

SECTION IX

SPECIAL REGULATIONS

A. MULTIPLE-DWELLING DEVELOPMENT

1. Purpose

It is the purpose of this section to permit variations in height, bulk, density, and residential use types which would not otherwise be possible; and permit flexible site design so that the development may be constructed in harmony with and preserve natural site features.

2. Procedure

- a. Multiple Dwelling Developments may only be permitted by the Commission as a Special Exception in certain zones where indicated. The Commission shall determine that all the specific conditions of Section VIII are met.
- b. Before any building permits are issued for buildings in a given phase, a bond in a form and amount satisfactory to the Commission shall be posted by the developer to guarantee the construction of the site improvements and to cover erosion and sedimentation control.

In addition, a separate bond shall be posted at the same time to guarantee the provision to the Town of as-built drawings of all improvements on the site.

3. Permitted Uses

- a. Single and Multiple Dwelling Unit Buildings
- b. Playgrounds, recreation areas, parks, open spaces and natural areas
- c. Accessory uses and structures; such as private garages, swimming pools, clubhouses, recreation facilities; and other structures and facilities which are customarily incidental and subordinate to the principal uses.

4. Area and Height Requirements

Minimum Parcel Size	5 acres
Maximum Lot Coverage	15%
Maximum Density	4 units/acre (See Section III.D.)
Minimum Front Yard	60 ft.

Minimum Side/Rear Yards 30 ft. except that yards abutting a land use other than multiple dwellings shall be 60 ft.

Maximum Building Height 3 stories

5. Utility Requirements

- a. Roads - Roads shall conform to the applicable section of the Subdivision Regulations of the Town of Avon except that the Commission may modify width of pavement and curbs upon recommendation of the Town Engineer.
- b. Water - A public water supply is required. The Commission may waive this requirement in unusual situations upon recommendation of the Director of Health.
- c. Sewage - Public sewers are required. The Commission may waive this requirement in unusual situations upon recommendation of the Town Engineer and Director of Health.
- d. Other Utilities - All other utilities shall be located underground.

6. Land Use and Site Development Requirements

- a. Parking - Parking Facilities shall be provided in accordance with Section VII.B. of these regulations. Spaces shall be provided with convenient access to the front entrances of the buildings.
- b. Landscaping - A landscape buffer conforming to the requirements for a B BUFFERYARD as specified in Section VII.A.5., shall be provided around the perimeter of the property. Additional buffering may be required in sensitive areas at the discretion of the Commission.

However, where variations in topography, natural features, existing vegetation, or compatible land uses obviate the need for such a buffer, the Commission may modify or waive this requirement.

The Commission may require suitable landscaping within a Multiple Dwelling Development to assure privacy of individual residential units.

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

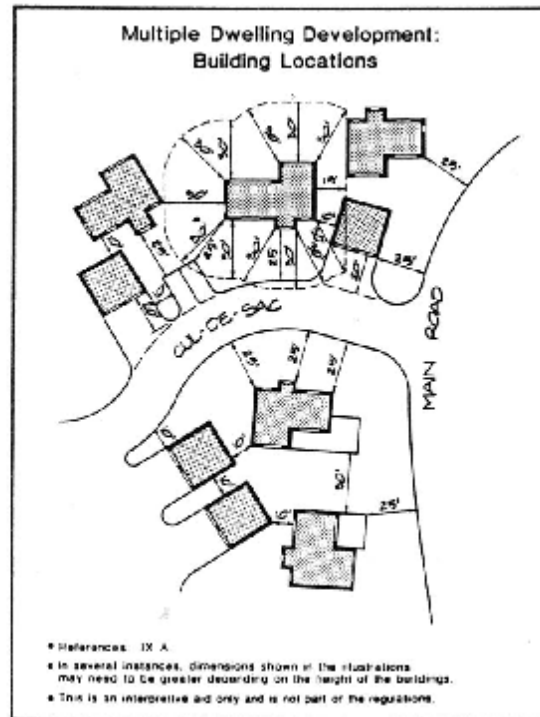
d. Building Locations - All buildings erected in a Multiple Dwelling Development shall observe the following location requirements:

(1) Principal buildings shall be separated at least:

30 feet or the height of the building, whichever is greater, from another principal building where either wall has openings; 15 feet or half the height of the building, whichever is greater, from another principal building where neither wall has openings;

10 feet or the height of the accessory building, whichever is greater, from an accessory building; and

25 feet from the edge of pavement of any main road, cul-de-sac, or parking area.



(2) Accessory buildings shall be located at least:

25 feet from the edge of pavement of any main road, and

10 feet from the edge of pavement of any cul-de-sac, parking area, or other accessory building.

(3) Garages exiting directly onto cul-de-sacs shall have driveways at least 20 feet in length. Garages shall not exit directly onto main roads.

- (4) Porches and decks shall observe the above separation requirements.
 - (5) The Commission may modify the requirements of this section provided that, in the Commission's sole discretion, the public health, safety, and welfare are safeguarded.
- e. Living Area - Each unit in a Multiple Dwelling Unit building of any type shall contain at least 600 square feet of Living Area for a one-bedroom unit, plus, at least an additional 200 square feet of Living Area in the unit as a whole for each additional bedroom.
 - f. Maintenance - In Multiple Dwelling 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 the roads and open space.

B. CLUSTER DEVELOPMENT

1. Purpose

It is the purpose of this section to permit variations in residential developments which would not otherwise be possible; permit flexible site design so that development may be constructed in harmony with and preserve natural site features; and permit residential developments which are sensitive to parcel configuration, topography, natural features, and the surrounding neighborhood.

2. Procedure

- a. Cluster developments may only be permitted by the Commission in Residential Zones, except the R-15 Zone, as a Special Exception. The Commission shall determine that all specific conditions of Section VIII are met.
- b. Applications which propose subdivision of the property shall submit plans of the proposed subdivision complying with the Subdivision Regulations of the Town of Avon.
- c. Before any building permits are issued for buildings in a given phase, a bond in a form and amount satisfactory to the Commission shall be submitted by the developer to guarantee the construction of the site improvements and to cover erosion and sediment control.

