No closer than 10 feet to cul-de-sacs or parking areas except that driveways shall be at least 20 feet in length;

8.27.3.16.3 No closer than 10 feet to other accessory buildings;

8.27.3.16.4 All accessory buildings, other than garages, shall be located in the rear yard behind the back line of the principal building.

8.27.3.17.1 Residents of the AARD must comply with the following residency requirements:

8.27.3.17.2 All units shall be occupied by at least 1 person who is 55 years of age or older.

8.27.3.17.3 A person who is the spouse, companion or relative of an occupant pursuant to the above may also occupy a unit within an AARD.

8.27.3.17.4 A person pursuant to the above who survives his or her spouse, companion or relative or whose spouse, companion or relative has entered into a long-care facility may also occupy a unit within an AARD.

8.27.3.17.4 An employee of the dwelling unit occupant who performs substantial duties for the care of the occupant may also occupy a unit within an AARD.

8.27.3.17.6 No person under the age of 19 may reside within the AARD.

8.27.3.18 The units shall be owner-occupied with the following exceptions:

8.27.3.18.1 A non-resident may purchase and/or own a unit provided that the unit is occupied by a family member or family members, limited to a parent, grandparent, child or legal ward, who meet the residency requirements set forth herein.

8.27.3.18.2 A unit may be leased for a term of not more than one year to a tenant or tenants who are not members of the owner(s)'s family provided that the tenant or tenants meet the residency requirements set forth in herein, and provided that the unit owner(s):

8.27.3.18.3 Occupied the unit immediately prior to the commencement of the lease term; and

8.27.3.18.4 Intend(s) to immediately re-occupy the unit upon the end of the lease term.

8.27.3.19 There shall be a minimum set aside of open space equal to 2,500 square feet per unit. Areas with greater than 15% slope or Wetlands soils as identified by a certified soil scientist shall not count toward this minimum requirement. Any undeveloped areas that are used for determining permitted density shall be preserved for Open Space or recreational purposes approved by the Commission.

8.27.3.20 A walking trail system may be provided within the proposed development. Unpaved walking trails may be counted as open space.

8.27.3.21 Sidewalks and curbing shall be constructed to the general standards found within the Granby Subdivision Regulations.

8.27.3.22 All utilities shall be underground

8.27.3.23 Road and driveway standards and storm drainage design shall generally comply with the standards outlined within the Granby Subdivision Regulations.

8.27.3.24 A buffer area of at least 25 feet in width shall be provided along all side and rear property lines and maintained to provide adequate privacy and sound minimization between the AARD and the adjacent uses.

8.27.3.25 All streets driveways and utilities within the AARD shall be privately owned and maintained by the association.

8.27.3.26 The requirements of Section 8.27 shall take precedence over any conflicting requirement of the underlying zone.

8.27.3.27 Recreational uses and community facilities such as gardens, swimming pools, tennis courts, clubhouses and community buildings are encouraged and shall generally be identified on the plans submitted with the application.

8.27.3.28 Signs may be permitted if approved as part of the comprehensive development plan provided said sign is in accordance with Section 8.6.12.2.2 of the Zoning Regulations.

SECTION 8
SPECIAL REGULATIONS

8.28 RESIDENTIAL LANDSCAPE BUSINESS

8.28.0 Purpose:

It is the purpose of this regulation to permit the filing of a Special Permit application, within residential zones, for the operation of a Residential Landscape Business. Such use may only be permitted where the Commission determines that such use will be compatible within the specific residential area identified within the application. Residential Landscape Businesses are those that provide services in locations away from the business operator's residence, performing a service for an off site client.

While most of the actual landscape activity occurs off site, the business owner's residential property may be approved for equipment storage, parking, material storage and a building or buildings for storage and plant propagation.

By allowing such use by Special Permit, but not otherwise, the Commission provides an opportunity for a business owner to operate such use in conjunction with a residential property, while creating a mechanism for review, oversight and registration of the use. The following general guidelines place basic limitations on such use and establish criteria to aid the Commission in its evaluation of an application for Residential Landscape Business. It is understood that proposals for a Residential Landscape Business will vary in scope and that based on the specific location and surrounding uses, individual properties will be suited for differing levels of operation. It is further understood that some sites will simply not be suited at all for such use. The burden shall be on the applicant to demonstrate that the proposed use is compatible with the specific site and surrounding area and in compliance with the criteria set forth in Section 8.2.