In addition, a separate bond shall be posted at the same time to guarantee the provision to the Town of as-built drawings of the improvements on the site.

3. Permitted Uses

- a. Single-family dwellings
- b. Playgrounds, recreation areas, parks, open spaces, and natural areas
- c. Accessory uses and structures; such as private garages, swimming pools, clubhouses, recreation facilities, and other structures and facilities; which are customarily incidental and subordinate to the principal uses.

4. Area and Height Requirements

Minimum Parcel Size	10 acres
Maximum Lot Coverage	15%
Maximum Building Height	35 feet
Maximum Building Height	2 1/2 stories

5. Utility Requirements

- a. Roads - Main roads within the development shall be public, but cul-de-sacs may be private. All roads shall be built to the structural specifications of the Subdivision Regulations of the Town of Avon, except that the Commission may modify the width of pavement, curbs, and drainage requirements for private cul-de-sacs upon recommendation of the Town Engineer.
- b. Water - A public water supply is required. The Commission may waive this requirement in unusual situations upon recommendation of the Director of Health.
- c. Sewage - Public sewers are required. The Commission may waive this requirement in unusual situations upon recommendation of the Town Engineer and Director of Health.
- d. Other Utilities - all other utilities shall be underground.

6. Land Use and Site Development Requirements

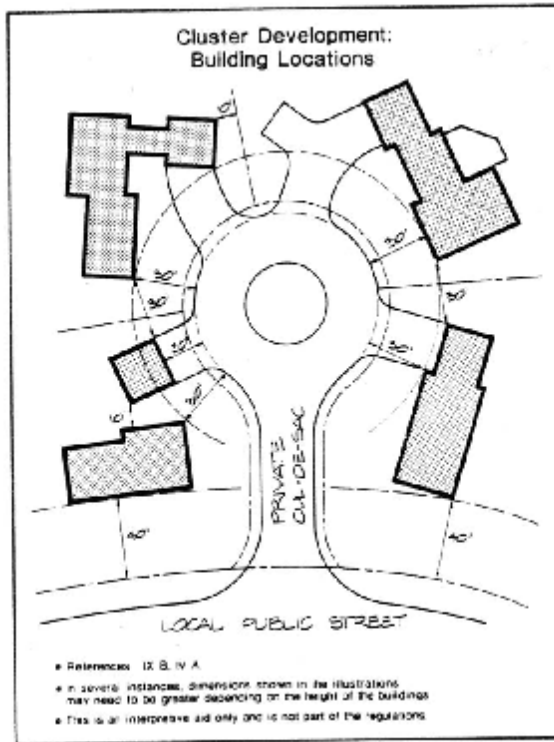
- a. Density - Gross Density shall not exceed that of the existing zone. (See Sections III.D and IV.A).
- b. Landscaping - A landscape buffer conforming to the requirements for a B BUFFERYARD as specified in Section VII.A.5 shall be provided around the perimeter of the property.

Additional buffering may be required in sensitive areas at the discretion of the Commission.

However, where variations in topography or natural features, existing vegetation or compatible land uses obviate the need for such buffer, the Commission may modify or waive this requirement.

The Commission may require suitable landscaping within a Cluster Development to assure privacy of individual residential units.

- c. Open Space - Consolidated open space shall be provided within a Cluster Development as much as possible. Areas not committed to residential use and containing significant natural features shall be preserved through the use of conservation easements or through dedication to either the Town of Avon, if requested, or suitable conservation organizations.
- d. Building Locations - All buildings erected in a Cluster Development shall observe the following location requirements:
 - (1) All buildings adjacent to public streets shall observe the front yard setback requirements established in Section IV.A. of these Regulations.
 - (2) All buildings shall be set back at least 10' from any property line within a Cluster Development.
 - (3) Principal buildings shall also be separated at least:
 - 30 feet or the height of the building, whichever is greater, from another principal building, or an accessory building on a separate lot;
 - 10 feet or the height of accessory building, whichever is greater, from an accessory building on the same lot; and 30 feet from the edge of pavement of any private street.
 - (4) Accessory buildings shall be located at least 20 feet from the edge of pavement of any private street, or other accessory building.



- (5) Garages exiting directly onto cul-de-sacs shall have driveways at least 20 feet in length.
 - (6) Porches and decks shall observe the above separation requirements.
 - (7) The Commission may modify the requirements of this section provided that in the Commission's sole discretion, the public health, safety and welfare are safeguarded.
- e. Living Area - The living area requirements of Section IV.A.7 shall apply.
 - f. Maintenance - In Cluster 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 the roads and open space.

C. PLANNED RESIDENTIAL DEVELOPMENT

1. Purpose

It is the purpose of this section to permit variations in height, bulk, density, and residential use types which would not otherwise be possible; permit flexible site design so that development may be constructed in harmony with and preserve natural site features; and assist and provide for the orderly

development and management of moderately priced housing for low- and moderate-income families.

2. Procedure

- a. Planned Residential Developments may only be permitted by the Commission as a Special Exception in certain zones where indicated. The Commission shall determine that all the specific conditions of Section VIII are met.
- b. Before any building permits are issued for buildings in a given phase, a bond in a form and amount satisfactory to the Commission shall be posted by the developer to guarantee the construction of the site improvements and to cover erosion and sedimentation control.

In addition, a separate bond shall be posted at the same time to guarantee the provision to the Town of as-built drawings of all improvements on the site.

3. Requirements for PRDs Which Contain a Moderately Priced Home Component

- a. **Occupancy of Moderately Priced Homes.** A moderately priced home shall be occupied by the initial purchaser until subsequent sale. Each purchaser of a moderately priced home and his/her attorney shall sign an acknowledgment in a form provided by the Town Planner stating that such attorney has explained this requirement to the prospective purchaser and that such purchaser acknowledges and intends to occupy said home for as long as he/she owns the home.
- b. **Initial Sale Price.** To ensure that homes shall be purchased by families with moderate incomes, the applicant shall sell a minimum of 25 percent of all homes within the development in accordance with the following formula rounded to the nearest house:
 - 1/3 Sale price not to exceed 2.75 times median family income as reported by the most recently available HUD figures for a family of 4 in Hartford County.
 - 1/3 Sale price not to exceed 3.0 times median family income as reported by the most recently available HUD figures for a family of 4 in Hartford Country.
 - 1/3 Sale price not to exceed 3.25 times median family income as reported by the most recently available HUD figures for a family of 4 in Hartford Country.

- c. **Unit Sales.** To ensure that, at the completion of the Planned Residential Development, at least twenty-five percent (25%) of all units are moderately priced housing units, the applicant shall obtain at least one (1) Certificate of Occupancy for a moderately priced housing unit for every three (3) Certificates of Occupancy for market rate units. In addition, the applicant shall provide an interim report to the Commission upon the sale of fifty percent (50%) of all units demonstrating compliance with this requirement. A final report shall be provided prior to the issuance of a final Certificate of Occupancy for the last unit.
- d. **Adherence to Regulations.** The Commission reserves the right, in its sole discretion, to take such actions or institute such proceedings as it deems necessary and appropriate to ensure adherence to these regulations.

4. Permitted Uses

- a. Single-family and two-family dwellings. Two- family dwelling units shall not account for more than 10% of the total units.
- b. Playgrounds, recreation areas, parks, open spaces, and natural areas.
- c. Accessory uses and structures; such as private garages, swimming pools, clubhouses, recreation facilities and other structures and facilities; which are customarily incidental and subordinate to the principal uses.

5. Area and Height Requirements

- a. Single-family and two-family dwellings without a moderately-priced housing component.

Minimum Parcel Size	30 acres
Maximum Lot Coverage	15%
Maximum Density	3 units/acre
	(See Section III.D.)

Minimum Front Yard	60 ft.
Minimum Side/Rear Yards	30 ft. except that yards abutting a land use other than Planned Residential Development shall be 60 feet.

Maximum Building Height	2 1/2 stories
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- b. Single-family and two-family dwellings with a moderately priced housing component.

Minimum Parcel Size	15 acres
Maximum Lot Coverage	15%
Maximum Density	3.75 units/acre (See Section III.D.)
Minimum Front Yard	60 ft. Where variations in topography or natural features, existing vegetation, or compatible present or future land uses obviate the need for such a buffer, the Commission may modify or waive this requirement.
Minimum Side/Rear Yards	30 ft. except that yards abutting a land use other than PRD shall be 60 feet. Where variations in topography or natural features, existing vegetation, or compatible present or future land uses obviate the need for such a buffer, the Commission may modify or waive this requirement.
Maximum Building Height	2 1/2 stories

6. Utility Requirements

- a. Roads - Roads shall conform to applicable design requirements of the Subdivision Regulations of the Town of Avon, except that the Commission may modify width of pavement, width of right-of-way, and curbs after considering the recommendation of the Town Engineer.
- b. Water - A public water supply is required. The Commission may waive this requirement in unusual situations upon recommendation of the Director of Health.
- c. Sewage - Public sewers are required. The Commission may waive this requirement in unusual situations upon recommendation of the Town Engineer and Director of Health.
- d. Other Utilities - All other utilities shall be underground.

7. Land Use and Site Development Requirements

- a. Parking - Parking Facilities shall be provided in accordance with Section VII.B. of these regulations. Spaces shall be provided with convenient access to the front entrances of the buildings.

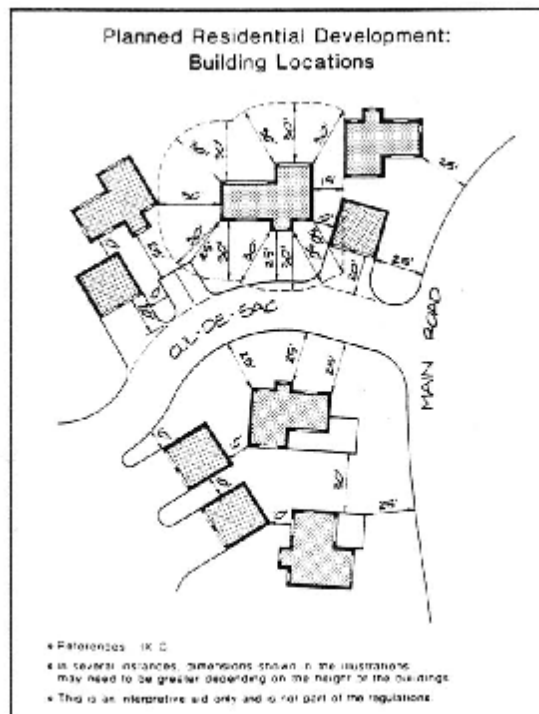
- b. Landscaping - A landscape buffer conforming to the requirements for a B BUFFERYARD, as specified in Section VII.A.5, shall be provided around the perimeter of the property. Additional buffering may be required in sensitive areas at the discretion of the Commission.

However, where variations in topography or natural features, existing vegetation or compatible land uses obviate the need for such a buffer, the Commission may modify or waive this requirement.

The Commission may require suitable landscaping within a Planned Residential Development to assure privacy of individual residential units.