In accordance with the above purpose, the Commission may issue a Special Permit for a Residential Landscape Business, subject to the following requirements.

8.28.1 The property must be the primary residence of the owner of the Residential Landscape Business.

8.28.2 The scope of the Residential Landscape Business shall be appropriate to the size of the property and its proximity to neighboring residential uses.

8.28.3 Retail sales from the property are prohibited.

8.28.4 No individual building, used for the business operation, shall exceed 2000 sq ft., and the total sq. footage of all such buildings shall not exceed 5,000 square feet. The design of any proposed building shall blend with the surrounding area. Any building that is visible from the street or from an adjacent residential structure shall be designed in the style of a traditional, wood frame barn. However, the major factor in determining the size of each building and the total size of all buildings shall be based on the compatibility with surrounding residential uses.

8.28.5 Greenhouses may be permitted, if found to be compatible with neighboring properties, provided the total area of all greenhouses shall not exceed 1,000 square feet per acre of property. Greenhouses may be used for over-wintering plants, propagation of plants and off-season equipment storage. Greenhouses are not subject to the limitations of Section 8.28.4.

8.28.6 The Commission may permit a maximum of six (6) employee vehicles to be parked on the property during business hours. Parking spaces shall be designed and placed in a manner that does not impact or detract from neighboring residential properties. Vehicles shall only be parked in approved designated locations.

8.28.7 Hours of operation shall be restricted based on the specific location, distance and screening from surrounding residential properties, and intensity of the proposed use.

8.28.8 The Commission shall limit vendor material deliveries based on the specific site, street and street access and potential impact on surrounding residential properties.

8.28.9 The Commission may permit the storage of landscape materials on the property, provided the materials are specifically identified on the site plan. Such plan shall show the location and maximum quantity of any material to be stored.

When determining whether such material will be permitted on the site, the Commission shall consider the specific location and any environmental impact such storage may pose.

Material may include bark mulch, topsoil, sand, base material, stone, brick, concrete block, peat moss, plants and timbers. Limited quantities of fertilizer may also be stored, provided they are in the manufacturer's original sealed plastic bags, maximum weight of 80 lbs and placed inside of a building.

8.28.10 Landscape vehicles used in the operation may be stored on the property in areas specifically approved by the Commission, if the Commission determines that the property can accommodate such vehicles and that the storage of such vehicles is appropriate to the neighborhood. Such determination shall be based on the ability of the applicant to properly locate such vehicles and screen them from area residential properties and the street. All vehicles must be specifically listed and identified in the application.

The on site bulk storage of gasoline, diesel fuel or other petroleum product for the use of the business is prohibited.

The proposed use shall not create traffic, noise, odors or produce light that are incompatible with the residential character of the neighborhood.

SECTION 9
EARTH EXCAVATION, FILLING AND GRADING

9.0 PURPOSE

The purpose of this Section to regulate the excavation and removal of sand, gravel, stone, loam, dirt and other such earth materials and to regulate the hauling and depositing of earth materials onto properties within the Town of Granby. Such regulation is necessary to minimize situations that may have a negative impact on the Town and surrounding properties, while the activity is occurring and following its completion. Further, these regulations are designed to assure that the final grades are stable and blend naturally into the surrounding area and to assure that the land remains suitable for appropriate future uses, while reducing traffic hazards and nuisances often associated with the excavation, filling and hauling of earth products.

9.1 APPLICABILITY

This Section 9 is applicable to all properties within the Town of Granby, regardless of zone.

9.2 SCOPE

The cubic yards of material specified below are cumulative from the date of adoption of the regulation.

9.3 Permitted without a permit:

9.3.1 On a lot of less than 1 acre, the excavation of earth or the filling of land is permitted without a permit provided that no more than 150 cubic yards of earth are placed on or removed from the lot.

9.3.2 On a lot of 1 acre or more, the excavation of earth or the filling of land is permitted without a permit provided that no more than 300 cubic yards of earth are placed on or removed from the lot.

9.4 Permitted following the issuance of a Zoning Permit:

9.4.1 A zoning permit, issued by the Zoning Enforcement Officer, is required for any excavation or filling of land in excess of that permitted within Sections 9.3.1 and 9.3.2 above, to a maximum of 5,000 cubic yards.

9.4.2 The application for a zoning permit shall include a plan designed to the satisfaction of the Zoning Enforcement Officer and as required herein.