- c. Open Space - Consolidated Open Space, totaling at least 15% of the site, shall be provided within the development. Open Space shall be located so as to preserve significant natural site features and maximize the utility of the open space to the residents.
- d. Building Locations - All buildings erected in a Planned Residential Development shall observe the following location requirements:
- (1) Principal buildings shall be separated at least:

In developments without a moderately priced housing component - 30 feet, or the height of the building, whichever is greater, from another principal building where either wall has openings;



In developments which provide a moderately priced housing component as defined under Section VI.C.3.c. - 20 feet from another principal building where either wall has openings;

15 feet, or half the height of the building, whichever is greater, from another principal building where neither wall has openings;

10 feet or the height of the accessory building, whichever is greater, from an accessory building; and

25 feet from the edge of pavement of any main road, cul-de-sac, or parking area.

- (2) Accessory buildings shall be located at least:

25 feet from the edge of pavement of any main road; and

10 feet from the edge of pavement of any cul-de-sac, parking area, or other accessory building.

- (3) Garages exiting directly onto cul-de-sacs shall have driveways at least 20 feet in length. Garages shall not exit directly onto main roads.

- (4) Porches and decks shall observe the above separation requirements.

- (5) The Commission may modify the requirements of this section provided that, in the Commission's sole discretion, the public health, safety, and welfare are safeguarded.

- e. Living Area - Living Area requirements shall be the same as for single-family dwellings (specified in Section IV.A.7.) except that in any planned residential development containing a moderately priced home component, dwellings more than one story in height shall contain at least 700 square feet of Living Area on the ground floor.
- f. Maintenance - In Planned Residential 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 upon the recommendation of the Town Engineer and Director of Health.
- g. Other Utilities - All other utilities shall be located underground.

D. PLANNED ELDERLY RESIDENTIAL DEVELOPMENT

1. Purpose

It is the purpose of this section to permit variations in height, bulk, density, and residential use types which would not otherwise be possible in order to meet the special needs of the elderly and handicapped; and permit flexible site design so that development may be constructed in harmony with and preserve natural site features.

2. Procedure

- a. Planned Elderly Residential Developments may only be permitted by the Commission as a Special Exception in certain zones where indicated. The Commission shall determine that all the specific conditions of Section VIII are met.
- b. In Planned Elderly Residential Developments, the applicant shall present sufficient information to the Commission to demonstrate that adequate restrictions have been placed on the property to limit occupancy to elderly and handicapped persons.
- c. Before any building permits are issued for buildings in a given phase, a bond in a form and amount satisfactory to the Commission shall be posted by the developer to guarantee the construction of the site improvements and to cover erosion and sedimentation control.

In addition, a separate bond shall be posted at the same time to guarantee the provision to the Town of as-built drawings of all improvements on the site.

3. Permitted Uses

- a. Single detached and Multiple Dwelling Unit Buildings
- b. Parks, Open Spaces and Natural Areas.
- c. Accessory uses and structures; such as private garages, swimming pools, community buildings, and other structures and facilities; which are customarily incidental and subordinate to the principal residential use.

4. Area and Height Requirements

Minimum Parcel Size	5 acres
Maximum Lot Coverage	15% except as may be otherwise allowed in Section IX.D.7.

Maximum Density	8 units/acre (See Section III.D.)
Minimum Front Yard	60 ft.
Minimum Side/Rear Yard	40 ft. except that yards abutting single family residential development shall be 80 feet.
Maximum Building Height	2 stories

5. Utility Requirements

- a. Roads - Road shall conform to the applicable section of the subdivision regulations of the Town of Avon except that the Commission may modify width of pavement and curbs upon recommendation of the Town Engineer.
- b. Water - A public water supply is required. The Commission may waive this requirement in unusual situations upon recommendation of the Director of Health.
- c. Sewage - Public sewers are required. The Commission may waive this requirement in unusual situations upon recommendation of the Town Engineer and Director of Health.
- d. Other Utilities - All other utilities shall be located underground.

6. Land Use and Site Development Requirements

- a. Parking - Parking spaces shall be provided at the rate of one space per bedroom. Guest parking shall be provided at the rate of .25 spaces per bedroom. In accordance with Section VII.B.5., the Commission is authorized to waive the immediate installation of not more than 25% of the parking spaces if the applicant demonstrates that this will satisfy the parking needs for the development.
- b. Landscaping - At least 50% of the parcel shall be devoted to natural and landscaped areas.

A landscape buffer conforming to the requirements for a B BUFFERYARD as specified in Section VII.A.5., shall be provided around the perimeter of the property. Additional buffering may be required in sensitive areas at the discretion of the Commission.

However, where variations in topography or natural features, existing vegetation or compatible land uses obviate the need for such a buffer, the Commission may modify or waive this requirement.

The Commission may require suitable landscaping within a Planned Elderly Residential Development to assure privacy of individual residential units.

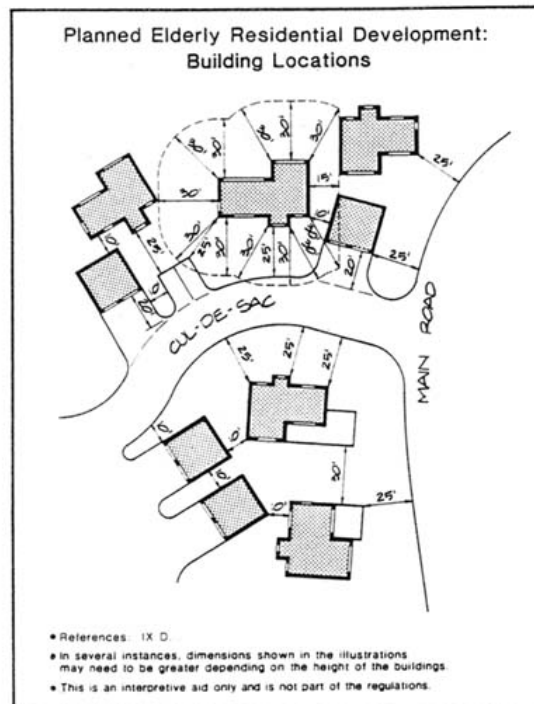
c. Building Locations - All buildings erected in a Planned Elderly Residential Development shall observe the following location requirements:

(1) Principal buildings shall be separated at least:

30 feet, or the height of the building, whichever is greater, from another principal building where either wall has openings;

15 feet, or half the height of the building, whichever is greater, from another principal building where neither wall has openings;

10 feet, or the height of the accessory building, whichever is greater, from an accessory building; and 25 feet from the edge of pavement of any main road.