SECTION 9
EARTH EXCAVATION, FILLING AND GRADING

9.5 Permitted following the issuance of a Special Permit:

The excavation of earth or the filling of land is permitted only upon the issuance of a Special Permit by the Planning and Zoning Commission where more than 5,000 cubic yards of earth are to be placed on or removed from any lot, except as provided below.

9.6 Permitted following the issuance of a Building Permit:

The excavation of earth or the filling of land is permitted upon the issuance of a Building Permit for a residential home provided that no more than 7,000 cubic yards are placed or removed per any one lot.

9.7 Permitted following the issuance of a Septic System Installation or Repair Permit by the Farmington Valley Health District:

The excavation of earth or the filling of land is permitted upon the issuance of a permit by the FVHD for septic system installation provided that no more than 3,000 cubic yards of earth are placed or removed per any one lot.

9.8 Plan Requirements:

Any plan involving the deposition or removal of more than 2000 cubic yards, or any plan which proposes that more than 500 cubic yards of material will be placed or excavated from any land area containing less than one acre, will require a plan prepared by a PE or LA.

9.9 Exemption where the Commission has approved Subdivision, Special Permit or Site Plan Applications:

A separate Excavation and Removal Special Permit application shall not be required where the activity is part of the approval of a Subdivision, Special Permit or Site Plan Application. The Commission may require the separate submission of a separate Excavation and Removal Special Permit application where the amount of material exceeds 30,000 cubic yards or where the Commission determines that the proposed Excavation and Removal is the primary part of the Subdivision, or site plan application. Additionally, the Commission may permit the temporary use of earth material processing, screening or crushing equipment in conjunction with an approved subdivision, provided a specific time limit is established for such use.

9.10 Exemption where the Inland Wetlands and Watercourses Commission has approved the construction or maintenance of a Pond:

A separate Excavation and Removal Special Permit application shall not be required where the Inland Wetlands and Watercourses Commission has approved the construction of a new pond or dredging or modification of an existing pond, provided that the total amount of material does not exceed 7,000 cubic yards, or if the material does not leave the site.

APPLICATION REQUIREMENTS

9.11 Plans which detail the proposed activity shall contain all applicable information as outlined in Section 4.0 of these Zoning Regulations. The Commission may require additional information based on the scope, location or special concerns related to the proposal.

9.12 Special Criteria for Earth Excavation, Filing and Grading

The Building Official, Zoning Enforcement Officer or Planning and Zoning Commission shall approve the plan and grant the permit only when satisfied that the following conditions are understood by the applicant and that they will be complied with in the undertaking of such excavation or filling:

a. That the premises will be excavated and graded in conformity with the plan as approved.

b. That Sedimentation and Erosion Control will be designed and installed in accordance with Section 8.7 of these Zoning Regulations.

c. That no excavation or filling will take place within 25 feet of any property line without the written consent of the abutting land owner(s). The Commission or Zoning Enforcement Officer may increase this distance to not more than 50 feet based on specific site conditions, proposed slope, location of surrounding structures and need for additional buffering.

d. That the existing top soil will remain on site as necessary for the restoration of the property upon completion.

e. That the premises will be excavated and graded in conformity with the plan as approved.

f. That at all stages of operations, proper drainage will be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

g. That during the period of excavation and removal, barricades or fences will be erected as are deemed necessary by the Zoning Enforcement Officer for the protection of pedestrians and vehicles.

h. That truck access to and from the site will be so arranged as to minimize danger to traffic and nuisance to surrounding properties and that any access road used to service the operation will be provided with a dustless surface.

i. That feasible and prudent measure will be taken to minimize the nuisance of noise and dust. Upon review of the application the ZEO may require specific measures necessary to reduce the anticipated level of noise and dust. Upon inspection of the operation, the ZEO may also require further measures to reduce the level of noise and dust. Such noise measures may include limiting the use of engine braking assist systems such as "jake brakes", adjusting the work areas during certain periods of the day, modifying work practices to limit back-up alarms, delaying the clearing of vegetation, requiring the creation of temporary earthen berms and other such measures as determined by the ZEO. Measures to control dust may include the regular watering of the site or specific areas of the site, the application of chlorides; the mulching of exposed areas; adjusting the scheduled clearing and grubbing; prioritizing the replanting of vegetation; early hydro-seeding and other such measures as determined by the ZEO.

j. That upon completion, the excavated or filled area will be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal/vertical), unless, after review by the Town Engineer it is determined that the soil condition can support a slope up to 2-1 (horizontal/vertical) and it is further determined that such slope is appropriate for the area.

k. That a layer of topsoil of a quality and depth approved by the Town Engineer will be spread over the disturbed area, except exposed rock surfaces, in accordance with the approved contour plan. The depth of the top soil shall not be less than 4 inches and the area shall be seeded with a perennial rye or other approved grass and maintained until the area is stabilized.

l. That there will be no earth material processing, screening or crushing equipment on the site, except as outlined in Section 9.9 and as allowed within an Industrial zone.

m. That where an application for excavation or filling involves adjoining properties, the properties may be considered under a single application.

n. That activity shall not commence before 7:00 am and shall terminate not later than 6:00 p.m.

o. That no operations are permitted on Sundays or established federal holidays.

p. That a bond may be required to assure proper completion of the project and guarantee the replacement, improvement or repair of the Town infrastructure which may be damaged by the operation. The amount of such bond will be established after a review by the Town Engineer.

q. All feasible and prudent steps shall be taken to assure that the operation continues to comply with the above criteria throughout the period of the operation. Upon a determination by the ZEO that the operation is not in compliance, the operation shall immediately cease and the operation shall not be allowed to continue until written approval is provided by the ZEO. Such written approval shall not be provided without a written documentation of the issues which led to the cessation of the operation and the resolution of the issue. Any operation that continues following a notice to cease shall be subject to the remedies and sanctions provided by the Connecticut General Statutes and Section 10.1 of the Granby Zoning Regulations.

r. A Zoning Permit will remain in effect for a period of 90 days, after which it shall become void. The ZEO shall not issue a new permit without the subsequent filing of a map which shows, through the report of a professional engineer, that the excavation already completed conforms to the plan of operations as approved.

9.13 Special Permit Applications:

In addition to the above criteria, when considering Special Permit applications under this Section, the Commission shall review the criteria of Section 8.2 and apply it with the understanding that the Excavation and Filling activity is temporary and base the determination on the proposed condition of the property in its completed state. The Commission shall consider any appropriate action necessary to limit the length of any operation and take other additional measures as necessary to limit the negative impacts on surrounding properties and may deny any application where it finds that the proposal will result in an unusual hardship or exceptional difficulty on the Town and/or the area residents. In its review the Commission shall consider the following additional items:

a. Potential soil erosion and sedimentation affecting all land and bodies of water both on-site and off-site.

b. Effects on drainage and groundwater table.

c. Lateral support slopes, grades and elevations of abutting streets and properties.

d. Effect of the operation and any related traffic circulation and road condition on streets serving the parcel under consideration.

e. Any decision issued by the Inland Wetlands and Watercourses Commission.

f. Any recommendation or approval of the Connecticut Department of Transportation or Department of Energy and Environmental Protection and/or the U.S. Army Corps of Engineers.

g. Any recommendation of the Town's Engineer, Director of Public Works Department, the Conservation Commission, and the Director of Community Development.

h. The scope and duration of the project and temporary and long term effects on surrounding properties.

9.14 Approved Applications:

In approving an application the Commission shall exercise its authority to minimize any negative effects that the proposed operation may have on the Town and the area residents.

1. In approving an application the Commission shall take appropriate action to limit the length of any operation and shall specify the time period within which an excavation, or filling, activity shall be completed, but in no event shall the time period of the approval exceed two (2) years. An approved permit shall then expire on the date set by the Commission or two (2) years from the start date set by the Commission unless such permit is renewed by the Commission. The Commission shall not renew or extend any permit unless the operator is able to show, through the report of a professional engineer, PE that the excavation already completed conforms to the plan of operations as approved.

2. The Commission may require the applicant to submit periodic reports, prepared by and bearing the seal of a professional land surveyor or engineer, showing the status and progress of the work.

3. As a condition of any special permit, the Commission may require that the applicant furnish a performance and/or maintenance bond, acceptable to the Commission in form, amount, and surety, securing to the Town of Granby the faithful performance of the work proposed, pursuant to both the provisions of this or other applicable sections of these regulations and to the specific conditions of approval.