(2) Accessory buildings shall be located at least:

25 feet from the edge of pavement of any main road; and 10 feet from the edge of pavement of any cul-de-sac, parking area, or other accessory building.

- (3) Garages exiting directly onto cul-de-sacs shall have driveways at least 20 feet in length. Garages shall not exit directly onto main roads.
 - (4) Porches and decks shall observe the above separation requirements.
 - (5) The Commission may modify the requirements of this section provided that, in the Commission's sole discretion, the public health, safety, and welfare are safeguarded.
- d. Living Area - Each unit in a Planned Elderly Residential Development shall contain at least 550 square feet of Living Area for a one bedroom unit and at least 700 square feet of Living Area for a two-bedroom unit. No unit shall have more than 900 square feet.
- No individual dwelling unit shall have more than two bedrooms. Dwelling units with two bedrooms shall not exceed 50% of the total number of dwelling units, unless modified by the Commission.
- e. Maintenance - In Planned Elderly Residential 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 the roads and open space.
- f. Fire Protection - An applicant shall be required to provide an automatic fire suppression system in all projects where more than one dwelling unit is contained within the same building.

7. Additional Standards

Where a proposed project has a density of no more than four (4) dwelling units per acre and meets the provisions of the U. S. Fair Housing Act as amended as it pertains to "Housing for Older Persons", the Commission may waive the requirements related to unit size and number of allowable bedrooms and increase maximum lot coverage where a proposal meets the following additional criteria:

- a. Each dwelling unit shall be occupied by:
 - (1) Persons who are 55 years of age or older.
 - (2) A spouse of an occupant pursuant to (1) above.
 - (3) Occupant pursuant to (2) above who survives his or her spouse.

- (4) Occupant pursuant to (2) above whose spouse has entered into a long-term continuing care facility.
 - (5) Children 21 years of age or older may reside with their parent(s).
 - (6) Paid care giver.
- b. In no event may a dwelling unit be occupied by more than four residents.
 - c. The proposed development shall be a Common Interest Ownership community as defined in Chapter 828 of the Connecticut General Statutes.
 - d. The Commission may increase the maximum allowable lot coverage up to 20% in the IP Zone where the Commission finds that the proposed plan is superior to a plan possible under the standards of the IP Zone with respect to the following additional criteria:
 - (1) Landscaping which exceeds the minimum requirements.
 - (2) Lower projected traffic volumes as compared with what would occur with other uses allowed as of right in the IP Zone.
 - (3) Low intensity of site lighting.
 - (4) Noise levels substantially less than standards required by the Regulations and State Statutes.
 - (5) At least 75% of the cumulative living area of all units shall be on the first floor.

E. RIDGELINE PROTECTION OVERLAY ZONE

1. Purpose

The purpose of this section is to protect Traprock Ridges in order to preserve their unique environmental attributes, their groundwater recharge function, and the visual and historic assets of these distinctive ridgeline areas.

2. Definitions

For the purpose of applying the provisions of this section, the terms below shall be defined as follows:

ALTERATION - A change or rearrangement in the structural parts of a building, the movement of all or any part thereof, or the substantial reconstruction thereof, in order to produce a substantial change in appearance, character, or construction. It also means an enlargement, whether by increase in height, coverage, volume, or floor area.

BUILDING - Any structure other than (A) a "facility" as defined in Section 16-50i of the Connecticut General Statutes or (B) structures of a relatively slender nature compared to the buildings to which they are associated, including but not limited to chimneys, flagpoles, antennas, utility poles, and steeples, provided such structures are accessory to a building or use permitted by these regulations and not the principal use or structure on the lot.

CLEAR-CUTTING - The harvest of timber in a fashion which removes from any 200-square-foot or larger area all or substantially all trees measuring 2 inches or more in diameter at a height of 4 feet.

DEVELOPMENT - The construction, reconstruction, alteration, or expansion of a building equal to or greater than 100 square feet in area.

PASSIVE RECREATION - Nonmotorized recreation not requiring development as defined herein, nor requiring any clear-cutting or alteration of the existing topography, nor any activity regulated pursuant to this section. Such passive recreation shall include but not be limited to hiking, bicycling, picnicking, and bird-watching.

QUARRYING - The removal, excavation, processing, or grading of stone, fill, or other earth products, regardless of the methods utilized (e.g., blasting, crushing, excavation equipment). Earth which is to be removed as may be necessary to construct a basement for a single-family home or regrading which may be necessary to install an on-site subsurface sewage disposal system shall not be considered quarrying. Any other removal shall be subject to all other pertinent sections of this regulation.

RIDGELINE - The line on a traprock ridge created by all points at the top of a 50 percent or greater slope (2 horizontal for each vertical unit of distance), which slope is maintained for a distance of at least 50 horizontal feet measured perpendicular to the contours of the slope, and which consists of surficial basalt geology. All slopes disturbed by human intervention shall be measured as they existed immediately prior to such disturbance, as best such pre-existing conditions can be determined by available topographic maps or other records.

RIDGELINE SETBACK AREA - The area bounded by (A) a line that parallels and is placed a horizontal distance of 150 feet off the more wooded side of all ridgelines as defined herein and (B) that lowest contour line created where less than a 50 percent slope (2 horizontal for each vertical unit

of distance) exists for a distance of 50 horizontal feet on the rockier side of all ridgelines as defined herein. This area is generally shown as an overlay to the official Zoning Map.