4. No bond shall be released until:

   a. The Commission receives an as-built survey prepared by a professional land surveyor that the project has been completed according to approved plans and conditions attached thereto;

   b. The Commission is satisfied the work has been completed as required; and

   c. Disturbed areas have been appropriately graded and stabilized with vegetation to result in erosion-free conditions.

SECTION 10
ADMINISTRATION AND ENFORCEMENT

10.1 ENFORCEMENT AND PENALTIES

10.1.1 These Regulations shall be enforced by the Commission. The Commission shall appoint a Zoning Enforcement Officer, who shall be the Building Official, to be its duly authorized agent. The Building Official shall institute any appropriate action or proceeding to prevent the unlawful erection, construction, alteration, repair or conversion of any building or structure, or the unlawful use of land; to restrain, correct or abate such violations; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about the premises.

10.1.2 The owner or agent of a building or premises where a violation of any provisions of these Regulations shall have been committed or shall exist, or the lessee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist, or the agent, architect, building, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any such violation shall exist shall be subject to the remedies and sanctions provided by the Connecticut General Statutes, in addition to any other remedies provided by law.

10.2 APPLICATIONS AND PERMITS

10.2.1 Building Permits

10.2.1.1 It shall be unlawful to commence, for any purpose, the construction or alteration of any building or excavation for any building or structure or to commence any use of land or buildings until the application and plans thereof shall have been approved by the Building Official and a written permit shall have been issued by the Building Official in conformance with the State of Connecticut Basic Building Code as amended.

10.2.1.2 An application for a building permit, which contains all the information necessary to ascertain whether the proposed building and land use complies with the provisions of these Regulations; shall be required by the Building Official. Applications for a building permit shall normally include:

a. Two (2) copies of the certified plot plan, drawn to scale and showing lot lines, open spaces, building size and location on the lot.

b. Two (2) copies of dimensional plans of floors and elevations of the building and specifications to indicate the kind, size and quality of the proposed construction.

c. Approval in writing of the Granby Health Official of the planned water supply and sewage disposal facilities.

Evidence that the building lot will front either on a Town street or on a proposed road which:

1. Has been approved by the Commission and

2. Has been bonded in an amount acceptable to the Commission.

10.2.1.3 No building permit shall be issued until the Building Official has determined that the proposed building, structure, alteration, activity, or use complies with all the provisions of these Regulations and any requirements or conditions applied by the Commission or other agency or is a valid non-conforming use under these Regulations.

10.2.1.4 A building permit shall become void unless construction is commenced within six (6) months from the date of issuance unless such time shall have been, extended in writing by the Building Official.

10.2.1.5 Application fees for a building permit shall be as established by the Town Manager.

10.2.2 CERTIFICATE OF OCCUPANCY

10.2.2.1 No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose until a Certificate of Occupancy, shall have been issued by the Building Official, stating that the premises or building complies with all the provisions of these Regulations. Such a certificate is also required for any change, extension or alteration in a use, as required in these Regulations and by the State of Connecticut Basic Building Code.

10.2.2.2 Within ten (10) days after notification from the permittee that the premises are ready for occupancy, a Certificate of Occupancy shall be issued provided:

a) That the Building Official has determined that the premises or structure as completed complies with all applicable sections of these Regulations and any stipulation, requirements or conditions applied by the Commission or other authorized agency;

b) That the owner or his/her agent shall have filed a copy of the plot plan showing the lot lines and location or buildings certified by a licensed land surveyor as complying with the Zoning Regulations of the Town of Granby;

c) That the public right-of-way to such building is made accessible to vehicular traffic on a year-round basis.

10.2.2.3 A record of all certificates shall be kept on file and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the land or building affected for a fee of one dollar ($1.00) for each original certificate and seventy-five cents ($.75) for each copy.

10.2.3 Special Permit Applications

10.2.3.1 An application for Special Permit shall be submitted to the Clerk of the Commission on forms prescribed by the Commission and subject to the requirements of Section 8.2 of these Regulations.

10.2.3.2 The Commission shall hold a public hearing on all applications and proceedings shall be in accordance with the provisions of the Connecticut General Statutes.

10.2.3.3 A fee of $200 shall accompany all applications for Special Permit, except that the application fee for a multi-family development shall be an additional $25 per unit and Special Permits for the construction of garages and barns within residential zones shall be $100.

10.2.3.4 Where a proposal requires a separate Site Development Plan and a Special Permit application, only the application for Special Permit shall be required provided the application meets the additional requirements of Section 4, Site Development Plan. Only one (1) fee, the higher of the two (2), shall be required.

10.2.4 SITE DEVELOPMENT PLAN APPLICATIONS

10.2.4.1 A Site Development Plan shall be submitted to the Clerk of the Commission on forms prescribed by the Commission and subject to the requirements of Section 4 of these Regulations.

10.2.4.2 The Commission may hold a public hearing on applications for Site Development Plan in accordance with the provisions of the Connecticut General Statutes.

10.2.4.3 A fee of $200 shall accompany all applications for Site Development Plan, except that an application for buildings in excess of 5,000 square feet shall be assessed an additional two (2) cents per square foot in excess of 5,000 square feet.

10.2.4.4 Where a proposal requires a separate Site Development Plan and a Special Permit application, only the Special Permit application shall be required provided the application meets the additional requirements of Section 4, Site Development Plan. Only one (1) fee, the higher of the two (2), shall be required.

10.2.5 APPLICATION FOR ZONE CHANGE

10.2.5.1 A zone change request shall be submitted to the Clerk of the Commission on forms prescribed by the Commission.

10.2.5.2 Applications for zone change shall be accompanied by an overall plan at no less than 1 inch = 100 feet for the entire parcel. Such plan shall show the existing and proposed zoning designations and the location of buildings, streets, driveways and other facilities on the subject land and adjoining properties within 500 feet. Before the Commission approves a zone change request, the Commission shall determine if the proposed zone change will be in conformance with the Plan of Development and the purposes of these Regulations and if the uses permitted in the proposed zone will adversely affect the public health, safety, welfare and property values.

10.2.5.3 If the proposed zone change is within 500 feet of an abutting town line, the applicant shall notify the Town Clerk of the abutting town by certified mail, return receipt requested. The applicant shall certify to the Commission that the notifications have been mailed in accordance with this requirement. The zone change map shall clearly indicate the distance to the abutting town line, as necessary to demonstrate compliance with this requirement.

10.2.5.4 The Commission shall hold a public hearing on all applications for zone change and proceedings shall be in accordance with the provisions of the Connecticut General Statutes.

10.2.5.5 At least 15 days prior to the public hearing, a notice of the proposed zone change shall be mailed to persons who own land that is adjacent to the land that is the subject of the hearing. It is the responsibility of the applicant to mail said notices. The applicant shall provide the Commission with a list of the properties where such notices were mailed and provide a proof of mailing.

Proof of mailing, shall be evidenced by a certificate of mailing. The persons who own adjacent land shall be the owner(s) indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed.

10.2.5.6 At least 15 days prior to the public hearing, the applicant shall post a 3’ by 3’ sign in a prominent location along the street where the zone change is proposed. The sign shall read “PROPOSED CHANGE OF ZONE, CONTACT GRANBY TOWN HALL.” The sign shall include a phone number as directed by the Director of Community Development.

10.2.5.7 In accordance with 8-7d (d) of the Connecticut General Statutes, the provisions of Section 10.2.5 shall not apply to any action initiated by the Planning and Zoning Commission.

10.2.6 APPLICATION FOR ZONING AMENDMENT

10.2.6.1 An application to amend the Regulations shall be submitted to the Clerk of the Commission on forms prescribed by the Commission.

10.2.6.2 The Commission shall hold a public hearing on all applications for zoning amendments and proceedings shall be in accordance with the provisions of the Connecticut General Statutes.

10.2.6.3 A fee of $200 shall accompany all applications for zoning amendments.

10.2.7 APPLICATION FOR EARTH EXCAVATION

10.2.7.1 An application for earth excavation shall be submitted to the Clerk of the Commission on forms prescribed by the Commission.

10.2.7.2 An application for earth excavation includes a Special Permit Application and is subject to the requirements of Sections 4, 8.2 and 9 of these Regulations.

10.2.7.3 A fee of $200 shall accompany all applications for earth excavation.

10.2.8 APPLICATION FOR AQUIFER PROTECTION OVERLAY ZONE CHANGE

10.2.8.1 The request shall be submitted to the Clerk of the Commission on forms prescribed by the Commission.

10.2.8.2 Applications for an overlay zone change shall be accompanied by a map, at a scale no less than 1 inch = 1000 feet, encompassing the specific area in question, together with adjacent areas as necessary to demonstrate the adequacy of the request.
The map shall show the underlying zoning designations and the location of buildings, streets and other facilities on the specific area in question and on adjoining properties within 500 feet.