SELECTIVE TIMBERING - The removal of no more than ten percent (10%) of the total number of living trees or no more than 10% of the total number of trees in excess of 6 inches in diameter within that portion of any ridgeline setback area located on the lot on which such removal is to occur. The ten percent limitation shall be cumulative from the effective date of these Ridgeline Protection Overlay Zone regulations.

TRAPROCK RIDGE - Talcott Mountain and Pond Ledge Hill

VISUAL IMPACT OBSERVATION POINTS - Off-site locations within the Town of Avon from which proposed activities within a ridgeline setback area may reasonably be expected to be visible.

3. Delineation of Regulated Areas

The Commission may prepare, for illustrative purposes, a map that generally and approximately delineates the ridgelines and ridgeline setback areas as defined herein. However, the precise location of the boundaries of ridgeline setback areas shall be determined and governed by measurements made on the affected properties in accordance with the definitions in Subsection 2. The actual presence and location of ridgeline setback areas as determined by qualified professionals shall govern the applicability of this regulation to a proposed development. "Qualified professionals" shall include, as relevant, licensed land surveyors and geologists. In cases where a landowner or applicant disputes the designation of any land as a regulated area, he or she shall have the burden of proving that designation inapplicable. The Zoning Enforcement Officer or any other agent of the Commission may make a determination based on mapping and field observation that the area in question does not meet the criteria required to be within the ridgeline setback area and, therefore, does not require a special permit from the Commission.

4. Special Exception Requirements

In addition to any other permit, special exception or other approval required under these regulations, a special exception shall be required for any development or clear-cutting activities proposed for or occurring within a ridgeline setback area, except that a special exception under this section shall not be required for the following activities:

- a. Emergency work necessary to protect life or property.

- b. Activities for which a complete zoning application was filed prior to the effective date of the Ridgeline Protection Overlay Zone regulations, provided that such application was approved and the approval remains in effect.
 - c. Selective timbering.
 - d. Passive recreation.
 - e. Building additions that cumulatively do not exceed a building footprint of 1,500 square feet in area, measured from the date of adoption of this amendment, when added to homes which were in existence as of the effective date of this regulation. Clear-cutting shall be allowed without special permit only in the area required to accommodate the actual footprint of the proposed addition plus an area extending 15 feet from the outside walls of the addition. This exemption shall not apply to any homes which have been constructed as part of a prior subdivision approval granted by the Commission which contained conditions placing limits on tree clearing and/or requiring the preservation of trees.
 - f. Maintenance of property which may include tree trimming and/or the cutting of a select number of trees to maintain views which were in effect as of the date of the adoption of this regulation. In an effort to document existing views, a property owner may present photographic evidence or survey data to the Office of the Town Planner. This information along with any other data which a property owner may choose to provide shall be kept on file in the Office of the Town Planner. This documentation may be provided at the option of the property owner.
5. Standards For Granting a Special Exception For Activities Within Ridgeline Setback Areas

In addition to the requirements of Article VIII of the Zoning Regulations, the Commission shall require compliance with the following:

- a. That adequate safeguards have been taken to minimize the visual impact of proposed activities as viewed from public highways, public parks, or other areas accessible to the general public. Visual impacts may include but are not limited to unnatural gaps, cuts, projections, or other obviously artificial alterations of existing natural tree lines, ridgelines, prominent topographic features, or rock formations; the use of materials which by their color, reflectiveness, finish, size, or orientation disrupt the natural or historic character of a ridgeline; the size, height, shape, and location of buildings; the height, intensity, coverage, and glare from proposed lights. Such safeguards may include but are not limited to (a) restricting the removal of trees and

other vegetation, (b) requiring supplemental landscaping, (c) restricting structure colors and reflectivity of windows and roofs, (d) requiring buffers and setbacks from ridgeline, (e) restricting exterior lighting, (f) limiting the height and mass of structures, and (g) requiring utilities to be installed below ground. The Commission may require that clear-cutting occur in a staggered or other pattern that reduces the visual impact of such cutting and may further require that clear-cutting be staged over a period of time to allow for regrowth of remaining vegetation. Additionally, the Commission may regulate the location, and require the relocation, of proposed buildings to reduce visual impact. Whenever possible, development and clear-cutting within 75 feet of any ridgeline, as defined in these Ridgeline Protection Overlay Zone Regulations, shall be avoided. The Commission may also require the installation of flags, balloons, or other on-site markers prior to a decision on any application in order to allow evaluation of visual impacts as seen from various vantage points.

- b. That the viability of the area as a wildlife resource (habitat, breeding ground, foraging area, migratory pathway, etc.) is protected. Steps to protect these areas may include but are not limited to restricting the size of lawn areas or other clearings; restricting clear-cutting to certain seasons of the year or to certain areas, patterns, methods of removal; or applying other restrictions that it deems necessary to minimize the impact on wildlife and wildlife habitats. The Commission may require an analysis of the potential impacts of the proposed activity on wildlife, such analysis to be prepared by a qualified biologist.
- c. That the groundwater quality and recharge potential of the area is preserved. The Commission may require an analysis of the possible impacts of the proposed activity on groundwater quality and recharge. In order to minimize such impacts, the Commission may require restrictions on the size or location of septic systems; the use of biofilters, detention ponds, retention ponds, and other methods of storm water management that protect surface and subsurface waters; the regulation of the storage, handling or usage of hazardous materials or waste, including but not limited to fertilizers, pesticides and herbicides; and any other restrictions or limitations which the Commission may reasonably deem appropriate.
- d. That areas of archaeological and historic importance have been identified and adequate steps have been taken to preserve and/or record these areas.
- e. That the stability of the ridgeline is protected and that erosion potential is kept to a minimum by minimizing changes to the existing

topography, preserving existing vegetation, requiring the revegetation of disturbed areas, and requiring the installation and maintenance of sedimentation and erosion control structures as needed. Steps to protect the stability of the ridgeline may include but are not limited to requiring retaining walls or other methods to minimize the cutting and filling of slopes; requiring reforestation or landscaping of quarries upon reaching finished grade or of other areas disturbed by development or clear-cutting; and requiring that driveways, roads, and other improvements requiring grading shall be approximately parallel to existing contours.