The applicant shall provide the following information, as necessary, to demonstrate the adequacy of the proposed change:

1. Contours of the parcel and surrounding area.

2. Locations and depth of test holes and wells.

3. Depth of bedrock.

4. Limits of stratified drift.

5. A report prepared by a Geologist or Connecticut licensed Civil Engineer outlining:

   a. Soil and geologic conditions.

   b. Surface and subsurface hydrology/hydrogeology.

   c. Tests and/or other information used to determine the proposed boundaries.

When the area requested for an overlay zone change is within 500 feet of an abutting town line, this information will be clearly indicated on the map and the application.

The Commission shall hold a public hearing on all applications for overlay zone change and proceedings shall be in accordance with the provisions of the Connecticut General Statutes.

10.2.8.5.1 A fee of $200 shall accompany all applications for Aquifer Protection Overlay Zone change.

10.2.9 SPECIAL APPLICATION REVIEW FEES

10.2.9.0 The Commission may impose on the applicant additional project review fees where it is determined that, in order to fully and properly review and evaluate an application: special expertise is necessary to assure compliance with the applicable regulations and the Town Plan of Conservation and Development. Before an additional fee is imposed, it shall be determined that the Commission's staff will not be able to complete a technical review of the application in a timely fashion or that the project is of such a nature as to require expertise not available from staff. The Commission shall make a determination of the need for such technical assistance to be provided by non-town personnel following a review of the application with Town staff. The Director of Community Development shall estimate the cost of such services based upon information received from qualified technical experts.

The applicant shall deposit 150% of the estimated cost of services with the Commission or its designated agent before review of the application by the Commission or the public hearing, if such hearing is necessary.

Upon completion of the technical review and final action by the Commission on the application, the Commission shall determine the costs incurred for the review and refund excess funds to the applicant. The applicant shall not be responsible for costs incurred for technical assistance that exceeds the amount deposited.

10.3 ZONING BOARD OF APPEALS

10.3.1 The Zoning Board of Appeals shall have the following powers and duties, which shall only be exercised in conformity with the terms and intent of these Regulations.

10.3.1.1 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.

10.3.1.2 To interpret and vary the application of the Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values 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 such Regulations would result in exceptional difficulty or unusual hardship. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with these Regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed in violation of these Regulations.

10.3.1.3 To hear and decide all matters upon which it is required by the specific terms of the provisions hereunder and the amendments thereto.

10.3.2 The Board of Appeals shall adhere to the following procedure for all applications coming before it:

10.3.2.1 All appeals and applications made to the Board of Appeals shall be submitted to the Clerk of the Board on forms prescribed by the Board and with supporting plans, materials and other information required by the Board. Applications shall be accompanied by the appropriate fee; as established by the Town Manager.

10.3.2.2 The Board of Appeals shall hold a public hearing on all applications and appeals. All proceedings shall be in accordance with the applicable provisions of the Connecticut General Statutes.

10.3.2.3 Whenever the Board grants a variance to the Zoning Regulations or reverses wholly or partly an order of the Zoning Enforcement Officer, it shall state on its records the reason why such variance or exception was granted or such reversal made.

10.3.2.4 Any exception, variance or reversal shall become effective at such time as is fixed by the Board, provided a copy thereof shall be filed by the applicant in the Office of the Town Clerk in accordance with Section 8-7 of the Connecticut General Statutes.

10.3.2.5 The Board of Appeals 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.

10.4 VALIDITY OF REGULATIONS

If any section, paragraph, subdivision, clause, or provision of this Regulation shall be adjudged invalid, such decision shall apply only to the section, paragraph, subdivision, clause, or provision in question and the remainder of this Regulation shall be deemed valid and effective.

10.5 EFFECTIVE DATE

The effective date of the comprehensive rewrite is 1/27/00.