6. Site Plan Requirements

An application for any Special Exception required under subsection 4 and 5, foregoing, shall be accompanied by the following site plan information. The Commission may waive the requirement for all or a portion of this information upon a finding that it is not essential to determining compliance with the Special Exception Criteria contained in Section 5.

- a. The applicant shall submit a plan showing the proposed or existing location of each structure, road, driveway, and other man-made feature on the lot. The plan shall show the maximum first-floor topographic elevation and the maximum elevation of the highest point of each building and structure.
- b. The applicant, in consultation with the Town Planner, shall provide a list of visual impact observation points. These points shall be located through mapping and field observation. The applicant shall place aerial markers at points corresponding to the highest point of each proposed building and structure. The applicant shall provide photographs taken from visual impact observation points of the development site with aerial markers in place. The Commission shall verify the visual impact areas and may add other areas to be analyzed for visual impact in addition to proposed structure sites, including sites of proposed or existing roads, driveways, and other man-made features.
- c. The applicant shall provide a map showing the location of all existing trees having a diameter of 6 inches or more at a height of 4 feet. The map shall be prepared by a licensed land surveyor and shall be certified to A-2 standards of accuracy.
- d. Where existing vegetation is insufficient to provide, in the judgment of the Commission, adequate visual screening of visual impact areas on a particular lot, the applicant shall prepare a landscaping plan specifying the location, number, type, species, and size of plant and tree material that will be added to the lot. The plan shall be designed to screen those portions of the visual impact areas that will be

observable from the visual impact observation points.

- e. The applicant shall submit a plan with appropriate graphics and color renderings, specifying methods and mechanisms of minimizing the visual impacts of existing and proposed structures, roads, driveways, and other man-made features. Such methods and mechanisms shall include but are not limited to the following:
 - (1) Restrictions on structure and roof colors to earth tones, which shall include a range of colors including brown and black, but shall not include bright or bold colors.
 - (2) Restrictions on the height of structures whenever the height is expected to exceed the height of the existing or proposed vegetation screening it from the visual impact observation points at a point in time 5 years from the time of the installation of plant material.

7. Prohibited Operations and Uses in Ridgeline Setback Areas

The following shall be prohibited in the ridgeline setback areas.

- a. Quarrying.
- b. Lighting poles 10 feet or more in height. All lights shall be designed to prevent excessive glare off the property.
- c. Air conditioning, heating, or ventilating equipment that projects above the plane of any roof surface, other than accessory chimneys.

8. Financial Security

The Commission may require, as a condition of approval of any application for activities within a ridgeline setback area, that the permittee post a bond with surety, letter of credit, or other form of financial security acceptable to the Commission, in order to assure compliance with the provisions of these regulations and with the terms and conditions of the approval.

F. TRANSFER OF DEVELOPMENT RIGHTS (TDR)

1. Purpose

The purpose of this section is to establish a regulation to enable the transfer of development rights in areas identified by the Commission as having a high priority for preservation (sending areas) to areas identified by the Commission as being appropriate for multi-family development (receiving areas). These areas are identified on the official Zoning Map and shall constitute overlay zones. The goal of this regulation is to preserve valuable

natural resources and open spaces while directing development to the appropriate locations.

2. Transfer of Development Rights

Land owners in the receiving overlay zone may purchase development rights from land owners in the sending overlay zone. These development rights may then be transferred to the receiving area such that housing density may be increased. An applicant must accurately define the sending area by preparing a survey drawing meeting the requirements of a Class A-2 survey. A Special Exception Application shall be filed with the Commission. An applicant must demonstrate that all Special Exception Criteria contained in Section VIII of these Regulations, as well as those contained in Item #5 of this section have been satisfied. In lieu of the actual ownership of land in either the receiving zone or the sending zone, an applicant may demonstrate to the Commission that he or she has an option to purchase such land or rights. In all instances, the owners of all properties in both the sending and receiving areas shall be required to sign all applications submitted to the Commission. The transfer of development rights may only be used to increase the number of units permitted as a multiple dwelling unit development, as defined in Section II.

3. Permitted Density

The Transfer of Development Rights may be used to increase density up to 8 units per acre. For purposes of this section, development rights are needed to increase density beyond 4 units per acre (the maximum density allowed under Section IX – Multiple Dwelling Development).

4. Transfer Formula

The following formula shall be applied in determining how density may be transferred:

$$\begin{array}{rcl}
 \text{[(A) } & + & \text{(B)] } \times 4 = \text{(C)} \\
 \text{Total \# of acres of} & & \text{Total \# of acres of} & & \text{The maximum} \\
 \text{parcel in the receiving} & & \text{parcel in the sending} & & \text{\# of units which} \\
 \text{area after application} & + & \text{area after application} & \times 4 = & \text{may be constructed} \\
 \text{of the Developable} & & \text{of the Developable} & & \text{in the receiving area*} \\
 \text{Land Calculation} & & \text{Land Calculation} & &
 \end{array}$$

* The maximum # of units which may be transferred from the sending area to the receiving area shall be limited such that the maximum density on the parcel to be developed (sending area) does not exceed 8 units per acre after application of the Developable Land Calculation.

The following is an example of how the transfer of density may be accomplished:

(A)	Transfer In Parcel = (Receiving Area)	13 acres in total 2 acres of wetland soils 2 acres of steep slopes <u>1 acre of flood plain</u> 8 Acres Total after Application of Developable Land Calculation
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(B)	Transfer Out Parcel = (Sending Area)	12 acres total 1 acre of wetland soils 1 acre of steep slopes <u>0 acres of flood plain</u> 10 Acres Total after Application of Developable Land Calculation
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Number of units after density transfer:

$$\begin{aligned}
 & [(13-5) + (12-2)] \times 4 = C \\
 & (8 + 10) \times 4 = C \\
 & 18 \times 4 = 72
 \end{aligned}$$

5. Special Exception Criteria

The Commission shall not approve an application for a TDR unless the applicant has successfully demonstrated compliance with Section VIII of these Regulations, as well as the following:

- a. Building Design – building architecture, scale, mass, and design shall relate to the context of the sites surroundings. Design goals described in the Plan of Conservation and Development shall be met.
- b. Landscape Design – the project shall include a significant program of landscaping which enhances the aesthetics of the project, provides an appropriate buffer to less dense adjoining residences if applicable, and contributes to the project in a way that provides the appearance of less density than that which is actually proposed. These goals may be met by design, the quantity and size of landscape plants, and other features such as the introduction of public spaces, gardens, and ornamental structures.

6. Area and Height Requirements

Minimum Parcel Size	5 acres
Maximum Lot Coverage	20%
Maximum Density	8 units/acre (See Section III.D.)

Maximum Building Height	35 feet
Maximum Footprint of any Individual Building	6,000 square feet
Minimum Front Yard	*50 feet
Minimum Side/Rear Yard	30 feet except yards that abut a land use other than a TDR or Multiple Dwelling development shall be 60 feet.

* The Commission may increase or decrease the required front yard setback based on a review of how the proposed project relates to other existing structures which are proximate to the subject application.

7. Land Use and Site Development Requirements

An application for Site Development Plan approval shall be submitted simultaneously with a request for Special Exception to transfer density. This application shall meet all of the minimum requirements of Section X.

a. Utility Requirements

- (1) Roads - Roads shall conform to the applicable section of the Subdivision Regulations of the Town of Avon except that the Commission may modify width of pavement and curbs upon recommendation of the Town Engineer.
- (2) Water - A public water supply is required. The Commission may waive this requirement in unusual situations upon recommendation of the Director of Health.
- (3) Sewage - Public sewers are required. The Commission may waive this requirement in unusual situations upon recommendation of the Town Engineer and Director of Health.
- (4) Other Utilities - All other utilities shall be located underground.

b. Land Use and Site Development Requirements

- (1) Parking - Parking Facilities shall be provided in accordance with Section VII.B. of these regulations. Spaces shall be provided with convenient access to the front entrances of the buildings.
- (2) Landscaping - A landscape buffer conforming to the requirements for a B BUFFERYARD as specified in Section VII.A.5., shall be provided around the perimeter of the property. Additional buffering may be required in sensitive areas at the discretion of the Commission.

However, where variations in topography, natural features, existing vegetation, or compatible land uses obviate the need for such a buffer, the Commission may modify or waive this requirement.

(3) Building Locations - All buildings erected in a Multiple Dwelling Development shall observe the following location requirements:

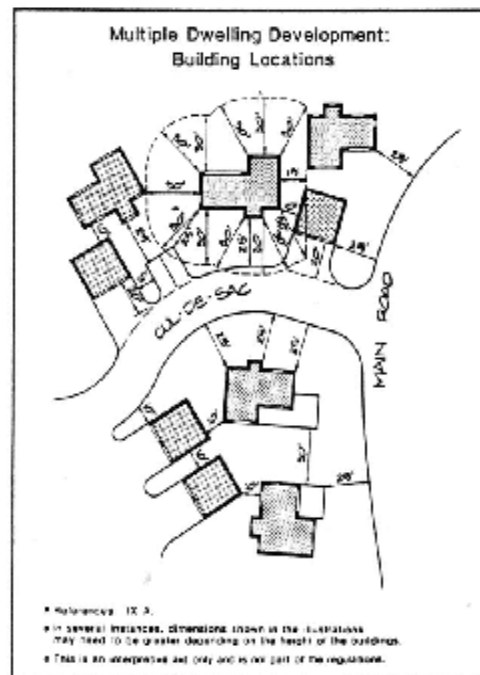
Buildings located adjacent to existing public roads must observe the setback requirements in Section IX. F. 6.

(a) Principal buildings shall be separated at least:

30 feet or the height of the building, whichever is greater, from another principal building where either wall has openings; 15 feet or half the height of the building, whichever is greater, from another principal building where neither wall has openings;

10 feet or the height of the accessory building, whichever is greater, from an accessory building; and

25 feet from the edge of pavement of any proposed main road, cul-de-sac, or parking area.



- (b) Accessory buildings shall be located at least:
 - 25 feet from the edge of pavement of any proposed main road, and
 - 10 feet from the edge of pavement of any proposed cul-de-sac, parking area, or other accessory building.
 - (c) Garages exiting directly onto cul-de-sacs shall have driveways at least 20 feet in length. Garages shall not exit directly onto main roads.
 - (d) Porches and decks shall observe the above separation requirements.
 - (e) The Commission may modify the requirements of this section provided that, in the Commission's sole discretion, the public health, safety, and welfare are safeguarded.
- (4) Living Area - Each residential unit shall contain at least 600 square feet of Living Area for a one-bedroom unit, plus, at least an additional 200 square feet of Living Area in the unit as a whole for each additional bedroom.
 - (5) Maintenance - 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 the roads and open space.

8. Recording Documentation in Avon Land Records

Prior to the recording of the Special Exception in accordance with Section 8-26e of the CT General Statutes, the applicant must record in the office of the Town Clerk, notice of restriction indicating that no development of the transfer out property is possible. Restrictions shall be established which prevent the future development of the property except that land in the transfer out area may be sold and utilized for agricultural purposes or open space. In addition, the owner may elect to retain rights to cut timber on the property consistent with a forest management plan prepared by a licensed forester. This recorded notice shall be accompanied by the survey map described in Item #3, which accurately defines the area which is subject to the restriction. Such documents shall be reviewed and approved by the Town Attorney. Once recorded, these restrictions may not be modified.