SECTION	APPROVED	EFFECTIVE
8.19	02/06/90	03/01/90
8.1.3.1 and 8.1.3.2	03/13/90	03/25/90
1.4 (Open Space)	06/24/90	06/24/90
Add Recreational Corridors	06/24/90	06/24/90
8.20	06/12/90	07/01/90
3.3.2.2	10/23/90	10/23/90
8.1.3 and 8.1.3.4	07/23/91	01/23/91
8.21	03/24/92	04/01/92
8.6.6.5, 8.6.6.6 and 8.6.6.10	03/23/93	04/01/93
5.2.3	10/26/93	11/01/93
5.2.5	12/14/93	01/01/94
6.1	05/24/94	06/01/94
8.11	09/27/94	10/01/94
8.3.1 and 8.4.2.5	01/10/95	01/18/95
3.4.2 and 3.5.2	01/24/95	02/01/95
8.6	06/13/95	07/01/95
8.16	10/10/95	11/01/95
6	04/9/96	04/29/96
8.1.3.3	06/25/96	07/10/96

SECTION 10
EFFECTIVE DATE

SECTION	APPROVED	EFFECTIVE
8.20.15	06/25/96	07/10/96
8.14.1.3	06/25/96	07/10/96
5.2.7	06/25/96	07/10/96
8.2.11	06/25/96	07/10/96
10.2.3.3	06/25/96	07/10/96
8.6.12.1.2	06/25/96	07/10/96
8.6.12.1.3	06/25/96	07/10/96
8.6.12.1.4	06/25/96	07/10/96
8.6.12.2.1	06/25/96	07/10/96
8.8	06/25/96	07/10/96
3.5.2.12	08/13/96	08/14/96
3.8.2.13	08/13/96	08/14/96
8.22	12/10/96	01/01/97
8.18	07/22/97	08/01/97
8.23	09/09/97	10/01/97
1.4	04/28/98	05/01/98
5.2.2	04/28/98	05/01/98
4.2.5	03/23/99	03/31/99
8.20.7.1	05/11/99	05/18/99
8.20.7.5	05/11/99	05/18/99
1.4	05/11/99	05/18/99
5.2.12	05/11/99	05/18/99
8.24	09/14/99	09/20/99
3.8.2.15	09/14/99	09/20/99
3.9.2.10	09/14/99	09/20/99
Street	09/14/99	09/20/99
8.25	11/09/99	12/01/99
8.15.14	11/09/99	12/01/99
4.2.5	03/14/00	03/20/00
8.26	06/27/00	07/17/00
3.9	10/10/00	11/01/00
8.15.17.6	05/14/02	06/07/02
8.27	05/28/02	06/23/02
8.3.1	09/23/03	09/23/03
3.6.2.4	09/23/03	09/23/03
8.3	09/23/03	09/23/03
4.2.1	11/25/03	12/17/03
10.2.5.2	01/27/04	02/16/04
5.2.13	01/23/01	02/01/01
8.27.3.13	06/10/03	07/01/03
8.27.3.17.6	06/10/03	07/01/03
3.1.2.20	06/17/04	06/25/04
8.10 B & B	11/23/04	11/23/04
8.28	06/17/04	06/25/04

SECTION 10
EFFECTIVE DATE

SECTION	APPROVED	EFFECTIVE
5.2.12	06/28/05	07/18/05
8.20	06/28/05	07/18/05
8.14	06/28/05	07/18/05
3.10	02/28/06	03/03/06
3.10 (amended)]	04/11/06	04/24/06
10.2.5 Notice	09/12/06	09/15/06
8.7 (amended)	10/24/06	10/27/06
2.13 Wood burning Furnaces (outdoor)	11/28/06	12/01/06
3.11 Rural Conservation R4A	07/10/07	07/13/07
4.2.4 Drainage Requirements & Stormwater Management	09/25/07	10/01/07
4.2.4 Drainage Requirement	09/25/07	10/01/07
8.6	11/13/07	11/016/07
8.6.14 Illumination	11/27/07	11/30/07
8.16 Restaurants	11/27/07	11/30/07
4.2.4 Drainage Requirement	04/22/08	05/04/08
8.3.1 Farm Winery Liquor Permit	07/08/08	07/28/08
8.18 Special Flood Hazard Areas	09/09/08	09/12/08
3.12 Granby Center Zone	04/12/09	05/01/09
3.12.2 Center Common Zone	09/25/12	10/01/12
3.12.3 Center Edge Zone	09/25/12	10/01/12
8.5 Accessory Apartments-subject to Special Permit uses in sections 8.5.1, 8.5.1.1, 8.5.1.2, 8.5.1.7	09/25/12	10/01/12
3.7.4.6 Number of Permitted units within a PDM Zone	07/09/13	08/01/13
9.09 Earth Excavation, Filling and Grading	01-13-15	02-2015